

STATE OF NEW JERSEY

FFY 2015

VICTIMS OF CRIME ACT (VOCA)

**The New Jersey Enhanced Statewide Human
Trafficking Victim Services Grant Program**



**PROGRAM ADMINISTRATION
AND FUNDING GUIDELINES**



April 2016

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**FFY 2015 VICTIMS OF CRIME ACT (VOCA)
The New Jersey Enhanced Statewide Human Trafficking Victim Services
Grant Program**

PROGRAM ADMINISTRATION AND FUNDING GUIDELINES

I. ADMINISTRATION

The Federal Victims of Crime Act (VOCA) Formula Grant Program, 42 U.S.C. §10601 et seq., provides funding to each state in support of services to victims of violent crime (hereinafter “VOCA Grant Program”). Federal Victims of Crime Act funds are generated by assessments levied on offenders of federal crimes and are used to support services to victims of violent crimes.

The VOCA Grant Program assists state, county and municipal agencies to meet the needs of crime victims and assist public and non-profit agencies in providing and/or enhancing services to victims of crime. In doing so, VOCA funds are used to ensure that crime victims are treated with fairness, compassion, and respect by the criminal justice system to prevent secondary victimization by the system.

In New Jersey, the Department of Law and Public Safety (L&PS), Division of Criminal Justice, State Office of Victim Witness Advocacy (SOVWA) administers the VOCA Grant Program. SOVWA staff provides technical assistance and monitoring of all grants awarded under the VOCA Program. Additionally, DCJ prepares programmatic and fiscal reports to the Federal Department of Justice (DOJ) on all funded projects.

This document has been compiled to assist applicants with the application process, program development, reporting requirements, and compliance with state and federal law, rules, regulations, and guidance. Staff from SOVWA is available to assist with the development of the application and implementation of the program, if selected as a subrecipient, through technical assistance. ***Recipients of federal grant funds are bound by changes made in federal and state law/policy regardless of inclusion in these guidelines.***

*****NOTICE*****

The new Federal VOCA program guidelines, which would supersede the existing VOCA Victim Assistance Program Guidelines published in the Federal Register on April 22, 1997, at 62 Fed. Reg. 19607, are not yet final and thus not yet in effect. We anticipate changes, especially in the areas of allowable costs, but until the final rule is issued, please continue to use the VOCA program guidelines currently in effect to

craft your application's budget <http://ojp.gov/ovc/voca/vaguide.htm>.

All inquiries concerning the subaward application process should be addressed to:

Phoenix Smith, Chief
State Office of Victim Witness Advocacy
Division of Criminal Justice
25 Market Street, 5th Floor Reception
P.O. Box 085
Trenton, New Jersey 08625-0085
(609) 292-6766

II. APPLICATION REQUIREMENTS

A. SUBMISSION

Applications must be completed and received **before 4:00 P.M. Friday, May 31, 2016**.
Facsimiles or electronic mail will not be accepted.

Applicants must complete and submit *one (1) original and two (2) copies* of the application by the submission deadline, as well as include all proper subaward application forms with original signatures.

Please send your complete application to the following address:

Phoenix Smith, Chief
State Office of Victim Witness Advocacy
Division of Criminal Justice
Richard J. Hughes Justice Complex
25 Market Street, 4th Floor, West Wing
P.O. Box 085
Trenton, New Jersey 08625-0085

Unless otherwise noted, the head of the applicant organization should sign these documents (e.g. Executive Director, Chief Executive Officer, President, Chairperson of the Board, etc.).

To promote consistency, applicants should use the format outlined on the following pages for the development of the proposal.

DCJ and SOVWA reserve the right to decline any application for grant funding and to award subawards in amounts that may be other than requested.

*****NOTICE*****

Information contained in grant applications may not be considered confidential pursuant to the Open Public Records Act, N.J.S.A. 47:1A-1 et seq. Do not include any information from any source in the grant application that you believe should not be made available for public review. Denoting information contained in your application as “confidential” or “not subject to public review” may not, standing alone, exempt the included information from public review.

B. ELIGIBILITY REQUIREMENTS

Organizations which may apply for funding under this program include private, nonprofit organizations that provide victim services and are organized under Title 15A of the New Jersey Revised Statutes or otherwise qualified for nonprofit tax exemption under the Internal Revenue Code 26 U.S.C. Section 501(c)(3) and public agencies which provide services to crime victims and are not part of a law enforcement agency or prosecutor’s office.

Applicants must be in good standing with all State and Federal agencies with which they have an existing grant or contractual relationship. Where appropriate, all applicants must hold current State licenses and certifications.

*****NOTICE*****

Organizations must demonstrate at least two (2) years of experience in providing Human Trafficking programming and services, which promote victim safety and stability.

Additionally, each successful applicant must comply with the following requirements:

- (1) to coordinate victim services with local service agencies to identify and address gaps in services,
- (2) assist crime victims in seeking crime victims compensation benefits,
- (3) maintain required statistics on victims by race or national origin, sex, age, disability, geographic area and type of victimization,
- (4) specify on any publications that the project was funded either whole, or in part, by the Office of Justice Programs (OJP), Office for Victims of Crime (OVC), New Jersey Division of Criminal Justice (DCJ), and the State Office of Victim Witness Advocacy (SOVWA),
- (5) use volunteer services, unless granted a waiver,

(6) provide services to victims of Federal crimes on the same basis as victims of State crimes, and

(7) under the subaward project, provide services to crime victims free of charge.

C. AVAILABLE FUNDING:

One (1) subaward **of up to \$1,000,000** will be available to support the Statewide Project of the New Jersey Enhanced Statewide Human Trafficking Victim Services Program. Applicants may apply for a grant commencing on July 1, 2016 and projects must operate for eighteen (18) months. A 20 percent match, cash or in-kind, is required. **For example, a \$1,000,000 award requires a \$250,000 match for a total grant award of \$1,250,000.** Match waivers may be considered only in unique circumstances where extraordinary need is demonstrated. Applicants interested in requesting a waiver must still include the 20% match in their application. Subrecipient match waiver requests are subject to both State and Federal approval.

Continuation funding may be available for an additional eighteen (18) months.

Additional years of funding may be available contingent upon the availability of federal funding and the subrecipient's compliance with grant conditions and performance of goals and objectives.

D. PROGRAM INFORMATION

1. Program Summary: "The New Jersey Enhanced Statewide Human Trafficking Victim Services Program." This program shall support services for sex trafficking and labor trafficking victims identified within the State of New Jersey. Such victims may include foreign nationals, U.S. citizens, legal permanent residents (LPR), adults, minors, males, females, and lesbian, gay, bisexual, transgender, or queer (LGBTQ) victims of trafficking, among others. Service providers will be expected to serve victims of all forms of human trafficking (HT).

The primary goal of this program is to enhance the availability and accessibility of services to assist victims of human trafficking by increasing the number of regional sites where services can be accessed, and enhancing interagency collaboration by working with federal, state, and local law enforcement, local service providers, and community and faith based organizations to ensure that trafficking victims are identified and referred for appropriate services.

2. Program Purpose: Funding under this program will support one (1) subrecipient to carry out the Statewide project. The Statewide project subrecipient shall work in consultation with DCJ, SOVWA, and the Office of the Attorney General (OAG), DCJ Human Trafficking Program (OAG-DCJ HT Program) in the creation of a strategic plan for the Statewide project.

- 3. Statewide Project Structure:** The Statewide project will cover three (3) regions (North, Central, and South) and host no less than three (3), and up to six (6), Human Trafficking Centers (HT Centers) that are identifiable to law enforcement and service providers and accessible to victims of HT. The subrecipient selected to run the Statewide project shall establish the stand-alone HT Centers and hire appropriate staff to coordinate services in each region. Each region will host at least one (1) HT Center that provides drop-in space for HT victims to receive core and specialized services specific to the needs of HT victims.

One HT center in each of the three (3) regional sites must provide 24/7 drop-in service capacity. The HT center should be located on a premise equipped with a private showering/bathroom area to respond to the unique circumstances in which HT victims often arrive at victim services agencies.

The Statewide project shall be responsible for coordinating services amongst the HT centers in each of the regional sites and ensuring that information, referrals, data, and statistics are shared amongst the agencies in the New Jersey Enhanced Statewide Human Trafficking Victim Services Program.

- 4. Services:** Services are defined as those efforts that respond to the emotional and physical needs of HT crime victims; assist HT victims to stabilize their lives; assist HT victims to understand and participate in the criminal justice system; provide HT victims with a measure of safety and security; and provide specialized services to HT victims. Under this program, a victim of HT is defined as a person who has been subjected to “severe forms of trafficking in persons.” Pursuant to 22 U.S.C. 7102(8), the term “severe forms of trafficking in persons” means:

- i. “Sex trafficking in which a commercial sex act is induced by force, fraud, or coercion, or in which the person induced to perform such an act has not attained 18 years of age,” or
- ii. “[t]he recruitment, harboring, transportation, provision, or obtaining of a person for labor or services through the use of force, fraud, or coercion for the purpose of subjection to involuntary servitude, peonage, debt bondage, or slavery.”

Each regional site shall offer core services included, but not limited to:

- (1) Individual and group counseling performed by a qualified professional mental health provider;
- (2) Intake and eligibility assessments;
- (3) Intensive case management;
- (4) Medical care referrals;
- (5) Mental health referrals; and
- (6) Substance abuse treatment referrals.

Each regional site shall offer linkages and referrals to the following core victim services:

- (1) Crisis intervention, emergency shelter, transportation, food and clothing or other services that respond to the immediate emotional and physical needs of human trafficking crime victims;
- (2) Emergency legal assistance that pertains to the health and safety of HT victims;
- (3) Information and community referral programs;
- (4) Services and activities that assist HT victims understand the dynamics of victimization; and
- (5) Criminal justice system assistance, such as court accompaniment, transportation to court, and child care during court attendance.

Particular emphasis should be given to the following specialized services beneficial to HT victims:

- (1) Shelter Services;
- (2) Legal Services;
- (3) Victim Advocacy Services;
- (4) Life Skills Training/Assistance;
- (5) Employment Training/Assistance;
- (6) Translation/Translator services; and
- (7) Transportation Services.

Specialized services may be arranged through other agencies via Interagency Partnership Agreements, Linkages of Services Agreements, and/or MOUs in order to fill any gaps in services or provide nuanced programming and services specifically tailored to the needs of HT victims.

5. Service Delivery Requirements:

The Statewide project shall develop clear protocols and procedures for addressing the needs of victims who are cooperating with law enforcement in the investigations and prosecutions of traffickers.

The Statewide project shall ensure that services are readily available to meet the individualized needs of a diverse victim population, including foreign nationals (of all immigration statuses) and U.S. citizens of all ages and genders, including LGBTQ individuals.

The Statewide project shall demonstrate that a coordinated, community-wide approach is in place to leverage various local, state, and federal resources to make available a full complement of services for victims of all forms of HT identified within the geographic area.

The Statewide project subrecipient shall outline a plan for delivering services, in consultation with DCJ, SOVWA, and the OAG-DCJ HT Program, through in-house, pro-bono, and/or match-funded service providers. Future interagency Partnership Agreements, Linkages of Services Agreements, or MOUs with other agencies may be used to provide a full array of services for HT victims to ensure the success of the New Jersey Enhanced Statewide Human Trafficking Victim Services Program.

Funds are not intended to provide long-term financial assistance to trafficking victims. Reliance on grant funding to provide long-term assistance to a single victim may weaken the overall integrity of the program. The Statewide project subrecipient shall create, with the assistance of DCJ, SOVWA, and the OAG-DCJ HT program (and possibly other interested parties), a sustainability plan to support ongoing statewide HT services should this funding cease.

6. Statewide Project Timeline/Tasks: Successful applicants will complete the following tasks:

- (1) Within the first four (4) months of the grant period, complete a strategic plan for the Statewide project in conjunction with DCJ, SOVWA, and the OAG-DCJ HT Program. After review and approval of the Statewide strategic plan by DCJ, SOVWA, and the OAG-DCJ HT Program, the remaining fourteen (14) months of the grant period shall be used to implement the Statewide project. Implementation will consist of hiring personnel, securing space for and starting operations at the HT centers, and other tasks necessary to make the Statewide project fully operational.
- (2) Identify and assist victims of sex trafficking and labor trafficking in New Jersey and offer comprehensive/specialized services to meet each victim's individualized needs.
- (3) Collaborate with local, state, and federal law enforcement, local public agencies, victim service providers, and nonprofit and faith-based organizations, as appropriate, to enhance or expand service delivery to victims of HT and create a sustainability plan to maintain services.
- (4) Conduct a program evaluation to ensure the project meets intended goals related to HT victim service provision and the project's impact on victims of HT. Interim and final evaluation reports must be submitted to the SOVWA.

E. PROJECT PROPOSAL FORMAT

1. PROJECT NARRATIVE

a. **Agency Background, Mission, Experience, & Capability. 10 points.**

Describe in detail the agency's mission, background and experience as it relates to the purpose and objectives of the proposed project. Demonstrate the agency's two years of experience in providing specialized services to victims of HT. Explain the agency's understanding and capability to carry out the project based on demonstrated experience in providing victim services to the target population: victims of HT. Public agencies must cite their statutory and/or local governing authority.

*****NOTICE*****

SOVWA will place a strong emphasis on agencies that possess a strong background, history, and experience providing tailored services to human trafficking victims.

b. **Problem Statement/Needs Assessment. 15 points.**

Identify the specific problem(s), target population, and geographic area that the proposed project will address. Describe the unique needs and characteristics of the target population, local needs and conditions, describe existing services, and identify gaps and/or barriers in services. Include statistics and relevant facts to substantiate the need and selection of the proposed project.

c. **Goals, Objectives, and Work Plan (Action Strategy). 30 points.**

Specify clear, realistic goals for the proposed project. Identify measurable objectives that are concise and clearly relate to the goals, problem statement/needs assessment, target population, and level of service to be provided. Describe in detail the project's approach or strategy for attaining each objective. Complete a project work plan that includes each objective along with the major activities, responsible staff, and feasible time frames for each objective and activity.

*****Please note: OVC and the SOVWA will place a strong emphasis on the use of evidence-based programs and practices and the use of data and evidence in policymaking and program development. Agencies that strive to improve the quantity and quality of evidence and integrate that evidence into program, practice, and policy decisions will be looked upon more favorably than those agencies that do not employ evidence-based practices.**

i. **Project Goal(s):**

The goal of the project is a general statement of the desired result or outcome of the project. The goal expresses what needs to be accomplished in order to bring about a solution to a problem. Tie the goal to the problem statement.

ii. **Objectives:**

In writing objectives, the following guidelines should be helpful:

- (a) Objectives are specific approaches to achieve the goal.
- (b) Objectives should be stated in terms of output/outcomes.
- (c) Measurable indicators should be attached to each objective.
- (d) Objectives provide the basis for the evaluation of the project.

iii. **Work Plan (Action Strategy):**

In developing activities relating to a specific objective, use the following guidelines:

- (a) List, in order, the tasks that will be completed to achieve each objective.
- (b) Provide a time frame for completion of each task.
- (c) Identify staff that will be responsible for completing each task.

d. **Partnership, Collaboration or Coordination of Services. 10 points.**

The applicant must describe the agency's partnership and coalition building strategy and how the agency will engage the use of volunteers.

The applicant must include at least three letters of support for the Statewide project.

The successful Statewide project subrecipient must work in conjunction with DCJ, SOVWA, the OAG-DCJ HT Program, and other VOCA-funded subrecipients who provide services to HT victims. Therefore, Partnership Agreements, Linkages of Services Agreements, or **MOUs will be required between all subrecipients at a later date**, once all successful subrecipients are identified. These agreements must define roles, responsibilities, referral mechanisms, collaboration, and coordination efforts.

e. **Project Management & Staff. 10 points.**

Identify project management and staff. Describe how identified personnel are uniquely qualified to implement and manage the project. Provide current resumes along with job descriptions that describe the title, responsibilities,

education, and experience for each position for whom the grant or matching funds are requested. Indicate if the position is full-time or part-time and the number of hours and percentage of time devoted to the project. Indicate if you will use existing staff or if you will recruit new staff for each position requested in the budget. Indicate the use of volunteers in this project as per the program guidelines. Public agencies cannot use grant funds to supplant State and Federal funds otherwise available for crime victim services.

f. Data Collection, Performance Measures & Evaluation. 10 points.

List data that will be collected. Describe the methods that will be used to measure the progress and assess the impact of the project. (Subrecipients will be required to collect and report specific data relating to their project to DCJ.) Client feedback is strongly encouraged; if performance measurements do not include client feedback, an explanation must be provided.

*****Notice*****

Awarded applicants will be required to enter VOCA-required data, via quarterly performance metrics, through OVC's online Performance Measurement Tool (PMT) located at <https://www.ovcpmt.org>.

g. Budget and Budget Narrative. 15 points.

Provide a detailed, justification (in narrative form) for the funds requested and match funds identified and itemized in each Budget Category on the Budget Detail Form. Costs must be specific and tied to the project objectives. Applicants should refer to the Program Guidebook for a description of budget categories, allowable expenses, and match requirements. A 20 percent match, either cash or in-kind contribution, is required by all subrecipients.

2. BUDGET AND BUDGET NARRATIVE

List budget items on the enclosed Budget Detail Form. A budget narrative justifying proposed expenditures is also required. Please note that items that are requested in the budget should be described in the project narrative section of the application.

The VOCA guidelines require that all applicants provide 20% matching funds for the total project. The match may be cash or in-kind services. All matching funds are restricted to the same uses as subaward funds and must be expended within the subaward period. It is not necessary to provide matching funds for each individual item requested in the budget.

Matching funds must be derived from non-federal funds. The applicant must verify the source of proposed matching funds and the funding source. Applicants are required to maintain documentation on activities related to the source of matching funds as well as subaward-related activities.

The 20% matching funds are calculated on the total project costs. The match can be calculated in the following manner:

\$150,000 ÷ 4 = \$37,500 (match)
\$150,000 Federal Award
\$37,500 Match
\$187,500 Total Project Cost

a. Match Waiver Request:

If you are unable to fulfill the match requirement, the Federal Office for Victims of Crime may grant a full or partial waiver on a case-by-case basis. Please note that your inability to meet the full match amount will not negatively bear upon the strength of your grant application. **If you request a match waiver**, please provide a letter-form justification to the SOVWA, and include it with your application package.

F. NON-PROFIT APPLICANTS

1. **DEMONSTRATION OF NON-PROFIT STATUS**

Applicants, that are non-profit organizations, are required to demonstrate their non-profit status in **any one (1)** of the following methods:

- a. Submission of proof of 501(c)(3) status from the Internal Revenue Service.
- b. Submission of a statement from the State taxing authority or State Secretary of State, or other similar official certifying that the organization is a non-profit operating within the State (organized under N.J.S.A. 15A-1 et seq.), and that no part of its net earnings may lawfully benefit any private shareholder or individual.
- c. Submission of a certified copy of the applicant's certificate of incorporation or similar document.
- d. Submission of any item above, if that item applies to a State or national parent organization, together with a statement by the State or parent organization that the applicant is a local non-profit affiliate.

2. **ORGANIZATIONAL STATUS**

In addition, non-profit applicants must provide:

- a. List of Board of Directors/Trustees, addresses, phone numbers, and email addresses.
- b. List of Officers or similar governing body, addresses, phone numbers, and email addresses.
- c. A Board Resolution.
- d. Proof of current New Jersey Charitable Registration issued by the New Jersey Division of Consumer Affairs:
(<http://www.nj.gov/oag/ca/charity/charfrm.htm>).
- f. Sources of Income.

3. **SOURCES OF FUNDS FORM**

Non-profit Applicants must complete a Sources of Funds form. The applicant must list related sources of funds received by the agency during the past fiscal year, including grant numbers. Additionally, list all funds received from DCJ by the applicant agency in the past three years, including grant numbers.

III. BUDGET AND FISCAL GUIDELINES

Applicants are required to follow the following guidelines when submitting a Budget Detail Form and later budget modifications. Please note that items that are requested in the budget should be justified in the Budget Narrative and described in the Project Narrative section of the application.

A. ALLOWABLE COSTS

Costs must be reasonable, allocable and necessary for the project.

Allowable costs are those charges identified under the grant program’s authorizing legislation, regulations and applicable Federal cost principles specific to the Subrecipient found at **2 CFR Part 200, Subpart E, Costs Principles** (2 CFR § 400 et seq.).

Applicants and Subrecipients (Recipients or Subrecipients of federal funds) must also adhere to the financial and administrative requirements set forth in the most current version of the **U.S. Department of Justice (DOJ) Financial Guide**, located at http://ojp.gov/financialguide/DOJ/pdfs/2015_DOJ_FinancialGuide.pdf. The DOJ Financial Guide, includes information on allowable costs, audit requirements, accounting systems, financial records and the administration of grant funds.

Applicants and Subrecipients are also expected to adhere to the **Federal VOCA Victim Assistance Grant Program Guidelines**.

*****NOTICE*****

The new Federal VOCA program guidelines, which would supersede the existing VOCA Victim Assistance Grant Program Guidelines published in the Federal Register on April 22, 1997, at 62 Fed. Reg. 19607, are not yet final. Therefore, they are not yet in effect. We anticipate changes, especially in the areas of allowable costs, but until the final rule is issued, please continue to use the VOCA program guidelines currently in effect to craft your Agency's budget <http://ojp.gov/ovc/voca/vaguide.htm>.

Finally, Applicants and Subrecipients must comply with the **NJ State Department of Treasury, Office of Management and Budget, State Circulars**, as issued and superseded, found at <http://www.state.nj.us/infobank/circular/circindx.htm>, and specifically, State Circular Standard Grant Agreement Form, X. Allowable Costs, 07-05-OMB.

B. SUPPLANTING

Federal grant funds must be used to supplement existing funds for program activities and cannot replace, or supplant, nonfederal funds that have been appropriated for the same purpose. If there is a potential of supplanting, the applicant may be asked to supply documentation demonstrating that the reduction in non-federal resources occurred for reasons other than the receipt or expected receipt of federal funds. For additional guidance regarding supplanting, see DOJ Financial Guide, on the web at: http://ojp.gov/financialguide/DOJ/pdfs/2015_DOJ_FinancialGuide.pdf.

C. UNALLOWABLE COSTS

Generally, allowable costs may be rejected if, in DCJ's determination, such costs are deemed excessive or not integral to the success of the project. All items of cost will be reviewed by DCJ to determine eligibility. Also, costs incurred outside the project period (before or after) are not allowable. For a discussion on unallowable costs, see the DOJ Financial Guide.

Costs for entertainment, sporting events, fines & penalties, visa and passport charges, tips, bar and alcoholic beverages and laundry charges are unallowable.

In addition to the above listed unallowable costs, the following items also are considered unallowable costs:

1. **LAND ACQUISITION AND CONSTRUCTION PROJECTS**

Federal funds granted for renting, leasing or renovating facilities may not include land acquisition or construction projects.

2. COMPENSATION AND TRAVEL OF FEDERAL EMPLOYEES
Salary payments, consulting fees and travel costs (including subsistence and lodging unless approved by the federal employee's department or agency) of full-time federal employees are unallowable.
3. MILITARY-TYPE EQUIPMENT
Costs for items such as armored vehicles, explosive devices and other items typically associated with military arsenals are generally unallowable.
4. FUND RAISING
Using grant funds for costs of fund raising for contributions and capital purposes are unallowable.
5. CONFERENCES, TRAININGS AND WORKSHOPS
Travel costs excluded under the current State Travel Regulations 12-14-OMB, are unallowable. No overnight travel or meal allowance if travel is within the State (<http://www.state.nj.us/infobank/circular/circindx.htm>). Lodging costs in excess of Federal per diem rate are not allowable. (<http://www.gsa.gov>). Entertainment, sports and alcoholic beverages are not allowable.

According to OJP, "No OJP funding can be used to purchase food and/or beverages for any meeting, conference, training, or other event."
"Conference is defined as a meeting, retreat, seminar, symposium, event or training activity. A conference is typically a prearranged event with designated participants and/or registration, a published substantive agenda, and scheduled speakers or discussion panels on a particular topic." For further guidance, see OJP's Policy and Guidance for Conference Approval, Planning, and Reporting, <http://www.ojp.gov/funding/confcost.htm>. The Subrecipient understands and agrees that any training or training materials developed or delivered with funding provided under this award must adhere to the OJP Training Guiding Principles for Recipients and Subrecipients, available at <http://www.ojp.usdoj.gov/funding/ojptrainingguidingprinciples.htm>.

6. LOBBYING
Unallowable costs include costs for political lobbying, campaign contributions, and influencing pending state or federal legislation. (See DOJ Financial Guide, Unallowable Costs). Paying membership fees to organizations whose primary activity is lobbying is not allowable.
7. COMPUTER NETWORK REQUIREMENTS
The Subrecipient understands and agrees that - (a) No award funds may be used to maintain or establish a computer network unless such network blocks the viewing, downloading, and exchanging of pornography, and (b) Nothing in subsection (a) limits the use of funds necessary for any Federal, State,

tribal, or local law enforcement agency or any other entity carrying out criminal investigations, prosecution, or adjudication activities.

8. PARTICIPATION OF STUDENTS, PARENTS AND LEGAL GUARDIANS

The Subrecipient understands and agrees that award funds may not be used to discriminate against or denigrate the religious or moral beliefs of students who participate in programs for which financial assistance is provided from those funds, or of the parents or legal guardians of such students.

7. UNALLOWABLE COSTS

The following services, activities, and costs, although not exhaustive, cannot be supported with VOCA funds at the subrecipient level, pursuant to the VOCA Program Guidelines.

- a. **Lobbying and Administrative Advocacy.** VOCA funds cannot support victim legislation or administrative reform, whether conducted directly or indirectly.
- b. **Perpetrator Rehabilitation and Counseling.** Subrecipients cannot knowingly use VOCA funds to offer rehabilitative services to offenders. Likewise, VOCA funds cannot support services to incarcerated individuals, even when the service pertains to the victimization of that individual.
- c. **Needs Assessments, Surveys, Evaluations, Studies.** VOCA program funds may not be used to pay for efforts conducted by individuals, organizations, task forces, or special commissions to study and/or research particular crime victim issues.
- d. **Prosecution Activities.** VOCA funds cannot be used to pay for activities that are directed at prosecuting an offender and/or improving the criminal justice system's effectiveness and efficiency, such as witness notification and management activities and expert testimony at a trial. In addition, victim witness protection costs and subsequent lodging and meal expenses are considered part of the criminal justice agency's responsibility and cannot be supported with VOCA funds.
- e. **Fundraising activities.**
- f. **Property Loss.** Reimbursing crime victims for expenses incurred as a result of a crime such as insurance deductibles, replacement of stolen property, funeral expenses, lost wages, and medical bills is not allowed.
- g. **Most Medical Costs.** VOCA funds cannot pay for nursing home care (emergency short-term nursing home shelter as described in section IV.E.1.a. is allowable), home health-care costs, in-patient treatment

costs, hospital care, and other types of emergency and non-emergency medical and/or dental treatment. VOCA victim assistance grant funds cannot support medical costs resulting from a victimization, except for forensic medical examinations for sexual assault victims.

- h. **Relocation Expenses.** VOCA funds cannot support relocation expenses for crime victims such as moving expenses, security deposits on housing, ongoing rent, and mortgage payments. However, VOCA funds may be used to support staff time in locating resources to assist victims with these expenses.
- i. **Administrative Staff Expenses.** Salaries, fees, and reimbursable expenses associated with administrators, board members, executive directors, consultants, coordinators, and other individuals unless these expenses are incurred while providing direct services to crime victims.
- j. **Development of Protocols, Interagency Agreements, and Other Working Agreements.** These activities benefit crime victims, but they are considered examples of the types of activities that subrecipients undertake as part of their role as a victim services organization, which in turn qualifies them as an eligible VOCA subrecipient.
- k. **Costs of Sending Individual Crime Victims to Conferences.**
- l. **Activities Exclusively Related to Crime Prevention.**
- m. **Legal representation of victims in divorce or child custody proceedings.**

*****NOTICE*****

As noted above, the new Federal VOCA program guidelines, which would supersede the existing VOCA Victim Assistance Program Guidelines published in the Federal Register on April 22, 1997, at 62 Fed. Reg. 19607, are not yet final and thus not yet in effect.

We anticipate changes, especially in the areas of allowable costs, but until the final rule is issued, please continue to use the VOCA program guidelines currently in effect to craft your Agency's budget
<http://ojp.gov/ovc/voca/vaguide.htm>.

D. BUDGET CATEGORIES for the BUDGET DETAIL FORM and BUDGET NARRATIVE

Budget categories appearing on the **Budget Detail form** are listed and explained below. Applicants should use whole dollars only when itemizing costs. *Costs should be itemized, showing computation and per unit cost.*

Applicants **must submit a separate Budget Narrative**, which provides a justification for the costs listed on the Budget Detail Form. For each cost that will be charged to the project, please explain how it relates to the project and how it will benefit the project. The Budget Narrative should be prepared on plain paper showing the computation for every cost element (per unit cost).

1. PERSONNEL, SALARIES, WAGES & FRINGE

List each position by title and name of employee, if available. Show the annual salary rate, percentage of salary paid with grant funds, and the percentage of time to be devoted to the project. Employee benefits, such as retirement, FICA and health insurance, should be itemized separately. Compensation paid for employees engaged in grant activities must be consistent with that paid for similar work within the applicant organization.

In no case may grant funds supplant local or state costs that would have been incurred in the operating budget of that government in the absence of the federal award. Federal funds may not be used to pay total cash compensation (salary plus bonuses) to any employee of the award recipient at a rate that exceeds 110% of the maximum annual salary payable to a member of the federal government's Senior Executive Service (SES) at an agency with a Certified SES Performance Appraisal System for that year. (A salary table for SES employees is available at www.opm.gov).

2. PURCHASE OF SERVICES

List purchase of services, service contracts (i.e., electronic device service contracts), service organizations and associations contracts (list each by type with fee basis and amount of time devoted), instructional costs for training seminars and other professional services costs (e.g. psychological/social services). For each consultant enter the name, if known, service to be provided, hourly or daily fee and estimated time on the project. Consultant costs should conform to the DOJ Financial Guide and limited to no more than **\$81.25 per hour or \$650 per 8 hour day**. List all expenses to be paid from the grant to the individual consultants in addition to their fees (e.g. travel, meals, lodging, etc.). Provide a description of service to be procured by

contract and an estimate of the cost. Applicants are encouraged to promote free, open, and fair competition in awarding contracts.

3. TRAVEL, TRANSPORTATION, & SUBSISTENCE

Travel costs are allowable if permitted under the current State Travel Regulations, 12-14-OMB, located at <http://www.state.nj.us/infobank/circular/circindx.htm>.

Mileage reimbursement cannot be charged in excess of the New Jersey State maximum of \$.31 per mile, State Treasury Circular Letter, Automobile Mileage Reimbursement Rate, 01-02-OMB. Travel costs should be projected by estimating the number of trips per person multiplied by the estimated cost per trip. Where possible, the proposed destination and purpose of the trip(s) should be listed.

In the Budget Narrative, itemize travel expenses of project personnel by purpose (e.g., staff to training, field interviews, advisory group meeting, etc.). Show the basis of computation using federal per diem rates (e.g., six people to 3-day training at \$X airfare, \$X lodging, \$X subsistence). In training projects, travel and meals for trainees should be listed separately. Show the number of trainees and the unit costs involved. Identify the location of travel, if known.

All requests for training/travel must be submitted in writing to DCJ sixty (60) days before the commencement of travel. Written approval from DCJ must be received prior to the expenditure of funds for travel costs. Justification must include assurances that the travel is approved by the applicant agency, is permissible under current State Travel Regulations and travel rates requested are consistent with federal per diem rates (www.gsa.gov). In the absence of a federal per diem rate, travel expenses must be consistent with State per diem allowances. Only list subsistence costs for travel related expenses.

4. CONSUMABLE SUPPLIES, POSTAGE & PRINTING

Consumable supplies include any expendable items needed to operate the project and that are consumed during the course of the project.

Estimate the cost of consumable supplies, such as office supplies, postage, and printing, directly required by the project. List items by type (e.g. training materials, copying paper) and show the basis for computation. Costs should be itemized, showing computation and per unit cost.

Disposition and use of supplies must comply with the requirements in 2 CFR 300.314, supplemented by 2 CFR 2800.314.

5. FACILITIES, OFFICE SPACE & UTILITIES

Only the cost of facilities used for the project activities are permissible, such as office space, maintenance costs, landlines, and utilities. List items by type (e.g., rent, electricity bill, janitorial services, land line costs) and show the actual, pro-rated cost to the project, as well as the basis for the computation. For example, provide the square footage needed for the project and the cost per square foot in rent, or the pro-rated monthly rental cost.

6. EQUIPMENT

DCJ may approve the purchase of equipment deemed appropriate and essential to the successful operation of projects. Requests for equipment should contain adequate cost specifications, including equipment type, quantity and estimated costs. Specific brand names should be excluded.

An inventory of all equipment purchased with subaward funds or through the federal excess property program must be maintained as part of the official grant file. Equipment must be used, maintained, and disposed of in a manner consistent with the standards outlined in 2 CFR Part 200, Subpart D, Subtitle 3, Equipment (2 CFR 200.313, supplemented by 2 CFR 2800.313).

If you have received prior approval for expenditures for equipment and other capital assets, including repairs which materially increase the useful life of equipment, then these expenditures are allowable. If you do not fully justify the expenditures for equipment in your budget and budget narrative, SOVWA may require that the type, quantity, and/or additional information be provided before the final budget can be issued.

Applicants should analyze the cost benefits of purchasing versus leasing equipment, especially high cost items and those subject to rapid technical advances. **Rented or leased equipment costs should be listed in the “Purchase of Services” category.** Please explain how the equipment is necessary for the success of the project in your Budget Narrative, as well as the procurement method to be used.

Pertaining to requests for acquisition of equipment, the following general cost allowance principles should be followed:

DOJ Financial Guide - Equipment and Other Capital Expenditures.

- a. No other equipment owned by the Subrecipient is suitable for the project.

- b. No luxury vehicles will be approved; if the vehicle request is approved, the vehicle should be reasonable, and the recipients must follow the Internal Revenue Service guidelines.
- c. Federal funds are not used to provide reimbursement for the purchase of equipment already owned by the Subrecipient.
- d. Equipment purchased and used commonly for two or more programs should be appropriately divided among each activity.
- e. Equipment that has already been purchased and charged to other activities of the organization is not an allowable expense to the award.

Usage, Maintenance, and Disposition of Property.

Pursuant to 2 CFR 200.313, the Subrecipient must:

- a. Use the equipment for the authorized purposes of the project during the period of performance, or until the property is no longer needed for the purposes of the project.
- b. Not encumber the property without approval of the Federal awarding agency or pass-through entity.
- c. Use and dispose of the property in accordance with paragraphs (b), (c) and (e) of 2 CFR 200.313.

Equipment and Inventory Tracking.

Subrecipient must have procedures for maintaining equipment (including replacement), whether acquired in whole or in part with project funds, that meet the following requirements:

- a. Property records must be maintained, which include:
 - i. description of the property,
 - ii. a serial number or other identification number,
 - iii. the source of funding for the property (including the FAIN),
 - iv. who holds title,
 - v. the acquisition date,
 - vi. cost of the property,
 - vii. percentage of Federal participation in the project costs for the Federal award under which the property was acquired,
 - viii. the location, use and condition of the property, and
 - ix. any ultimate disposition data including the date of disposal and sale price of the property.
- b. Physical inventory of the property must be taken and the results reconciled with the property records at least once every grant period.
- c. A control system must exist to ensure adequate safeguards to prevent:
 - i. Loss,
 - ii. Damage, or
 - iii. Theft of the property.
- d. Adequate maintenance procedures must exist to keep the property in good condition.

In purchases involving sole source procurement over **\$150,000**, prior written approval must be received from the awarding agency before funds can be obligated or expended; and purchased equipment must be tagged and property inventoried to reflect use of federal funds.

Lastly, the Subrecipient must comply with the requirements of 2 CFR §§ 200.439 Equipment and other capital expenditures, 200.13 Capital expenditures, 200.33 Equipment, 200.89 Special purpose equipment, 200.48 General purpose equipment, 200.2 Acquisition cost, and 200.12 Capital assets.

7. VICTIM AID

Funds may be used to provide emergency aid to victims. Applicants requesting funds for this category must submit a copy of the agency's written policy and procedures regarding the disbursement and accounting of these funds and the eligibility criteria for victims to receive such items and/or services.

Allowable expenses may include emergency food, clothing and toiletry items in the immediate aftermath of a crime; emergency lock repair/replacement; and emergency transportation costs for victims to receive services.

Estimate the cost of items directly required by the project. *Costs should be itemized, showing computation and per unit cost.*

a. *NEW*** Gift Card Policy:**

No more than one (1) percent (not to exceed \$1,500) of victim aid should be used for Gift Cards during the program's fiscal year.

Gift Cards may not be used for the purchase of alcohol and tobacco; and the Subrecipient should develop procedures to mark the Gift Cards, either with a sticker or a hand-written disclaimer, that states "No alcohol or tobacco may be purchased with this Gift Card."

Cash Gift Cards, such as Visa Gift Cards, are strictly prohibited.

The following policies, with respect to gift cards, must be followed by the Subrecipient:

- a. Programs using gift cards must have fiscal policies in place specific to the use of these cards, including:
 - a. When a gift card is issued, the program must keep a log of the following:
 - i. Prohibition of tobacco and alcohol purchases.
 - ii. How the program avoids misuse of gift cards/emergency assistance funds.

- iii. Who the gift card was issued to and the intended use (de-identified if necessary, but must be able to track to the victim for audit purposes).
 - iv. The amount of money on the gift card/card value.
 - v. Source of the Gift Card (e.g. Wal-Mart, Shop-Rite, gas cards, etc.).
- b. Gift cards that have a remaining balance on them should be returned to the program for use by other victims.
 - c. The cards must be kept in a secure location and access to them restricted.
 - i. The program fiscal policies must identify which position is responsible for keeping the gift cards as well as the intended use of the funds.
 - d. Fuel cards can be provided to victims who have an established need. Volunteers and staff members are not to be issued fuel cards, but instead, should be reimbursed for travel occurring as a part of regular duties in accordance with the programs' travel policy.
 - e. Program managers conducting on-site monitoring visits with programs will verify log entries for the issuance of gift cards.

IV. APPLICATION AUTHORIZATION

The submission of any subaward application requires the signature of the applicant unit of government's Chief Executive Officer, agency head or authorized party (see Part II, Application Authorization) and Project Director. Signature indicates that the information provided within the application is truthful, accurate and complete, and the applicant intends to comply with all requirements regarding the use of subaward funds, and will use the subaward funds to carry out the project as described in the application. The Project Director and Chief Executive Officer also acknowledge that they are responsible for authorizing expenditures and disbursing of subaward funds.

V. CIVIL RIGHTS COMPLIANCE

Applicants are required to comply with nondiscrimination requirements contained in State and Federal laws and regulations. If a court or administrative agency makes a finding of discrimination against a recipient of funds on grounds of race, color, religion, national origin, gender, disability, or age after a due process hearing, the recipient must forward a copy of the finding to the Office of Justice Programs, Office of Civil Rights and DCJ.

Applicants are also required to comply with the federal civil rights laws included in Title VI of the Civil Rights Act of 1964 (Title VI) and the Omnibus Crime Control and Safe Streets Act of 1968 (Safe Streets Act), the Victims of Crime Act, and the Juvenile Justice

and Delinquency Prevention Act, as amended. These laws prohibit discrimination on the basis of race, color, religion, national origin, and sex in the delivery of services. National origin discrimination includes discrimination on the basis of Limited English Proficiency (LEP). To ensure compliance with Title VI and the Safe Streets Act, applicants are **required to take reasonable steps to ensure that LEP persons have meaningful access to their programs**. Meaningful access means that recipients of federal funding may have to provide language assistance services, including oral or written translations, when necessary.

Applicants are expected to comply with the provisions of the DOJ regulations concerning Equal Treatment for Faith-based Organizations, 28 C.F.R. Part 38. Eligible faith-based applicants who apply for subawards of DOJ funding will be treated fairly according to 28 C.F.R. Part 38.

Faith-based organizations that receive direct financial assistance from DOJ, or as a subrecipient from L&PS of OJP funding, may not engage in inherently religious activities, such as worship, religious instruction, or proselytization, as part of the programs or services funded with direct financial assistance from DOJ. Organizations that participate in programs funded by direct financial assistance from DOJ: (1) cannot discriminate against program beneficiaries on the basis of religion or religious belief in providing services, and (2) cannot compel beneficiaries to participate in inherently religious activities.

The Omnibus Crime Control and Safe Streets Act of 1968, the Victims of Crime Act, the Violence Against Women Act, and the Juvenile Justice and Delinquency Prevention Act contain express nondiscrimination provisions that prohibit all recipients of federal funding from discriminating on the basis of religion in employment. However, DOJ has concluded that faith-based organizations may consider religion when hiring staff, if the organizations meet certain criteria and apply for and are granted an exemption. Exemptions are granted on a case-by-case basis. Faith-based organizations seeking this exemption will be required to submit a certification. <http://www.ojp.usdoj.gov/about/ocr/pdfs/SampleForCompletionByApplicant.pdf>. Further information is available on the DOJ website at http://www.ojp.gov/about/ocr/employment_practices.htm.

A. REQUIREMENTS

Applicants are required to comply with the Equal Employment Opportunity Guidelines issued by the U.S. Department of Justice, Office of Justice Programs, and appearing in the Code of Federal Regulations, 28 C.F.R. §42.301 *et seq.*, Subpart E. These guidelines provide recognition of the fact that “full and equal participation of women and minority individuals in employment opportunities in the criminal justice system is a necessary component of the Safe Streets Act program to reduce crime and delinquency in the United States.” Further information is available on the DOJ website at <http://www.ojp.usdoj.gov/about/ocr/pdfs/cert.pdf>.

In accordance with regulations, development of an Equal Employment Opportunity Program (EEO) is required by all applicants meeting either of the following criteria. Applicants affected by these criteria will be required to formulate, implement and maintain a written Equal Employment Opportunity Program relating to employment practices affecting minority persons and women. (See Part II, Certification of Equal Employment Opportunity Plan). "Minority persons" shall include persons who are Hispanic or Latino, Black or African American, White, American Indian or Alaska Native, Asian, Native Hawaiian or Other Pacific Islander, or Two or More Races. Further information is available on the DOJ website at http://www.ojp.gov/about/ocr/employment_practices.htm.

B. CRITERIA

1. Each recipient of assistance with the criminal justice system which has fifty (50) or more employees and which has received subawards of \$25,000 or more since enactment of the Omnibus Crime Control and Safe Streets Act and which has a service population with a minority representation of three percent or more.
2. Where a recipient has fifty (50) or more employees, and has received subawards of \$25,000 or more, and has a service population with a minority representation of less than three percent. (Applicants in this category must prepare an EEO on employment practices affecting women, even though less than three percent of its employees are minorities).

C. GUIDELINES

Equal Employment Opportunity Programs in accordance with federal guidelines, must take into consideration the relevant labor market as a basis to provide for full and equal participation regardless of sex or national origin. Equal Employment Opportunity Programs shall include as a minimum:

1. An evaluation of the following factors cross classified by race, sex, and national origin:
 - a. Analysis of the current workforce by race, sex, and national origin in all job categories.
 - b. Analysis of all recruitment and employment selection procedures.
 - c. Analysis of seniority, promotion, and transfer procedures.
 - d. Analysis of external factors, such as available housing and transportation, which may inhibit minority employment.
2. A written program which includes:

- a. A job classification table indicating numbers of employees; numbers of employees in each classification cross classified by race, sex, and national origin, including rates of pay.
- b. Disciplinary actions by race, sex, and national origin, including sanctions imposed.
- c. Number of entrance applicants by race, sex, and national origin and resulting new hires by race, sex, and national origin.
- d. Number of transfer or promotion applicants by race, sex, and national origin, and number promoted or transferred by race, sex and national origin.
- e. Number of employees terminated by race, sex and national origin and identification of voluntary or involuntary termination.
- f. Available labor market characteristics. Detailed narrative of existing employment policies, including:
 - i. Necessary steps to be taken to assure full and equal employment opportunity.
 - ii. Recruitment program, if necessary.
 - iii. Plan for dissemination of EEO program.
- h. Designation of personnel for implementation and maintenance of the program.

Affected applicants must have on file a certificate no more than two years old indicating the existence of such an EEO program. The written EEO plan need not be filed but must be made available for subsequent review and audit. The certification must be included in the subaward application.

Applicants who employ more than fifty (50) employees and receive a single award of \$500,000 or more (or \$1 million or more in awards within eighteen (18) months) are required to submit an EEOP plan for review and approval to the Office of Justice Programs, Office of Civil Rights.

VI. DEBARMENT

All federal programs require a certification from the Subrecipient that it has not been suspended from doing business with any federal department or agency and will comply with the federal debarment and suspension common rule. This certification is included with this guide (See Part II, Certifications Regarding Lobbying, Debarment, Suspension and Other Responsibility Matters and Drug-Free Workplace Requirements). The federal General Services Administration (GSA) has developed an Excluded Parties List System (EPLS) to assist federal recipients and subrecipients to find out which people, consultants or contractors have been excluded from doing business with the federal government: <https://www.epls.gov/>.

Likewise, subrecipients are also expected to comply with state Executive Order No. 34 (March 17, 1976), and State Circular OMB 93-13-GSA regarding debarments, suspensions & disqualifications. The State Department of Treasury has an on-line,

searchable database of those individuals, corporations, and agencies who are debarred from conducting business with the State of New Jersey:

<http://www.state.nj.us/treasury/debarred/>. In the performance of any grant, Subrecipients cannot conduct business with ineligible firms or individuals who are considered debarred, suspended or disqualified.

VII. LOBBYING ACTIVITIES

All recipients of federal funding must comply with the provisions of the government wide Common Rule on Restrictions on Lobbying. The 2015 DOJ Financial Guide discusses prohibitions on lobbying costs (Unallowable Costs). Subrecipients and subcontractors are required to disclose lobbying activities pursuant to 31 U.S.C. §1352 by completing the current federal form.

The Anti-Lobbying Act, 18 U.S.C. §1913, was amended to expand significantly the restriction on the use of appropriated funding for lobbying. This expansion also makes the anti-lobbying restrictions enforceable via large civil penalties, with civil fines between \$10,000 and \$100,000 per each individual occurrence of lobbying activity. These restrictions are in addition to the anti-lobbying and lobbying disclosure restrictions imposed by 31 U.S.C. §1352. No federal funds, either directly or indirectly, can be used to support the enactment, repeal, modification or adoption of any law, regulation or policy, at any level of government, without the express prior written approval of the Office of Justice Programs. Any violation of this prohibition is subject to a minimum \$10,000 fine for each occurrence. This prohibition applies to all activity, even if currently allowed within the parameters of the existing federal OMB circulars.

A certification from the Subrecipient is included with this guide (See Part II, Certifications Regarding Lobbying, Debarment, Suspension and Other Responsibility Matters and Drug-Free Workplace Requirements).

VIII. DRUG-FREE WORKPLACE

Pursuant to Title V, Sec. 5153, of the Anti-Drug Abuse Act of 1988, subrecipients should certify (See Part II, Certifications Regarding Lobbying, Debarment, Suspension and Other Responsibility Matters and Drug-Free Workplace Requirements) that it will provide a drug-free workplace by:

- A. Publishing a statement notifying employees that the unlawful manufacture, distribution, dispensation, possession or use of a controlled substance is prohibited in the grantee's workplace, and specifying the actions that will be taken against employees for violations of such prohibition.
- B. Establishing a drug-free awareness program to inform employees about the dangers of drug abuse in the workplace.
- C. Maintaining a drug-free workplace policy.

D. Providing drug counseling, rehabilitation and employee assistance programs.

E. Informing employees of penalties for drug abuse violations.

Recipients of federal funds who are individuals must certify that his or conduct associated with the grant activity will be drug-free.

For further information, review the Government-wide Requirements for Drug-Free Workplace (Grants), codified at 28 C.F.R. Part 83.

IX. SEAT BELT USE BY GOVERNMENT CONTRACTORS, SUBCONTRACTORS AND GRANTEES

Pursuant to 23 U.S.C. §402, 403, and 29 U.S.C. §668, each recipient agency of federal contracts, subcontracts, and grants shall encourage adoption and enforcement of on-the-job seat belt policies and programs for its employees, contractors, and subrecipients when operating company-owned, rented, or personally owned vehicles.

X. EMPLOYMENT ELIGIBILITY VERIFICATION

Recipients of federal funds must agree to complete and keep on file, as appropriate, the Immigration and Naturalization Service Employment Eligibility form (I-9). This form is to be used by the recipient of federal funds to verify that persons employed by the recipient are eligible to work in the United States.

XI. TEXT MESSAGING WHILE DRIVING AND THE DEVELOPMENT OF WORKPLACE SAFETY POLICIES

Pursuant to Executive Order 13513, “Federal Leadership on Reducing Text Messaging While Driving,” 74 Fed. Reg. 51225 (October 1, 2009), recipients of federal funds are encouraged to adopt and enforce policies banning employees from text messaging while driving any vehicle during the course of performing work funded by this grant, and to establish workplace safety policies and conduct education, awareness and other outreach to decrease crashes caused by distracted drivers.

XII. SYSTEM FOR AWARD MANAGEMENT (SAM) AND DATA UNIVERSAL NUMBERING SYSTEM (DUNS)

The Department of Justice, Office of Justice Programs, requires the gathering of information to comply with the Federal Funding and Accountability and Transparency Act (FFATA) of 2006. FFATA requires the use of the System for Award Management (SAM), formerly the Central Contractor Registration (CCR), and the Data Universal Numbering System (DUNS) for each entity applying for a Federal award or subaward.

Applications without a current SAM registration or a DUNS number are incomplete. No applicant may receive a subaward unless it has provided a DUNS number.

The details of subrecipient obligations are posted on the Office of Justice Programs web site at <http://www.ojp.gov/funding/sam.htm> (Award condition: Registration with the System for Award Management and Universal Identifier Requirements), and are incorporated by reference here.

A DUNS number is a unique nine-digit sequence recognized as a unique identifier for tracking Federal assistance applicants, recipients, and subrecipients. A DUNS number assignment is free, one-time activity, and can be obtained by applying online at <http://fedgov.dnb.com/webform> or calling 1-866-705-5711.

The System for Award Management (SAM) is the Official U.S. Government system that consolidated the capabilities of CCR/FedReg, ORCA, and EPLS. There is NO fee to register. Applicants for grants (private non-profits, educational organizations, state and regional agencies, etc.) supported with Federal grant funds must register on-line with SAM at <https://www.sam.gov>. Applicants must update or renew their registration at least once per year to maintain their active status.

XIII. NEW JERSEY CHARITABLE REGISTRATION INFORMATION

Charitable organizations and professional fund raisers based, operating or soliciting within New Jersey must register with the Division of Consumer Affairs Charities Registration Section unless specifically exempted under the provisions of the Charitable Registration and Investigation Act, N.J.S.A. 45:17A-18 et seq. also known as the “CRI Act.” Organizations that have been granted 501(c)(3) tax exempt status by the IRS are expected to register. All registered charities are required to renew their registration on an annual basis within six months following their fiscal year-end.

Charities that receive annual gross contributions of \$10,000 or less, religious organizations and schools that file a curricula with the Department of Education are exempt under the CRI Act. Charities at this gross contribution income level are not required to maintain a registration with the Charities Registration Section. Applicants are required to be in compliance with the CRI Act and must submit proof of compliance or exemption from the CRI Act with the application. For further information about this law, registration forms and instructions, contact the New Jersey Division of Consumer Affairs’ Hotline at (973) 504-6215 or visit the website at <http://www.nj.gov/oag/ca/ocp/charities.htm>.

XIV. NEW JERSEY PENALTIES FOR CORRUPTION OF PUBLIC RESOURCES

The New Jersey Legislature enacted Public Law 2007, Chapter 158, which makes knowingly misusing public resources for an unauthorized purpose a crime. N.J.S.A. 2C:27-12. Under the Crime of Corruption of Public Resources, an individual commits a crime if (1) the public resource “is subject to an obligation to be used to perform or facilitate the performance of a governmental function or public service”, (2) a person knowingly uses a public resource for an unauthorized purpose, or (3) a person makes “a material representation that is false to a government agency . . . to obtain or retain a public resource, or with the purpose to mislead or deceive any person as to the use or disposition of a public resource.” Id. The Legislature defines “public resource” as including grants awarded by the government. Id. Convictions under this act could result in a 20-year prison term and \$200,000 fine. Id. The Legislature also enhanced public corruption penalties under the Public Corruption Profiteering Penalty Act, N.J.S.A. 2C:30-8, which subject individuals convicted under public corruption laws, including N.J.S.A. 2C:27-12, to fines up to \$500,000. Under N.J.S.A. 2A:32C-3, a person shall also be subject to civil penalty and treble damages for making false claims under New Jersey’s False Claims Act.

Likewise, Applicants who make false statements or claims in connection with any OJP grants are subject to **federal fines, imprisonment, and debarment** from participating in federal grants or contracts, and/or other remedies available by law.

XV. CONFIDENTIALITY AND HUMAN SUBJECTS PROTECTION

U.S. Department of Justice regulations 28 C.F.R. Part 22 require recipients of OJP funding to submit a Privacy Certificate as a condition of approval of any grant application or contract proposal that contains a research or statistical component under which “information identifiable to a private person” will be collected, analyzed, used, or disclosed. The recipient’s Privacy Certificate includes a description of its policies and procedures to be followed to protect the confidentiality of identifiable data. 28 C.F.R. §22.23. Federal regulations provide, among other matters, that: “Research or statistical information identifiable to a private person may be used only for research or statistical purposes”. 28 C.F.R. §22.21. Moreover, any private person from whom information identifiable to a private person is collected or obtained (either orally or by means of written questionnaire or other document) must be advised that the information will only be used or disclosed for research or statistical purposes and that compliance with the request for information is voluntary and may be terminated at any time. 28 C.F.R. §22.27.

In addition, the Department of Justice has regulations with respect to the protection of human research subjects. Regulations 28 C.F.R. Part 46 require that research involving human subjects that is supported with Federal funds must be reviewed and approved by an Institutional Review Board (IRB), before Federal funds are expended for that research. Persons who participate in Federally-funded research must provide their “informed

consent” and must be permitted to terminate their participation at any time. Funding recipients must submit appropriate documents to OJP showing compliance with these federal regulations before spending grant funds on any research activity involving human subjects.

General information regarding Data Confidentiality and Protection of Human Research Subjects can be found on the following sites:

http://www.ojp.usdoj.gov/funding/other_requirements.htm

<http://www.ojp.usdoj.gov/funding/forms.htm>.

XVI. REPORTING FRAUD, WASTE, ERROR, AND ABUSE

Recipients of federal funds should promptly refer to an appropriate inspector general any credible evidence that a principal, employee, agent, contractor, subrecipient, subcontractor, or other person has submitted a false claim under the False Claims Act or has committed a criminal or civil violation of laws pertaining to fraud, conflict of interest, bribery, gratuity, or similar misconduct involving federal grant funds.

Potential fraud, waste, abuse, or misconduct may be reported to the U.S. Department of Justice, Office of the Inspector General (OIG) by:

mail: Office of the Inspector General
U.S. Department of Justice Investigations Division
950 Pennsylvania Avenue, N.W. Room 4706
Washington, D.C. 20530

e-mail: oig.hotline@usdoj.gov

hotline: (800) 869-4499 (contact information in English and Spanish)

hotline fax: (202) 616-9881

Additional information is available from the DOJ OIG web site at:

<http://www.justice.gov/oig/>.

XVII. SUBRECIPIENT OFFICIAL FILE

Subrecipients are required to maintain a master file for subaward documents. The following documents must be available for on-site review by L&PS, DCJ and SOVWA:

1. **Grant Documents:** Copies of the Approved Application, Applicant Information Form, Applicant Authorization, Subaward Letter, Subaward Contract, Budget Detail Form, General Conditions, Special Conditions, DCJ Approved, Project Budget, EEO Certification, and all project modification requests, grant adjustments, and related written approvals from DCJ.

2. **Financial Documents:** Copies of all quarterly detailed cost statements, quarterly programmatic progress reports, and annual report.
3. **Personnel information:** copies of all payroll evidence, staff assignment forms, hourly time reports and monthly Time and Activity Reports or and semi-annual certifications; as required.
4. **Equipment:** copies of all purchase orders, receiving documents, bid or competitive quote information, paid vouchers, and inventory data.
5. **Consumable Supplies:** copies of all purchase orders, receiving documents, invoices and paid vouchers.
6. **Supplies and Operating Expenses:** all space contracts and/or certificates, bid information, purchase orders, invoices, and payments.
7. **Travel:** copies of all travel authorizations, travel vouchers, and payments; copies of training certificates or other proof of attendance.
8. **Banking Information:** cash verification, receipts documentation, check register, canceled checks, and bank statements.

XVIII. REPORTING PROCEDURES

A. PROGRAMMATIC PROGRESS REPORTS

To comply with the Government Performance and Results Act of 1993, the federal government also requires the reporting of specific performance measurements. Subrecipients are required to submit **quarterly** programmatic progress reports to DCJ describing project activities for the duration of the award period. Reports are to be submitted to DCJ within **fifteen (15) calendar days** of the end the quarter. Subrecipients will receive reporting forms with their copy of the executed contract/award document. That reporting form will include specific performance measurements applicable to their grant.

If a subaward begins less than a month before the end of a calendar quarter, a programmatic progress report is not due for that quarter. Activities for this shortened period should be accounted for in the subsequent quarterly report.

B. DETAILED COST STATEMENT

The Subrecipient is required to submit financial expenditure reports or Detailed Cost Statement (DCS) comparing actual expenditures with the DCJ Approved Project Budget.

Subrecipients are required to submit **quarterly** DCS's. Two copies of each DCS report, with original signatures, must be submitted to the DCJ within **fifteen (15) calendar days** of the end of each quarter. For each funding request, a separate State of New Jersey Payment Voucher must be submitted.

At the end of the grant term, **the Subrecipient also is required to file a final DCS to document the receipt and expenditure of all grant funds.** This final DCS must be filed within **fifteen (15) calendar** days of the end of the liquidation period.

XIX. BUDGET REVISION AND MODIFICATION

The grant budget is the approved financial plan to carry out the purpose of the grant. This plan is the financial representation of the project as approved during the grant application and award process.

- A. Subrecipients are required to report deviations from the approved budget and receive prior written approvals for budget revisions and modifications in excess of **one (1) percent of the total award amount (***This is a change from the previous amount of \$100).** To request a budget revision, Subrecipients are required to submit a written explanation (Justification Letter) and a DCJ Grant Adjustment Request Form (GARF).
- B. Subrecipients will be required to request a budget revision for the following reasons:
 - 1. Changes in the scope, objective, financial assistance, key personnel, timing of the project or deviations from the approved budget.
 - 2. Need to extend the grant period.
 - 3. Provide financial assistance to a third party by sub-contracting (if authorized by law) or by another means to obtain the services of a third party to perform activities which are central to the purpose of the award.
 - 4. Adjustments between cost categories and/or shifts of funding to direct cost categories that are not part of the approved budget.
 - 5. Revisions which involve the transfer of amounts budgeted for indirect costs to absorb increases in direct costs.
- C. When requesting approval for budget revisions in excess of **one (1) percent**, the Subrecipient must complete a GARF and provide a written explanation (Justification Letter).

XX. SUBRECIPIENT FISCAL RESPONSIBILITY

The Subrecipient must maintain a bookkeeping system, records, and files to account for all grant monies spent and all matching funds contributed to the project. While a preferred system is not specified, Subrecipients are expected to conform to accepted accounting standards.

A. FINANCIAL MANAGEMENT SYSTEM

The Subrecipient is responsible for maintaining an adequate financial management system and will immediately notify DCJ when it cannot comply with these requirements.

1. The Subrecipient's financial management system shall provide for:
 - a. **Financial Reporting:**
Accurate, current, and complete disclosure of the financial results of each grant in conformity with generally accepted principles of accounting, and reporting in a format that is in accordance with the financial reporting requirements of the grant.
 - b. **Accounting Records:**
Records that accurately and timely identify the source and application of funds for grant supported activities. These records must contain information pertaining to the receipt of grant funds by source, authorizations, obligations, unobligated and unexpended balances, assets, liabilities, outlays or expenditures and income.
 - c. **Internal Controls:**
Effective internal and accounting controls over all funds, property and other assets. The Subrecipient must adequately safeguard all assets and assure that they are used solely for authorized purposes. Controls must be established to ensure that expenditures charged to subaward activities are readily available to certify that such charges are accurate.
 - d. **Budget Controls:**
Comparison of actual expenditures or outlays with budgeted amounts for grant funds and required non-federal expenditures. Also, the relationship of the financial information with performance or productivity data, including the development of unit cost information.
 - e. **Allowable Costs:**
Procedures for determining reasonableness, allowability, and allocation of costs generally consistent with the provisions of Federal and State requirements.

- f. **Source Documentation:**
Accounting records are supported by source documentation.
 - g. **Cash Management:**
Procedures to minimize the time elapsing between the advance of funds from DCJ and the disbursement by the Subrecipient, whenever funds are advanced by DCJ.
2. DCJ may require the submission of an “Accounting System and Financial Capability Questionnaire.”
 3. DCJ may review the adequacy of the financial management system of any applicant as part of a pre-award review or at any time subsequent to the award. If DCJ determines that the Subrecipient’s accounting system does not meet the standards described above, additional information to monitor the grant may be required until the system meets with DCJ’s approval.

B. AUDIT REQUIREMENTS

The Subrecipient must comply with federal audit requirements located at 2 CFR Part 200, Subpart F, Audit Requirements (2 C.F.R. Part 200.500, et seq.), the Government Accountability Office’s Generally Accepted Government Auditing Standards (also known as the Yellow Book), and the most current edition of the DOJ Financial Guide - Audit Requirements. The Subrecipient must also comply with New Jersey state audit requirements located in the State Treasury Department, State Circular, Single Audit Policy for Recipients of Federal Grants, State Grants and State Aid, 15-08-OMB. Further, the Subrecipient may be required to submit an “Audit Requirements Form.”

1. Applicants that expend Federal and/or State financial assistance of \$100,000 or more within their fiscal year, but less than \$750,000 of Federal or State financial assistance (including Federal pass-through funds), must have either:
 - a. A financial statement audit performed in accordance with Government Auditing Standards (Yellow Book) or
 - b. A program-specific audit performed in accordance with 2 CFR § 200.500, et seq., and state policy.
2. Applicants that expend Federal or State financial assistance (including Federal pass-through funds) of \$750,000 or more within their fiscal year must have:
 - a. A Single audits performed, or
 - b. A program-specific audit performed in accordance with 2 CFR § 200.500, et seq., and state policy.

3. For applicants who receive less than \$100,000 of State and/or Federal financial assistance, no audit is required. However, the Chief Financial Officer of the agency must attest to the adequacy of the applicant's accounting system by submitting the Accounting System and Financial Capability Questionnaire. (Refer to Part II).

C. GENERAL AND SPECIAL CONDITIONS

Special consideration should be given to the following general and special conditions pertaining to the administration of subawards:

1. RETENTION OF RECORDS

All grant records of the Recipient and its Subrecipients and Contractors and Vendors, including books of original entry, source documents, supporting accounting transactions, the general ledger, subsidiary ledgers, personnel and payroll records, canceled checks must be retained for a period of at least seven years. The retention period starts from the date of the receipt of the final expenditure report.

Records must be retained beyond the seven-year period if an audit is in progress and/or findings of a completed audit have not been resolved satisfactorily. Also, records must be retained beyond seven years if there is any litigation, claim, negotiation, or action started before the end of the seven year period.

2. FUND PAYMENT

All payments made to the Subrecipient will be recorded by the Subrecipient in **accounting records separate from all other fund accounts**, including funds derived from other grant awards. Amounts paid shall be available for expenditure by the Subrecipient in accordance with the provisions of the subaward throughout the project period subject to such conditions as DCJ may prescribe.

3. USE OF SUBAWARD FUNDS

Funds granted may be used only for the purpose required to carry out the grant as approved and identified in the "Subaward" and DCJ "Approved Project Budget." Any deviation in the total approved project budget of \$100 or more, within or between budget categories, requires prior written approval of DCJ.

Subrecipients may, without prior approval, deviate from a budget category when the change, either between or within the category, does not exceed one

(1) percent. The Subrecipient is required to notify DCJ staff of this change on the remarks section on the DCS.

Deviations from the approved project budget within a budget category exceeding one (1) percent must be requested by letter prior to the expenditure of funds. When the deviation exceeds one (1) percent and is between budget categories, a Grant Adjustment Request Form must be submitted requesting prior approval.

Once approval is granted to deviate from the approved project budget in excess of one (1) percent, the requested operating budget becomes a new base against which the one (1) percent flexibility is applied.

4. PROJECT INCOME (MONIES RECEIVED AND EXPENDED)

All income earned by the Subrecipient from grant-supported activities is deemed program income (e.g. sale of publications, registration fees, service charges on fees, etc.). All interest is also deemed program income. Program income must be added to funds committed to the project to further eligible project objectives. The Subrecipient must comply with the program income requirements of 2 C.F.R. Part 200.307 and the most current edition of the DOJ Financial Guide - Program Income on the use, disposition, accounting and reporting for program income. (The use of program income must be shown on the detailed cost statements).

Any forfeiture funds received by the project to support project activities must also be reported as a separate information item. According to the current State Circular on Grant Agreements - Agency Contracts, 07-05-OMB, program income includes any interest earned of \$250 or more in a fiscal year on advances of grant funds.

In addition, the amount of these funds expended during the current report period must be reported. All program income must be accounted for and the use of program income must be shown on the **detailed cost statements** and included in the final fiscal report.

5. OBLIGATION OF GRANT FUNDS

Grant funds must be used for expenditures only taking place during the subaward award period. Expending or obligating subaward funds occurs when funds are encumbered (e.g., purchase order, requisition) for an approved project budget item during the subaward period. Funds that are not obligated within the subaward period will lapse and revert back to DCJ. Obligations outstanding at the end date of the subaward period must be liquidated within

forty-five (45) days. Subrecipients will be required to submit additional monthly DCSs during the liquidation period.

6. EMPLOYEE TIMESHEETS & CERTIFICATIONS

Applicants must keep detailed time reports showing actual time worked on a grant.

Subrecipients are expected to prepare certifications or Time and Activity Reports for personnel who perform grant activities. (Sample Personnel Certification Forms and Time and Activity Reports are included in Part III, Project Financial Reporting Forms). These Time and Activity Reports are required monthly for nonprofit agencies. Universities, State agencies and local units of government are required to prepare either personnel certifications at least every 6 months or personnel monthly Time and Activity Reports.

FOR STATE AGENCIES AND LOCAL UNITS OF GOVERNMENT, when an employee works solely on one specific grant award, then a **minimum of every 6 months** both the *employee and supervisor* is expected to prepare and sign an after-the-fact certification that the employee worked 100% of his or her time on the grant award.

Where an employee's salary is paid from *more than one grant program*, project periods, or overlapping periods, then salary costs must be based on actual time spent on the grant activity. (Hourly time and effort reporting). The applicant must maintain reports reflecting an after-the-fact distribution of the actual activity of each employee; account for the total activity of each employee; be prepared at least monthly; coincide with one or more pay periods; and be signed by the employee. These reports should also be reviewed and approved on a regular basis by a supervisory official having first-hand knowledge of the work performed. The approving official should document the review and approval by signing or initialing each employee's time and/or effort report.

FOR NON-PROFIT ORGANIZATIONS, **monthly** Time and Activity Reports are required for all personnel who work on grants. The applicant must maintain reports reflecting an after-the-fact distribution of the actual activity of each employee; account for the total activity of each employee; be prepared at least monthly; coincide with one or more pay periods; and be signed by the employee. These reports should also be reviewed and approved on a regular basis by a supervisory official having first-hand knowledge of the work performed. The approving official should document the review and approval by signing or initialing each employee's Time and Activity Report.

D. FISCAL REQUIREMENTS

1. A separate account for the subaward project with separate accountability of receipts, expenditures, and balances for each fiscal budget period.
2. Itemization of all supporting records of grant receipts, expenditures and state/local contributions (if applicable) in sufficient detail to show exact nature for each fiscal budget period.
3. Provision of data and information for each expenditure and state/local contributions with proper reference to a supporting voucher or bill properly approved.
4. Maintenance of payroll authorizations and vouchers.
5. Maintenance of an **hourly** time-reporting system for personnel charged to the grant and state/local contributed services (if applicable).
6. Maintenance of records supporting charges for fringe benefits.
7. Maintenance of inventory records for equipment purchased, rented, and contributed.
8. Maintenance of inventory records for consumable supplies purchased.
9. Provisions for payment by check.
10. Maintain timesheets describing work activity, signed by the employee and supervisor, to document hours personnel worked on grant related activities.
11. Prepare bi-annual certifications for employees who worked solely on the grant funded project verifying salary and wage charges to the project that are signed by the employee and supervisor.

XXI. MONITORING OF PROJECT PERFORMANCE

- A. The Subrecipient must assure compliance that performance goals are being achieved. Subrecipient monitoring must cover each project, function or activity to monitor performance under grant supported activities to assure time schedules and objectives are being met, projected work units by time periods are being accomplished, and other performance goals are being achieved as applicable.
- B. The Subrecipient shall inform DCJ and SOVWA of the following types of conditions which affect project objectives and performance as soon as they become known:

Problems, delays, or adverse conditions which will materially impair the ability to attain project objectives, prevent meeting time schedules and goals, or preclude the attainment of project work units by established time periods. This disclosure shall be accompanied by a statement of the action taken, or contemplated, and any SOVWA assistance required to resolve the situation.

- C. Including, but not limited to, the following reasons, DCJ and SOVWA may make periodic site visits to:
 - 1. Review project accomplishments and management control systems.
 - 2. Provide such technical assistance as may be required.
 - 3. Perform fiscal reviews to ensure grant funds are being properly expended in a timely manner.
 - 4. Ensure compliance with all pertinent civil rights laws and regulations.

XXII. REQUIREMENTS FOR LOCAL UNITS OF GOVERNMENT

The following budgetary and accounting procedure issued by the Director, Division of Local Government Services, Department of Community Affairs, should be observed in the development of subaward budgets for all counties and municipalities which receive grant awards administered through DCJ.

- A. All DCJ grants shall be processed through the budget of the local unit at the time of the adoption of the budget or by a budget amendment utilizing N.J.S.A. 40A:4-87. No such grants shall be accounted for through the “Trust Fund” as dedication by rider.
- B. All such grants shall be designated in the local budget as follows:

REVENUE: DCJ Grant-Subaward No. _____
- APPROPRIATION: Federal Grant:
 DCJ Grant-Subaward No. _____
- C. The appropriation shall be a separate line item without a designation as to “Salaries and Wages” and “Other Expenses” and shall not be made a part of any existing appropriation.
- D. The revenue, when anticipated at the time that the budget of a local unit is introduced, shall be a “Special Item of Revenue with Prior Written Consent of the Director of Local Government Services.”

- E. Since DCJ grants, in most instances, cover a fiscal year other than as provided by statute for New Jersey local units, the appropriation as budgeted may be set up as a "Reserve" from which commitments and charges can be made beyond the calendar year. The revenue anticipated can be fully realized with any amount not received which is set up as a receivable and pledged to surplus. However, it is the determination of the Director of Local Government Services that the portion of non-cash surplus attributed to the receivable will not be allowed to be anticipated in the following year's budget as surplus. This requires prior written consent of the Director of Local Government Services, Department of Community Affairs, P.O. Box 803, Trenton, N.J. 08625-0803, (609) 292-4806, <http://www.nj.gov/dca/lgs/>.