

Human Resources Concepts the Policy Council Needs to Know

Governance Training Series

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- Nicole, a Partner at Feldesman Tucker Leifer Fidell LLP, has been with the firm since 2008 and a practicing attorney since 2003.
- She is counsel to numerous federal grantee organizations across the country representing her clients in federal litigation as well as providing counsel on compliance and transactional matters.
- Her representative activities include reviewing and revising contracts, subrecipient agreements, procurement policies and procedures, and other grant-related documents to ensure compliance with programmatic requirements and other federal regulations. Nicole also advises clients on the federal requirements for grant related construction and renovation projects including issues related to filing notices of federal interest.
- Prior to joining the firm, Nicole worked as a legal services staff attorney, representing low-income clients in domestic violence matters, family law issues, public housing and landlord-tenant disputes, and consumer cases.

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- Please do not record today's training session.

Conflicts of Interest

BOARD CONFLICTS OF INTEREST

(SEC. 642(c)(1)(C))

- **Cannot have a “financial conflict of interest”** with the HS agency (including delegates)
- **Cannot “receive compensation** for serving on the governing body or for providing services to the [HS] agency”*
- **Cannot “be employed”** (or have immediate family members employed) by the HS agency (or delegate)*
- Must **“operate as an entity independent of staff** employed by the [HS] agency”
- ***Note:** exceptions for elected or appointed officials if also appointed to HS Board. **Note also, IRS rules per preamble!**

POLICY COUNCIL CONFLICTS OF INTEREST - §1301.3(b)(2)

“The program must ensure members of the policy council, and of the policy committee at the delegate level, do not have a conflict of interest pursuant to sections 642(c)(2)(C) and 642(c)(3)(B) of the Act.”

Under HS Act ---

- PC members may “not have a conflict of interest with the Head Start agency” (including delegates)
- May “not receive compensation for serving on the Policy Council or for providing services to the Head Start agency”

EXCEPTION FOR POLICY COUNCIL EMPLOYMENT

“Staff may not serve on the policy council or policy committee at the delegate level except parents who **occasionally substitute** as staff. In the case of tribal grantees, this exclusion applies only to tribal staff who work in areas directly related to or which directly impact administrative, fiscal, or programmatic issues.”

§1301.3(b)(2)

Hiring

When to involve the Governing Body and Policy Council

GOVERNANCE ROLES

Board

642(c)(1)(E)

“reviewing and approving... personnel policies of such agencies regarding the hiring, evaluation, termination, and compensation of agency employees...”

*“approving personnel policies and procedures, including policies and procedures regarding the hiring, evaluation, compensation, and termination of the **Executive Director, Head Start Director, Director of Human Resources, Chief Fiscal Officer,** and any other person in an equivalent position with the agency”*

Policy Council

642(c)(2)(D)

*“**approve** and **submit to the governing body... decisions...***

Program personnel policies and **decisions regarding the employment of program staff**, consistent with paragraph (1)(E)(iv)(IX), including standards of conduct for program staff, contractors, and volunteers and **criteria** for the **employment and dismissal** of program staff.”

INTERVIEW PROCESS

- Decide whom to interview
 - Compare qualifications to posting
 - Must consider current and former program parents for vacancies for which such parents **apply** and **are qualified**.
- Decide who will be at the interview
 - Head Start parent?
 - No requirement that PC member must be in interviews!!!
- Consider confidentiality

DON'T FORGET AGENCY APPROVAL

- Obtain Regional Office approval if Key Personnel Under 45 C.F.R. 75.308(c)
 - Change in the Project Director requires prior approval
- ACF-PI-HS-06-01 defines “key personnel” as “the Head Start Director and, where salaries are covered principally (i.e.; greater than 50%) by the Head Start grant, the Executive Director and the Chief Financial Officer.”

Firing

When to involve the Governing Body and Policy Council

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