

ADVISORY BULLETIN

TRANSMITTAL NO. 2016-7

**TO: ALL FUNDED PROGRAMS
ADVISORY COUNCIL MEMBERS**

**FROM: ELIZABETH CRONIIN, ESQ.
DIRECTOR**

SUBJECT: VOCA Regulations-Final Rule Implementation

DATE: November 17, 2016

As you know, the Victims of Crime Act (VOCA) Victim Assistance Program Final Rule went into effect on August 8, 2016. A copy of the final rule as well as a “side-by-side comparison guide” prepared by the Office of Victims of Crime is included and contains a description of any changes for sub-recipient program requirements.

The New York State Office of Victim Services (OVS) has fully reviewed the final rule and will continue to provide interpretation of the rule and guidance for OVS funded programs particularly as we move forward with distribution of the VOCA funding.

There have been some questions from providers about how the final rules may affect their current programming. To assist programs in the short-term, OVS is implementing the following policies:

1. Services to Incarcerated Individuals

Sub-grantees may now provide any services to incarcerated crime victims that they would otherwise provide under their existing contract to any other victim (Final Rule Section 94.119).

2. Training: Non-OVS funded position or partially funded OVS position.

- a. Sub-grantees can request that the OVS contract fund an approved training for a position that is **not on the OVS contract** but for which the sub-grantee can document, through a job description and/or other supporting documentation, provides direct services to crime victims effective within the 2016-17 contract year (Final Rule 94.121(c)).
- b. Sub-grantees can request that the OVS contract fund an approved training for a position that is **partially funded by OVS** but for which the sub-grantee can

document, through a job description and/or other supporting documentation provides direct services to crime victims, effective within the 2016-17 contract year (Final Rule 94.121(c)). (i.e., 100% of training costs may be covered by the contract for a .5 FTE funded by OVS or match funds provided they are also providing direct services for the other .5 FTE under any other funding source).

3. **Previously Unallowable Direct Services**

Many previously unallowable direct services are now permitted under the new rule. However, **sub-grantees will not be permitted to add these services to their contracts during the 2016-2017 contract year.** Should OVS elect to renew contracts for the 2017-2019 contract renewal period, sub-grantees will be permitted to add those services that are newly authorized under the final rule by submitting a corresponding modification to work plans, goals and objectives (Final Rule 94-119).

4. **Indirect Costs**

The prohibition against using VOCA funds for sub-grantee indirect costs is not in the final rule in order to be in compliance with recently revised federal Office of Management and Budget (OMB) circulars. However, awards made via the 2014 Request for Proposal and subsequent resulting contracts do not require OVS to support indirect costs with grant funds. **Therefore, indirect costs will not be allowable in the 2016-2017 contract year.** (Final Rule 94.122).

Indirect cost rates can be funded under any renewal contracts executed for the 2017-2019 contract period.

5. **Direct Services to Victims – Compensation Assistance**

With few exceptions, sub-grantees are required to directly assist crime victims in applying for compensation. While the new rule allows sub-recipients to “use referral to organizations that can so assist” to meet the objective of providing compensation information, OVS contracts will continue to require sub-grantees to directly assist victims in applying for compensation (Final Rule 94.113(d)).

6. **Future Funding Opportunities**

OVS may elect to fund newly allowable direct services through either requests for proposals (RFPs) or requests for applications (RFAs). Sub-grantees are encouraged to monitor the OVS website and read all broadcast emails carefully to watch for any new funding opportunities.

7. **Overtime Costs**

The US Department of Labor updated overtime rules for executive, administrative and professional employees. The changes may require sub-grantees to pay overtime to

employees which were exempt under the previous overtime rule. OVS recognizes the need to compensate staff for time worked and will now allow sub-grantees to charge overtime to their OVS grants. Sub-grantees may use funds from their current awards to cover overtime costs for direct services only. Sub-grantees are encouraged to contact their OVS Contract Contact for additional guidance on ways to structure current award amounts to allow for overtime.

Thank you for providing critical services to crime victims in New York State. Please contact your Contract Management Specialist should you have any questions regarding this Advisory Bulletin. We look forward to our continued partnership.

A handwritten signature in cursive script, appearing to read "Elizabeth Cronin".

Elizabeth Cronin, Esq.
Director