

addition to, an activity otherwise available in the locality of the program.

- Will comply with the Notice, Hearing, and Grievance Procedures found in section 176 of the Act.

- Will comply with the nondisplacement rules found in section 177(b) of the Act. Specifically, an employer shall not displace an employee or position, including partial displacement such as reduction hours, wages, or employment benefits, as a result of the employer using an AmeriCorps participant; a service opportunity shall not be created that will infringe on the promotional opportunity of an employed individual; an AmeriCorps participants shall not perform any services or duties or engage in activities that (1) would otherwise be performed by an employee as part of the employee's assigned duties, (2) will supplant the hiring of employed workers, (3) are services or duties with respect to which an individual has recall rights pursuant to a collective bargaining; agreement or applicable personnel procedures; or (4) have been performed by or were assigned to any presently employed worker, an employee who recently resigned or was discharged, an employee who is on leave an employee who is on strike or is being locked out, or an employee who is subject to a reduction in force or has recall rights subject to a collective bargaining agreement or applicable personnel procedure.

Assurances—Signature

By signing this assurances page, the applicant certifies that it will agree to perform all actions and support all intention stated in the attached Assurances.

Note: This form must be signed and included in the application.

Applicant Name _____

Project Name _____

Name and Title of Authorized Representative _____

Signature _____

Date _____

Attachment 2

Certifications

Before completing certification, please read Certification Instructions.

Certification—Debarment, Suspension, and Other Responsibility Matters. This certification is required by the regulations implementing Executive Order 12549, Debarment and Suspension, 34 CFR part 85, section 85.510, Participants' responsibilities. The regulations were published as part VII of the May 26, 1988, **Federal Register** (pages 19160–19211).

(1) The applicant certifies to the best of its knowledge and belief, that it and its principals:

- (a) Are not presently debarred, suspended, proposed for debarment, declared ineligible, or voluntarily excluded from covered transactions by any Federal department of agency,

- (b) Have not within a three-year period preceding this proposal been convicted of or had a civil judgment rendered against them for commission of fraud or a criminal offense in connection with obtaining, attempting to obtain, or performing a public (Federal, State or local) transaction or contract under a public transaction; violation of Federal or State anti-trust statutes or commission of embezzlement, theft, forgery, bribery, falsification or destruction of records, making false statements, or receiving stolen property,

- (c) Are not presently indicted for or otherwise criminally or civilly charged by a governmental entity (Federal, State or local) with commission of any of the offenses enumerated in paragraph (1)(b) of this certification, and

- (d) Have not within a three-year period preceding this application proposal had one or more public transactions (Federal, State or local) terminated for cause of default;

- (2) Where the applicant is unable to certify to any of the statements in this certification, such applicant shall attach an explanation to this application.

Certification—Drug-Free Workplace. This certification is required by the regulations implementing the Drug-Free Workplace Act of 1988, 34 CFR part 85, subpart F. The regulations, published in the January 31, 1989, **Federal Register**, require certification by grantees, prior to award, that they will maintain a drug-free workplace. The certification set out below is a material representation of fact upon which reliance will be placed when the agency determines to award the grant. False certification or violation of the certification shall be grounds for suspension of payments, suspension or termination of grants, or government-wide suspension or debarment (*see* 34 CFR part 85, section 85.615 and 85.620). The grantee certifies that it will provide a drug-free workplace by:

- (1) Publishing a statement notifying employees that the unlawful manufacture, distribution, dispensing, 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 violation of such prohibition;

- (2) Establishing a drug-free awareness program to inform employees about—

- (a) The dangers of drug abuse in the workplace,

- (b) The grantee's policy of maintaining a drug-free workplace,

- (c) Any available drug counseling, rehabilitation, and employee assistance programs, and

- (d) The penalties that may be imposed upon employees for drug abuse violations occurring in the workplace;

- (3) Making it a requirement that each employee to be engaged in the performance of the grant be given a copy of the statement required by paragraph (1);

- (4) Notifying the employee in the statement required by paragraph (1) that, as a condition of employment under the grant, the employee will

- (a) Abide by the terms of the statement, and

- (b) Notify the employer of any criminal drug statute conviction for a violation

occurring in the workplace no later than five days after such conviction;

- (5) Notifying the Corporation within ten days after receiving notice under subparagraph (4)(b) from an employee or otherwise receiving actual notice of such conviction;

- (6) Taking one of the following actions, within 30 days of receiving notice under subparagraph (4)(b) with respect to any employee who is so convicted —

- (a) Taking appropriate personnel action against such an employee, up to and including termination; or

- (b) Requiring such employee to participate satisfactorily in a drug abuse assistance or rehabilitation program approved for such purposes by a Federal, State, or local health, law enforcement, or other appropriate agency;

- (7) Making a good faith effort to continue to maintain a drug-free workplace through implementation of paragraphs (1), (2), (3), (4), (5), and (6).

Certification Instructions

By signing the Certification Signature Page on the previous page, the applicant certifies that it will agree to perform all actions and support all intentions stated in the Certifications.

Signing the Certification Page

1. **Inability to Certify.** The inability of a person to provide the certification required below will not necessarily result in denial of a grant. The applicant shall submit an explanation of why it cannot provide the certification set out below. The certification or explanation will be considered in connection with the Corporation determination whether to enter into this transaction. However, failure of the applicant to furnish a certification or an explanation shall disqualify such applicant for a grant.

2. **Erroneous Certification.** The certification in this clause is a material representation of fact upon which reliance was placed when the Corporation determined to enter into this transaction. If it is later determined that the applicant knowingly rendered an erroneous certification, in addition to other remedies available to the Federal Government, the Corporation may terminate this transaction for cause or default.

3. **Notice of Error in Certification.** The applicant shall provide immediate written notice to the Corporation to whom this proposal is submitted if at any time the applicant learns that its certification was erroneous when submitted or has become erroneous by reason of changes circumstances.

4. **Definitions.** The terms "covered transaction", "debarred", "suspended", "ineligible", "lower tier covered transaction," "participant," "person," "primary covered transaction," "principal," "proposal," and "voluntarily excluded," as used in this clause, have the meanings set out in the Definitions and Coverage sections of the rules implementing Executive Order 12549. An applicant shall be considered a "prospective primary participant in a covered transaction" as defined in the rules implementing Executive Order 12549. You