

IOLA Fund of the State of New York 2016-17 Grantee Activity Report

Questions & Answers (as of April 11, 2017)

Question 1: Please clarify how grantees should answer the new question in Part I, Section A.2. (Benefits).

Answer: Part I, Section A.2. (Benefits) is not a new question, but was simply moved from Part II, Section E. Due to variation in grantees' methodology, the responses that the IOLA Fund received have not lent themselves to aggregation. For this reason, the question was moved to Part I. Grantees may continue to submit descriptions of how their program achievements produced taxpayer savings.

This is an optional question.

Question 2: Please clarify how grantees should answer Part I, Section A.3. (Obstacles). Does the term "obstacles" refer only to obstacles in meeting contract goals or does it encompass other types of obstacles (e.g., reaching a target population)?

Answer: In Part I, Section A.3. (Obstacles), grantees should address obstacles in meeting contract goals.

In addition, the IOLA Fund welcomes reporting about any other obstacles that prevented the grantee from reaching its own goals and would illuminate the local conditions that may impede legal services delivery.

Generic statements, however, about lacking sufficient funds to meet client demand should be omitted.

Question 3: In Part II, Section B. (Individuals-Case Details), how can a grantee report claims “filed” that remain pending? For example, Immigration Court backlogs have been growing and many immigration claims remain pending.

Answer: Grantees should report closed cases only. If the matter is not resolved, the case should not be reported. Grantees should not report pending cases.

A case should be considered closed and reported in the GAR when, in the grantee’s best professional judgment, the legal work on the matter has concluded. Should a subsequent, related legal issue arise (e.g., enforcement or modification), the grantee may treat this as a new “case” for GAR purposes.

Question 4: In Part II, Section B.10 (Individuals-Case Details, Immigration), the two parts of securing Special Immigrant Juvenile Status (one in Family Court and the other in Immigration Court) are both listed. Should grantees report on only the last benefit obtained or report on both benefits?

Answer: The two separate legal matters that must be pursued to obtain Special Immigrant Juvenile Status for a client should both be reported as cases. Grantees should report on each case in the fiscal year when it closes.

Question 5: In Part II, Section G (Staffing) and Section I (Diversity): How should grantees calculate FTEs for staff who left the organization during the contract period (e.g., should someone who worked full-time for six months be reported as 1 FTE or .5 FTE)?

Answer: In Part II. Section G.1. (Staffing), grantees should indicate the total number of actual staff who worked throughout the full fiscal year, a total staffing number that should correspond to the personal services expenditures reported on Section H.1.(Budget Expenses). For the example given, this would be .5 FTE.

In contrast, Part II. Section I (Staffing) seeks a staff census number as of a specific date. In this Section, grantees should report only on the staff employed in their civil legal aid program as of March 31. For the example given, this would be 1 FTE or 0, depending on whether the employee was actually employed as of March 31.

Question 6: In Part II, Section G (Staffing), Section H.I. (Budget Expenses) and Section I (Diversity): How should grantees calculate FTEs for staff who have been on leave during part of the year? Does it matter if the staff member was on a paid leave versus an unpaid leave?

Answer: In Part II. Section G.1. (Staffing), Section H.I. (Budget Expenses) and Section I (Diversity), grantees should include staff members on **paid leave**, allocated in the same manner as other employees.

For example, if an employee worked full time for half of the year and then left for a **paid leave** for the remainder of the year, the grantee should report 1 FTE and the total actual expenses incurred on Schedules G.1. (Staffing) and H.1. (Budget Expenses) and report 1 FTE on Schedule I (Diversity).

In Section G.1. (Staffing) and Section H.1. (Budget Expenses), grantees should include staff members on **unpaid leaves** only to the extent that these employee were paid. In Section I (Diversity), employees on **unpaid leaves** as of March 31 should be omitted.

For example, if an employee worked full time for half of the year and then left for an **unpaid leave** and was not on payroll as of March 31, the grantee should report .5 FTE and the total actual expenses incurred on Schedules G.1. (Staffing) and H.1. (Budget Expenses) but report 0 FTE on Schedule I (Diversity).

Question 7: How should a grantee complete Part II, Section I (Diversity) where, out of respect for individuals' privacy, it does not inquire about its employee's race, ethnicity, gender identity, or sexual orientation? How should a grantee list employees who are transgender men or transgender women? Should such individuals be listed twice, in the rows for both "Transgender" and "Male" or "Female"?

Answer: All reported statistics should be based on actual recorded data. Where actual data is not available, grantees should use best estimates based on available program records and your professional judgment. Absent an organizational policy to the contrary, we recommend reporting your employee demographics according to how your employees self-identify. Do not double count your employees.

In the ABA's 2006 Standards for the Provision of Civil Legal Aid, Standard 2.5 on Staff Diversity provides:

"A provider should take affirmative measures to hire and retain a diverse staff that enhance its ability to respond effectively to the legal needs of low income communities."

The IOLA Fund encourages grantees to identify and utilize methods of tracking employee demographic data in ways that honor employees' privacy and self identity so that collective data may be obtained that would facilitate the effort of the civil legal aid community as a whole to monitor and improve its diversity.