 

**FREQUENTLY ASKED QUESTIONS**

**Centers for Independent Living Executive Director Changes**

**Introductory Note:** As part of the Administration for Community Living’s (ACL) responsibility to ensure the proper stewardship of federal funds, the Independent Living Administration (ILA) strictly adheres to the Federal guidelines that require grantees to request prior approval of changes in “Key Personnel.” For the purposes of this FAQ, “Key Personnel” refers to the Executive Director (ED) or interim Executive Director of a Center for Independent Living (CIL). It is imperative that information about the ED/AOR is always accurate. This FAQ helps CIL grantees manage changes to ED/AORs and helps ensure CIL grantees are complying with applicable Federal statutes and regulations and the terms and conditions of the Federal award.

**Q 1: Where can I find ACL/ILA’s authority to require prior approval on changes to key personnel?**

**A 1:** 45 CFR 75.308(c) states: “For non-construction Federal awards, recipients must request prior approvals from HHS awarding agencies for one or more of the following program or budget-related reasons:…(2) Change in a key person specified in the application of the Federal award.”

**Q 2: What is the role of the ILA Project Officer (ILA PO)?**

**A 2:** The ILA PO’s role is to review the items submitted and approve or disapprove the request to change ED/AOR. Submitted items should include:

* recruitment and selection process for new ED/AOR,
* position description,
* resume and supporting documents, and
* budget changes (if applicable).

The ILA PO may review any credible source of information to determine approval/disapproval. This includes, but is not limited to, a www.SAM.gov exclusion file screening to identify whether the candidate is listed as disqualified from receiving any federal government contracts.

Once the ILA PO has reviewed submitted materials and provided a hire approval, the IL PO will notify the Office of Grants Management to issue a new of a Notice of Award reflecting the change in ED/AOR.

**Q 3: Who is the AOR and what are AOR responsibilities?**

**A 3:** The Authorized Organizational Representative (AOR) is the designated representative of the recipient organization who has the authority to act on its behalf in matters related to the award and administration of grants. The Executive Director, or interim Executive Director, typically serves as the AOR for a CIL. By signing the annual grant application, this individual agrees that the organization will assume the obligations imposed by the applicable Federal statutes and regulations and other terms and conditions of the award, including any assurances, if a grant is awarded. These responsibilities include accountability, both for the appropriate use of funds awarded and for the performance of the grant-supported project or activities as specified in the approved application.

**Q 4: What is considered a “change” in status or absence of ED/AOR?**

**A 4:** A change in status is when the ED/AOR, as identified on the existing Notice of Award, resigns or withdraws from the project entirely, is absent from the project during any continuous period of three (3) months or more, or reduces time devoted to the project by 25 percent or more from the level that was approved at the time of award.

**Q 5: Are there minimum qualifications that fulfill the requirements for ED/AOR hiring?**

**A 5:** No.Each grantee determines the qualifications necessary to serve as an ED/AOR for that CIL. However, the grantee should be able to show ACL/ILA that the individual has an appropriate level of qualifications and authority to direct the project supported by the award.

ILA encourages the Board of Directors (BOD) to refer to “Tips for hiring an Executive Director” found on the ILRU website at <http://ilnet-ta.org/wp/2017/01/06/tips-for-hiring-an-executive-director/>

**Q 6: What are the steps a grantee must take when there is a change in ED/AOR?**

**A 6:** The recruitment/promotion/hiring process should be open, fair, and transparent. The BOD (or interim ED at the BOD’s discretion) must notify the ILA PO, in writing, of the decision to start the process of hiring or promoting for the ED/AOR position. **The BOD must submit supporting documents (See A1 Q1) to the ILA PO for review before a BOD hiring decision**. The ILA PO will notify the BOD when the review is complete and the candidate is approved for hire or a promotion. The BOD will provide the IL PO the candidate’s anticipated hire date.

**Q 7: Does ILA have a quick and easy checklist that grantees can use?**

**A 7:** Yes. An ILA PO can provide a helpful checklist titled “Grantee Checklist for Changes to ED/AOR.”

**Q 8: What happens if a proposed ED/AOR is not approved by the ILA Project Officer?**

**A 8:** The ILA PO will inform the CIL of the disapproval and the reason for it. The CIL will have an opportunity to provide mitigating information for consideration. The individual would not be recognized for ACL’s grant award. Therefore, the expenses associated with this individual—such as salary, fringe benefits, travel—may not be charged to the ACL grant. In the event that a CIL grantee hires an individual disapproved by the ILA PO, the grantee’s award may be placed on restricted status, and ACL may seek additional enforcement actions to remedy the noncompliance.

**Q 9: What happens if a CIL does not seek prior approval before a new ED/AOR is hired/promoted?**

**A 9:** Because obtaining prior approval of key personnel changes is a requirement (see Q1) a grantee who does not receive prior approval for changes in key personnel is considered out of compliance with federal regulation. This means appropriate steps will be taken by ACL/ILA that may include, but are not limited to, a restriction of funds.

**Q 10: What if the ED/AOR remains the same but changes his/her name?**

**A 10:** The grantee must update the SAM, IRS, and D&B websites and all federal reporting systems and notify the ILA PO of the name change.

**Q 11: What first steps are recommended for a new ED/AOR?**

**A 11:** TheED**/**AOR should:

(1) Contact the ILA PO and provide his/her full contact information

(2) Update (and learn how to use):

* GrantSolutions – The end-to-end grants management system for a CIL award.
	+ Website: <https://home.grantsolutions.gov/home/>
	+ Complete Recipient User Account Request Form
* Payment Management System (PMS) – The system used for payment-related activities.
	+ Website: <https://pms.psc.gov/>
	+ Complete and submit PMS Access Form
* ACLReporting – The system used to submit annual CIL PPR data.
	+ Website: <https://reporting-pilot.acl.gov/#/>
	+ Training Manual: Available upon request from ILA PO

(3) Update contact information on the following websites:

* System for Award Management (SAM): [www.sam.gov](http://www.sam.gov)
* Dun & Bradstreet (D&B): <https://www.dnb.com/>

**Q 12: Are there additional resources available that would be helpful to a new ED/AOR?**

**A 12:** Yes. Helpful new ED/AOR information can be found on the ACL.gov website at [www.acl.gov](https://www.acl.gov/node/670) and the CIL training and technical assistance website at ilru.org. ILA encourages new CIL EDs to participate in ILRU’s monthly new-CIL-ED teleconference calls to learn about additional available resources on issues such as service delivery, nonprofit management, and general operations of a CIL.