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OSHA NOTICE

U.S. DEPARTMENT OF LABOR | Occupational Safety and Health Administration

DIRECTIVE NUMBER	CSP 02-15-04	EFFECTIVE DATE:	05/21/15

SUBJECT: FY 2016 Instructions for 23(g) State Plan Grants

ABSTRACT

Purpose: This Notice contains instructions and forms necessary for the preparation and submittal of the FY 2016 applications for 23(g) State Plan Grants.

Scope: This Notice applies to the twenty-two States with 23(g) comprehensive State Plans and the five States with 23(g) State and Local Government Only State Plans.

This Notice does not apply to 21(d) On-site Consultation Projects, but does apply to all State Plans that provide state and local government sector On-site Consultation and the three States that provide private sector On-site Consultation under the 23(g) State Plan.

State Plans that operate both 23(g) and 21(d) programs should submit their 21(d) On-site Consultation Cooperative Agreement Grant application separately in accordance with the FY 2016 On-site Consultation Cooperative Agreement Application Instructions.

References: OSHA Instruction CSP 01-00-002 (STP 2-0.22B), State Plan Policies and Procedures Manual; 29 CFR 1902 and 1956; OMB Uniform Administrative Requirements, Cost Principles, and Audit Requirements for Federal Awards 2 CFR 200; DOL Uniform Administrative Requirements, Cost Principles, and Audit Requirements for Federal Awards (Exceptions) 2 CFR 2900.

Cancellations: None.

Expiration Date: This Notice expires on September 30, 2016.

State Plan Impact: Affected State Plans (see Scope) must adhere to the requirements applicable to them as set out in this Notice in submitting their FY 2016 grant applications.

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Action Offices: National, Regional, and State Offices.

Originating Office: The Directorate of Cooperative and State Programs (DCSP) and the Directorate of Administrative Programs (DAP).

Contact: Directorate of Cooperative and State Programs
Office of State Programs
USDOL - OSHA
Frances Perkins Building, Room N3700
200 Constitution Avenue, N.W.
Washington, DC 20210
202-693-2200

By and Under the Authority of

David Michaels, PhD, MPH
Assistant Secretary

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Executive Summary:

This Notice contains instructions and forms to assist State Plan and Regional Office staff in preparing and reviewing the 23(g) State Plan Grants. Each application must contain a one-year annual performance plan in the required template format.

Significant Changes:

Outlined within this Notice are the following significant changes:

1. The Office of Management and Budget (OMB) Uniform Administrative Requirements, Cost Principles, and Audit Requirements for Federal Awards (Uniform Guidance), 2 CFR 200 (http://www.gpo.gov/fdsys/pkg/FR-2013-12-26/pdf/2013-30465.pdf), replaces Circular A-21, A-87, A-102, A-110, A-122, A-133 and 29 CFR Parts 95 and 97.

2. The Department of Labor (DOL) adopted the OMB's Uniform Guidance with exceptions entitled Uniform Administrative Requirements, Cost Principles, and Audit Requirements for Federal Awards (Uniform Guidance) 2 CFR 2900 (http://www.gpo.gov/fdsys/pkg/FR-2014-12-19/pdf/2014-28697.pdf).

3. Appendix G is updated to reflect the OMB Uniform Guidance on the OSHA 110 Form.

4. The recipient must submit a draft application to the relevant Regional Office no later than July 15, 2015 for review. This may be done via email. Once the draft application package has been reviewed and approved by the Region, the approved application package must be submitted electronically on Grants.gov no later than July 31, 2015. State Plans must ensure that they submit the version approved by the Regional Office.

5. The Regional Recommendation Memorandum is now due August14, 2015 and must be based on a review of the package submitted in Grants.gov.

6. Appendix H includes an assurance that states may not begin grant activities under the FY 2016 grant until appropriations availability is indicated in the award letter.

7. Appendix L has been added to include a sample Regional Administrator's Recommendation Memorandum Template that must now include the State, DOL E-Grants and Grants.gov application numbers for each application package being recommended.

8. Appendix M has been added to include a State Plan Laboratory Information Template that is now required to be included as an attachment with the application package for State Plans without a Memorandum of Agreement for SLTC.

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9. Appendix N has been added to include a Financial and Program Application Checklist to be used by Regional Offices as part of their review.

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Application for 23(g) State Plan Grants

I. Purpose. This Notice contains instructions and forms necessary for the preparation and submittal of the FY 2016 applications for 23(g) State Plan Grants. States Plans are required to annually submit an application that includes a one-year annual performance plan and financial documents.

II. Scope. This Notice applies to the twenty-two States with 23(g) comprehensive State Plans and the five States with 23(g) State and Local Government Only State Plans. This Notice does not apply to 21(d) On-site Consultation Projects, but does apply to all State Plans that provide state and local government On-site Consultation and the three States that provide private sector On-site Consultation under the 23(g) State Plan.

State Plans that operate both 23(g) and 21(d) programs must submit their 21(d) On-site Consultation Cooperative Agreement Grant application separately according to the OSHA Notice for FY 2016 On-site Consultation Cooperative Agreement Application Instructions.

III. References.

A. OSHA Instruction CSP 01-00-002 (STP 2-0.22B), State Plan Policies and Procedures Manual.

B. 29 CFR 1902 and 1956.

C. 2 CFR 200 OMB Uniform Administrative Requirements, Cost Principles, and Audit Requirements for Federal Awards (Uniform Guidance).

D. 2 CFR 2900 DOL Uniform Administrative Requirements, Cost Principles, and Audit Requirements for Federal Awards (Uniform Guidance Exceptions).

IV. Expiration Date. This Notice expires on September 30, 2016.

V. Action Information.

A. Responsible Offices. The Directorate of Cooperative and State Programs (DCSP), Office of State Programs (OSP); Directorate of Administrative Programs (DAP); and the Office of the Assistant Secretary (OAS).

B. Action Offices.

1. National Office. National Office personnel are responsible for reviewing and processing the applications for approval, and verifying that the applications meet all required financial, operational, and policy requirements. DCSP and DAP can access the applications in DOL E-Grants.

a. DAP. The Division of Grants Management is responsible for reviewing all financial documents for accuracy, posting funding award levels in the Payment Management System, transmitting the

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award letters to each recipient and administering all financial aspects of the State Plan grant.

b. DCSP. The Office of State Programs (OSP) is responsible for reviewing the applications and resolving any program issues with the appropriate Regional Staff. OSP has overall responsibility for coordinating comments among DCSP staff and ensuring that DCSP issues are reflected in the award letters transmitted by DAP.

2. Regional Offices. Throughout the application and review process, the Regional Administrator (RA) remains the point of contact with the State Plan(s).

a. The Regional Office must coordinate with State Plans within its jurisdiction and provide assistance in the development, submission and revisions of grant applications. The Regional Office should work with the State Plans to resolve all issues prior to authorizing the State Plan's submission of the electronic grant application package.

b. The RA must ensure that the State Plan's application submission meets all requirements and contains all properly completed forms and documents required by these instructions. The RA must ensure that the application submission is reviewed against the checklist in **Appendix N**.

c. Once the electronic package is submitted to Grants.gov, the RA will notify the State Plan if a revised application package needs to be submitted in Grants.gov.

d. By August 14, 2015, the RA must submit a memorandum to the Directors of DAP and DCSP for each State Plan grant application, providing recommendations for approval or disapproval of the application package, the one-year performance plan and, if appropriate, changes to the 5-year Strategic Plan. The memorandum should be based on the Region's review of the final electronic application package submitted by the State Plan via Grants.gov. See **Appendix L** for a sample template to be used for the memorandum. It must identify each State and the corresponding Grants.gov and DOL E-Grants application numbers, and must reflect the Region's assessment of any unresolved issues in the application. The Regional Office may submit a separate memorandum for each application, or it may submit one memorandum for all State Plans in the region. If an appropriate State Plan response has not been received prior to processing in the National Office, then specific suggested language should also be included for any restrictions to be placed in the State Plan grant award letter.

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e. Once the final version approved by the Regional Office has been recommended for approval to the National Office, the RA will submit any subsequent replacement pages to the National Office via email.

3. 23(g) State Plans. The OMB Uniform Guidance requires financial awards to be made at least 10 days prior to the beginning of the grant or agreement period. The State Plans are responsible for completing and submitting the draft State Plan agreement application to the Regional Office for review no later than July 15, 2015. This can be submitted via email. Once the draft application package has been reviewed and approved by the Region, the State Plan must submit the application package electronically on Grants.gov no later than July 31, 2015. State Plans must meet all the requirements detailed in this Notice when submitting the application. State Plans are responsible for coordinating with their Regional Administrator on an agreed-upon schedule to allow electronic submission of an application package, approved by the Region, to the National Office through Grants.gov. The State Plan should submit revised application packages or replacement pages only at the direction of the Regional Office. Documents should not be submitted in Grants.gov unless the Regional Office has directed the State Plan to do so. State Plans must ensure that they submit the version approved by the Regional Office.

a. Before submitting an application, State Plans must ensure that their registration information is up-to-date and accurate in Grants.gov and with the System for Award Management (SAM). State Plans must maintain an active SAM registration with current information at all times during which it has an active Federal award or an application under consideration. To remain registered in the SAM database, the applicant is required to review and update the registration at least every 12 months from the date of initial registration or subsequently update its information in the SAM database to ensure it is current, accurate and complete. The Organization Registration Checklist can be found under Applicant Resources at: http://www.grants.gov/web/grants/applicants/applicant-resources.html.

b. The recipient must submit a draft application to the Regional Offices no later than July 15, 2015 for review. This may be done via email. Applications approved by the Regional Offices may be submitted on Grants.gov beginning July 1, 2015 for the performance period beginning October 1, 2015 and ending September 30, 2016.

c. The deadline for electronic application submission is **July 31, 2015**.

d. The website to download the Grants.gov application package is: http://www.grants.gov/web/grants/applicants/download-application-package.html. For 23(g) applicants, the Funding Opportunity Number is **OSHA-23G-2016-001**.

e. Grants.gov requires completion of forms SF-424 and SF-424A online. All other documents in the OSHA grant applications must be submitted as attachments. Applicants will submit the SF-424 and SF-424A reflecting

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the 23(g) funding along with the required attachments. For documents requiring signatures, applicants should submit a scanned, signed copy as an attachment to the electronic grant application.

f. Acceptable formats for document attachments submitted as part of a Grants.gov application are Microsoft Office and Adobe Reader (PDF). Attachments are limited to 15 documents in Grants.gov. The preferred method for attachments is to scan all documents into one Adobe Reader file that can be attached to the Grants.gov application. Documents may also be attached as individual files in the specified formats - Microsoft Office or Adobe Reader.

g. File attachment names should be no longer than 50 characters to avoid submission and processing errors. Applicants are limited to using the following characters in all attachment file names: A-Z, a-z, 0-9, underscore (_), hyphen (-), parenthesis (()), curly brackets ({}), square brackets ([]),tilde (~), exclamation point (!), comma (,),dollar sign ($), percent sign (%), plus sign (+), equal sign (=), space, and period. While Grants.gov may accept more characters, DOL E-Grants will not accept characters other than what is listed here. Use the appropriate characters to ensure that OSHA staff can view the file attachments.

h. If an application requires replacement pages or corrections after it has been recommended to the National Office for approval, the National and Regional Offices will coordinate the submission of replacement pages with the applicant.

VI. Significant Changes.
Significant changes to FY 2016 Grant Instructions:

A. The Office of Management and Budget (OMB) Uniform Administrative Requirements, Cost Principles, and Audit Requirements for Federal Awards (Uniform Guidance), 2 CFR 200 (http://www.gpo.gov/fdsys/pkg/FR-2013-12-26/pdf/2013-30465.pdf), replaces Circular A-21, A-87, A-102, A-110, A-122, A-133 and 29 CFR Parts 95 and 97.

B. The Department of Labor (DOL) adopted the OMB's Uniform Guidance with exceptions entitled Uniform Administrative Requirements, Cost Principles, and Audit Requirements for Federal Awards (Uniform Guidance), 2 CFR 2900 (http://www.gpo.gov/fdsys/pkg/FR-2014-12-19/pdf/2014-28697.pdf).

C. Appendix G is updated to reflect the OMB Uniform Guidance on the OSHA 110.

D. State Plans must submit a draft application submission to the Regional Offices no later than July 15, 2015 for review. This may be done via email. Once the draft application package has been reviewed and approved by the Region, the approved application package must be submitted electronically on Grants.gov no later than July 31, 2015. State Plans must ensure that they submit the version approved by the Regional Office.

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E. The Regional Recommendation Memorandum is now due August 14, 2015 and must be based on review of the package submitted in Grants.gov.

F. Appendix H includes an assurance that states may not begin grant activities under the FY 2016 grant until appropriations availability is indicated in the award letter.

G. Appendix L has been added to include a Regional Administrator's Recommendation Memorandum Template, which must now include the State, DOL E-Grants and Grants.gov application numbers for each application package being recommended.

H. Appendix M has been added to include a State Plan Laboratory Information Template that is now required to be included as an attachment with the application package for State Plans without a Memorandum of Agreement for SLTC.

I. Appendix N has been added to include a Financial and Program Application Checklist to be used by Regional Offices as part of their review.

VII. Strategic Plans. Strategic and Annual Performance Plan requirements are included in this year's grant instructions in much the same manner as previous years. The Department of Labor has a multi-year Strategic Plan (2011-2016) and OSHA's Annual Operating Plan supports the Department's Plan. The following basic principles govern a State Plan's development of a Strategic Plan:

A. Each State Plan must have a five-year Strategic Plan made up of outcome-oriented strategic and performance goals. If a State Plan's five-year Strategic Plan expires in FY 2015 - FY 2016, the grant application must include a new five-year Strategic Plan or a one-year extension of the current Strategic Plan.

B. In addition to its strategic and performance goals, each State Plan must continue to satisfy the mandated activities of the OSH Act and 29 CFR Parts 1902 or 1956 (e.g., standards, enforcement program, prohibition against advance notice, etc.) and so certify in its application and demonstrate in actual performance.

Activities mandated under the *Occupational Safety and Health Act* (e.g., inspections and citations) are considered core elements of an effective occupational safety and health program. They should be tied to the State Plan's strategic goals where possible. The Performance Plan should discuss the performance of mandated activities as strategic tools wherever appropriate to achieve State Plan goals. For example, issuing standards, conducting inspections, and issuing citations are among the activities that could be used to achieve the strategic goal of reducing injuries and illnesses.

Where the mandated activities are neither tied to specific strategic goals nor addressed through the State Activity Mandated Measures (SAMM) Report, these activities should be covered by the grant assurances. (*See* Appendix H, 23(g) OSHA Restrictions and Conditions).

C. All State Plans must include in their Strategic Plan a goal directed towards the reduction of fatalities, injuries, and illnesses. In addition, State Plans must develop reasonable performance goals that are broad enough to encompass all

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major components of the State Plan, including private sector enforcement (when applicable) and state and local government enforcement and consultation (and private sector consultation where applicable), compliance assistance, training and cooperative programs. Support activities, such as laboratories, need not be addressed specifically in strategic goals.

D. State Plan strategic plans and performance plans must contain outcome/results-oriented goals. If a goal is measured only by activities, the lack of an outcome/results-oriented goal must be justified. Strategic Plans relying solely on activity-based goals and measures are not acceptable**.** The Performance Plans must describe the specific activities that the State Plan will perform to accomplish its performance goals, must be aligned with the State Plan's five-year Strategic Plan and must identify the expected outcome of these activities. Each Performance Plan must include a section that addresses the data elements and informational needs outlined in this section.

E. State Plans are responsible for identifying the data necessary to establish an appropriate measurement and reporting system for their strategic and performance goals (e.g., IMIS, OIS, Bureau of Labor Statistics (BLS), or data from State-based systems, such as workers' compensation). These data are to be agreed upon by the State Plans and Regions.

VIII. Annual Performance Plans.

A. As part of the application, each State Plan must develop a one-year Performance Plan describing the specific actions to be undertaken by the State Plan to accomplish its strategic and performance goals during the period covered, as well as meet all program requirements. This Performance Plan will serve as the required grant narrative and must include performance goals that are broad enough to encompass all major components of the State Plan including private sector (when applicable) and state and local government enforcement programs, 23(g) On-site Consultation programs, and any compliance assistance activities.

B. **Appendix B** lists the Annual Performance Plan elements in detail, and **Appendix C** provides a template for documentation.

C. In addition to providing information in **Appendix D** on compliance activities and projections of the number of inspections (separately for private sector and state and local government, as well as for construction and non-construction), and On-site Consultation for state and local government and private sectors where applicable, the annual performance plan should also provide information on visits anticipated during the upcoming performance year. State Plans must provide projections regarding the following compliance assistance activities: Voluntary Protection Programs (VPP) participants, cooperative programs (with and without enforcement incentives), and outreach participants, which are the total number of trainees/participants anticipated to be affected by state outreach activities during the period, such as formal training, workshops, seminars, speeches, conferences, and informal worksite training. State Plans with 23(g) On-site Consultation programs for the private sector should also include the number of Safety and Health Achievement Recognition Program (SHARP) participants in their reports.

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D. The Personnel Funding Breakout Chart (**Appendix E**) should include entries for onboard staffing as of the application submission date, and should identify which of those positions are funded by a mix of Federal and state funds, and which are funded by 100 percent state funds.

IX. General Application Requirements.

A. Forms. Each application must include a prepared State Plan Grant Agreement (Form OSHA-110), Application for Federal Assistance and Budget Information Non-Construction Programs (SF-424 and SF-424A) and Supportive Cost Breakout. Accuracy of the financial documents is critical for the timely approval of the State Plan grant. Forms SF-424 and SF-424A are available on Grants.gov. The links listed below to the fillable SF-424 and SF-424A forms are provided to assist in preparing the draft application. The actual documents must be completed by accessing the application package on Grants.gov:

http://apply07.grants.gov/apply/forms/sample/SF424_2_1-V2.1.pdf
http://apply07.grants.gov/apply/forms/sample/SF424A-V1.0.pdf

A copy of the State Plan Grant Agreement (Form OSHA-110) is available on the State Plan Limited Access Page and in **Appendix G**.

B. Funding Level and Matching Funds. Initial FY 2016 23(g) grant agreement documents should be prepared at the FY 2015 enacted base award levels as identified in the FY 2015 amendment process (see **Appendix K** for funding levels). State Plans unable to provide the required matching funds for the FY 2015 award level should complete the application to reflect the award level that it can match. Any change in FY 2016 funding for State Plans will be processed through a Grant Agreement amendment.

C. Administrative Cap. The 25 percent ceiling on administrative costs remains in effect, which means that no more than 25 percent of the total funding amount may be budgeted toward administrative costs. Any deviation from this restriction requires prior approval from the Directors of DCSP and DAP.

Administrative costs include the cost of all personnel, budget, and management staff above first-line supervisors (salaries, fringe benefits, and related support expenses) as well as costs associated with the approved State Indirect Rate. An indirect cost rate is a percentage (indirect cost pool/direct cost base) used to distribute indirect costs to all cost centers benefiting from these costs. For staff who perform both administrative and program functions, and first-level supervisors who also serve in a managerial capacity for the program, salary costs shall be distributed between Administration and Program in proportion to the percent of time spent in performing duties in these categories. Staff who perform administrative functions, such as human resources and budget, should be included in the administrative category as well. No more than 25 percent of the total 50/50 funding (Federal award plus 50% State match, not to include State overmatch) may be budgeted for administrative costs without an approved justification. (Note: Although submission of the approved indirect cost rate agreement is not

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required, the RA should ensure that the indirect costs contained in the grant application are based on the approved indirect cost rate agreement.)

D. Budget Categories. All costs on the Application for Federal Assistance (SF-424A) may be identified under two budget categories: Administration and Program. A third category must be added where 100 percent State funds are used, and a fourth category for private sector On-site Consultation (Kentucky, Puerto Rico, and Washington).

State Plans may, however, continue to use the previously required nine categories (general administration; safety inspections; health inspections; Onsite Consultation and other voluntary programs; training and education; standards; management information systems; laboratories; and review process and non-discrimination) or any others that better reflect the State Plan's actual organizational structure. State Plans that provide private sector On-site Consultation services through their 23(g) grant must separately identify the staffing and total funding devoted to this program in a manner that clearly delineates the program. Financial information for all Object Class categories—i.e., personnel, fringe benefits, travel, equipment, supplies, contractual, other, total direct charges, indirect charges, and total object categories—must be shown for each of the Budget Categories on the SF-424A.

E. Object Classes/Supportive Cost Breakout. State Plans are required to provide detailed financial information for the following eight object class categories: personnel, fringe benefits, travel, equipment, supplies, contractual, other, and indirect charges. These are based on either the Administration/Program budget categories or the categories used based on the State Plan's actual organizational structure, in a Supportive Cost Breakout format. State Plans may use the suggested format in **Appendix F** or a form of their own design, so long as all information is provided.

The personnel information provided on the Supportive Cost Breakout Listing must correspond to the organizational chart included in the Performance Plan and should identify the number of on-board staff/vacant positions. All supervisory positions above the first level of supervision must be reflected in Administration. Compliance assistance position(s) must be identified. Activities of this staff must be limited to compliance assistance, which may also include VPP, Strategic Partnerships, Alliances, speeches, training and other cooperative program outreach efforts, but not activities directly related to Compliance or On-site Consultation, including (SHARP). Positions devoted to private sector On-site Consultation must be separately identified in the states of Kentucky, Puerto Rico, and Washington.

1. **Personnel** Staff time (FTEs) may be apportioned among several functions and between 23(g) and 21(d) in the separate grant applications.

2. **Fringe benefits** should include information on the components and cost formula used.

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3. **Travel** refers to personnel travel costs that are reasonable and necessary to effectively manage and carry out grant activities, provide oversight or measure program effectiveness.

4. **Equipment** having a useful life of over one year and a unit acquisition cost of $5,000 or more must be separately identified, in addition to all computer-related equipment.

5. **Supplies** refers to all consumable materials costing less than $5,000 per unit.

6. The **contractual** information must identify the purpose of each contract, the contractor, and the amount of the contract. Contracts for such things as laboratory sample analysis, equipment calibration, NCR maintenance and computer services, especially for the development of alternatives or supplements to the IMIS/OSHA Information System (OIS), must be clearly identified. Note: State Plans not using SLTC as their primary lab must provide contract information as indicated in **Section IX.I.1,** below. State Plans using alternatives or supplements to the IMIS/OIS must provide contract information as indicated in Section IX.M.1 below.

7. If not included elsewhere, **Other** should identify costs associated with such things as reimbursement to the OSHA Training Institute and associated costs for courses brought to the State.

8. **Indirect Costs** (see Section IX.C) shall be included under **Administration only** and should be based on an approved indirect cost rate agreement for the grant period.

F. Program Income. State Plans that are collecting fees associated with grant activities should report the estimated amount of income expected to be generated from the grant on line 7 of the Application for Federal Assistance (SF-424A). State Plans should include a narrative description of the program income, including the nature and source of the income, and include the narrative as an attachment in the grant application. The program income may be reflected as part of the State Plan's matching funds contribution. Also, State Plans must report program income on the Federal Financial Report (FFR) submitted each quarter. For more information on program income, please refer to the OMB Uniform Guidance in 2 CFR 200 and 2 CFR 2900.

G. Assurances & Certifications/Restrictions and Conditions. By signing **Appendix H**, the recipient certifies that it will comply with the assurances and certifications, lobbying restrictions, and OSHA-specific restrictions and conditions. Potential consequences for noncompliance with any of the grant conditions can be found at 2 CFR 200 and 2 CFR 2900.

H. Financial Reports. The following financial reports are required:

1. Federal Financial Report (FFR) SF-425. The Federal Financial Report is

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due 30 days after the end of each Federal fiscal quarter with the closeout report due 90 days after the end of the performance period. All reports will be electronically submitted using the DOL E-Grants System to report the status of all funds awarded. The Region will review and process the reports once submitted in the DOL E-Grants system.

Note: Recipients that have accounting systems that prohibit them from meeting the OMB requirements on the submission of financial reports, as outlined in this section, must have written approval from the RA to establish an alternative schedule for submission of financial reports. The approved State-specific schedule must also be submitted to the National Office for inclusion in the official file.

2. Close-out Reporting. All agreements must be closed 90 days after the end of the performance period (generally December 29) using the DOL E-Grants system for electronic transmittal.

   Once a grant reaches the end of the 90-day closeout period, the Payment Management System (PMS) will no longer allow a recipient to draw down funds unless one of the following occurs:

   a. The recipient has requested and is approved for a closeout extension that has been entered in PMS.
   b. The awarding agency approves PMS to process the payment request. (In this instance, OSHA will contact the recipient to request a valid justification for payment approval.)

3. Close-out Extensions. Recipients unable to close within the 90 day period are required to request a close-out extension from the Regional Office in writing by **December 1**, providing an explanation of why they cannot close out in a timely manner. An interim (preliminary) close-out Federal Financial Report is due in the Regional Office on December 31, even when a close-out extension has been approved. All close-out extensions must be coordinated in advance with, and transmitted to, the National Office for inclusion in the official file, and any extensions beyond February 28 must be approved by the National Office.

I. Salt Lake Technical Center (SLTC). State Plans wishing to use the SLTC services exclusively for all their industrial hygiene sample analysis in FY 2016 will need to submit a new Memorandum of Agreement (MOA) with their current fiscal year grant application package. See **Appendix I.** The MOA can be downloaded from the State Plans section of the OSHA Limited Access Page and must be modified to include State-specific information. As indicated in an April 3, 2002 memorandum, State Plans without MOAs may send samples to SLTC on a periodic, as-needed basis. The cost per sample for State Plans that wish to use the SLTC laboratory exclusively is $175; the cost per sample for State Plans that use the SLTC laboratory on an occasional basis is $220. There will be a special charge for all State Plans for four exceptional sample types – CO Methoxyhemoglobin calculation - $1,150, Explosibility - $710, Gas

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Chromatograph/Mass Spectrometer Identification - $465, and Materials Failure - $2,820.

1. State Plans **without** an MOA with SLTC **must** fill out the State Plan Laboratory Information Template and include it as an attachment to the application package. See **Appendix M.** The template is designed to simplify the process of submitting lab information. On the template, provide the following information in the designated boxes:

   a. The name and address of each laboratory used for sample analysis and the associated sample type(s) for each designated field of testing. If the site where the sample is actually tested is different from the address of the laboratory's headquarters, then a headquarters address and a testing address must be included;
   b. **If different sites of the same lab are used for different samples types, then the specific laboratory location for each sample type must be included**;
   c. Funding amount for each lab/contract;
   d. An estimate of the number of samples anticipated for analysis;
   e. The contract expiration date;
   f. AIHA-PAT Proficiency Program Identification Number for each lab.

   Further, each State Plan should attach to the State Plan Laboratory Information Template:

   g. A letter of permission **from each laboratory** to be used during the course of the grant period giving SLTC access to each laboratory's AIHA-PAT program results. The letter must include each laboratory's AIHA-PAT identification number. In the case of bulk asbestos only, accreditation under the National Voluntary Laboratory Accreditation Program (NVLAP) through the National Institute of Standards and Technology (NIST) is an acceptable equivalent to AIHA-PAT proficiency.

2. State Plans should include sufficient funds in their grant application, and identify those funds, to cover payment for an appropriate level of sample analysis whether by a state or private lab with occasional use of SLTC or on an ongoing basis through an MOA with SLTC.

J. OSHA Training Institute (OTI). State Plans wishing to have the OSHA Training Institute deliver courses within their state, at the State Plan's request, are expected to reimburse OSHA for the cost of the travel and per diem expenses for OTI instructors, all fees and travel expenses associated with contract trainers, shipping charges, equipment rental, and training facility rental related to the training.

K. OSHA Connectivity Participation. State Plans who participate in OSHA connectivity agree to adhere to all Federal and DOL policies, procedures, and guidelines. These requirements govern all IT equipment and information (including hardware and software specifications).

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All desktops, laptops and/or any other devices that connect through OSHA/DOL must be configured with the OSHA image unless there is prior approval.

Commercial Off the Shelf (COTS) Software that is not part of the OSHA standard image must be pre-approved prior to purchase and, once approved and received, must be approved for installation. All approved software media, along with the required documentation, should be retained by the State Plan and not sent to the Office of Information Technology Solutions (OITS) in DAP. State Plans may not install any unapproved software on a device that is connected to the DOL network.

All computers must run the Microsoft (MS) Windows 7 operating system. All desktops, laptops and servers connected through OSHA are subject to an annual and random security review including scanning to meet all Federal and DOL policies.

State Plans connected through OSHA agree to pay OSHA for certain services provided, including an annual service fee and quarterly telecommunication charges. State Plans connected through OSHA that choose to use Citrix/VPN for remote access will receive annual bills. The fourth quarter payment will be based on an estimated bill. **All bills must be paid no later than September 15th**. Any necessary adjustments between actual charges and estimates will be made in the first quarter of the following fiscal year.

L. Information Systems (IMIS, Web IMIS, and OIS) for All State Plans. Continued participation in the Integrated Management Information System (IMIS), Web IMIS, and the OSHA Information System (OIS) is a program requirement and includes all its components. All 23(g) State Plans will continue to be charged for data processing services, telecommunications, specialized training, and other costs provided through OSHA's data systems based on quarterly bills. The fourth quarter payment will be based on an estimated bill. **All bills must be paid no later than September 15th.** Any necessary adjustments between actual charges and estimates will be made in the first quarter of the following fiscal year.

M. Alternatives Systems or Supplements to IMIS. State Plans electing to pursue the development of an alternative system or supplement to the IMIS or its successor, the OIS, may use 23(g) grant funds for this purpose, but there are no additional Federal grant funds available for this purpose.

1. The State Plan must identify the funding devoted to such a project either by creating an additional category in the Supportive Cost Breakout for this purpose, or appropriately annotating the specific personnel, contract, equipment, etc., devoted to this effort.

2. The resulting alternative or supplemental system must continue to provide data to OSHA that are identical to the data required by the Federal IMIS and OIS, and submitted in the same manner and to the same extent as though continuing to participate in the IMIS system and the OIS. Data must be timely submitted through download (e.g., an interface) into IMIS or OIS, and must be provided in a manner and format that meets OSHA's

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current as well as any future requirements. There may be no interruption in submission of data unless authorized by OSHA during the development or modification of such alternative or supplemental systems. Implementation of a new system, or change to an existing system, must be coordinated with OSHA, and OSHA must be notified at least 90 days prior to implementation of a new system or modification of an existing system.

3. A State Plan with such an alternative/supplemental system must plan to meet all requirements upon deployment of the OIS. There may be no interruption or delay in submitting data to OSHA at that time.

4. A State Plan with such an alternative/supplemental system must plan to meet all OIS software releases or modifications within a timeframe negotiated by OSHA upon receipt of specifications for the modifications.

N. Connectivity to OIS. As OIS is a web-based system, all users will need access to the Internet, preferably by high-speed connections with bandwidth capacity of at least 1.544 MB (e.g., T-1 lines or higher) or through an Internet service provider, in order to enter and retrieve data interactively and to take advantage of the video and other social media capabilities that will be provided by OSHA. State Plans not connected through OSHA should include plans and appropriate funding in their grant applications for upgrading their Internet connectivity.

O. Computer Equipment Purchases. All State Plans must obtain approval from the Office of Information Technology Solutions prior to expending Federal or state matching funds for the purchase of any data processing/computer equipment or software that will be used to connect to and provide the required information to OITS to ensure that equipment and software meets the requirements necessary to run or operate OSHA applications. Desktop or laptop computers and software that will be used to access OSHA systems including the CSHO and On-site Consultation PC Applications, Whistleblower application, new web-based and other applications as deployed, etc., must meet the minimum OSHA specifications (Refer to "OITS Help Desk" on the OSHA Intranet for current and updated computer specifications). All new computers must run the Microsoft (MS) Windows 7 operating system. All computers with OSHA network connectivity must follow OSHA standard desktop image guidelines for the operating system (currently it is MS Windows 7).

P. Computer Security. All system users (OSHA Connected, Extranet and other OSHA applications) must adhere to Federal, Department of Labor (DOL), and OSHA computer security policies, procedures, and processes, including requirements for encryption. All new system users (OSHA Connected, Extranet and other OSHA applications) must sign the Rules of Behavior. All OSHA system users must complete the mandatory DOL Annual Computer Security and Privacy Awareness Training and any other federally mandated or DOL-required computer security training to be specified, within the required time frame.

Q. OIS Training. State Plans must continue to designate individual(s) to assist OSHA in coordinating OIS training for newly-hired staff; and retraining or additional training of existing staff.

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R. Professional Certification. State Plan grant funds may be used to pay for the costs associated with obtaining professional certification for safety and health staff by a certifying organization that has been accredited by a nationally recognized accrediting organization. These include such things as a preparation course, the examination, travel and per diem. Grant funds may not be used to pay for costs associated with preparation for a second attempt for employees who initially fail a professional certification examination. Grant funds may be used to pay for the expenses associated with taking the professional certification examination a second time, including travel and per diem. For those who fail to pass a professional certification examination on their second attempt, grant funds may not be used for any additional attempts. Certification costs cannot exceed the percent of time for which an employee is dedicated to the grant/cooperative agreement. Grant funds may also not be used to pay annual fees for maintaining professional certifications.

S. OSHA/OSHSPA Meetings. State Plan attendance at joint OSHA/OSHSPA meetings is expected and is essential to State Plan effectiveness. State Plans may allocate associated costs to 23(g) and/or state matching funds.

T. Private Sector On-site Consultation. The States of Kentucky, Puerto Rico, and Washington, which operate their On-site Consultation Program through 23(g) funding, are required to administer their On-site Consultation Program under the requirements of the Consultation Policies and Procedures Manual (CPPM) or an approved, state-specific alternate CPPM. This requirement includes administering all mandatory elements of the On-site Consultation Program and reporting on these elements in the SOAR. State Plans that provide private sector consultation services under the 23(g) grant must plan to attend the Annual On-site Consultation Training Conference and otherwise meet equivalent effectiveness requirements. Costs for attendance may be allocated to 23(g) and/or state matching funds. **Appendix D** and **Appendix J** of this agreement should be completed.

If a State On-site Consultation Program has an agreement with the Regional Administrator to use On-site Consultation resources to provide assistance during state emergencies outside those activities authorized under the 23(g) agreement or OSHA Directive "National Emergency Management Plan", then the State must identify the operational description by strategy, activities, and anticipated outcome within **Appendix C** of this agreement.

U. Application Outline. **Appendix A** shows the Table of Contents format for the State Plan's application, including all required documents. This template should be used as a cover page to show the documents included in the application. Each page of the application should be numbered and the Table of Contents should reference the appropriate page numbers in the completed application.

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Appendix A

STATE PLAN
23(g) FY 2016 Grant Application Documents
Table of Contents Template

5-Year Strategic Plan (applies only if submitting a new or revised plan) ……..……...…..p. x

One-Year Annual Performance Plan…….....……p. x

a. Overview of the State Plan……..…..……p. x

b. Profile of the State Agency……p. x

1. State Demographic Profile……..…..……p. x

2. Covered Issues….……..……..…….……p. x

3. Organizational Chart…….……..……...p. x

4. 23(g) Personnel Funding Breakout……..…….. p. x

c. Mandated Activities…….…….……..……...….p. x

d. Projected Activities/Goals..…….……..…….……p. x

23(g) Object Class/Supportive Cost Breakout…….……..p. x

Form OSHA 110 – 23(g) Grant Agreement……..…….…….....……...p. x

23(g) Assurances & Certifications, Restrictions and Conditions……..……...p. x

23(g) MOA with Salt Lake Technical Center (SLTC) or
State Plan Laboratory Information Template……..….….…….....…p. x

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Appendix B

Annual Performance Plan Elements

Overview	A comprehensive overview of the State's current occupational safety and health program, including identification of any program changes or new initiatives since the previous grant application.
Profile of the State Agency	Provide a detailed organizational chart of the components involved in the State Plan. In addition, the total number of allocated staff and a breakout of compliance, compliance assistance, and On-site Consultation staff, expressed in full-time equivalents (FTEs), need to be included. (See Appendix E, Personnel Funding Breakout Chart). • State Demographic Profile. Number of covered private sector employers and number of covered private sector employees, both broken out by major North American Industrial Classification System (NAICS) Division. Number of covered state and local government employers and state and local government employees. • Identification of Covered Issues. List those issues that the State Plan covers and those that remain a Federal responsibility.
Mandated Activities	Activities mandated under the OSH Act (e.g., inspections and citations) are considered core elements of an effective occupational safety and health program. They should be tied to the State Plan's strategic goals where possible. The Performance Plan should discuss the performance of mandated activities as strategic tools wherever appropriate to achieve State Plan goals. For example, issuing standards, conducting inspections, and issuing citations are among the activities which could be used to achieve the strategic goal of reducing injuries and illnesses. Where the mandated activities are neither tied to specific strategic goals nor addressed through the State Activity Mandated Measures report, ensure that the activities are covered by the grant assurances. (*See* Appendix H, 23(g) OSHA Restrictions and Conditions).

Projected State Plan Activities	• Inspections. Provide total projections broken out by safety and health, as well as by private sector and state and local government workplaces.
	• On-site Consultation Visits in Private Sector (KY, PR, WA). Provide total projections broken out by safety and health for anticipated number of On-site Consultation visits in the private sector.
	• On-site Consultation Visits in State and Local Government Workplaces. Provide projections broken out by safety and health for the anticipated number of On-site Consultation visits in state and local government workplaces.
	• Compliance Assistance. Provide the current number, the projected growth, and end-of-year total for:
	  • Voluntary Protection Programs (by general industry, construction, state and local government sectors as applicable).
	  • State Cooperative Programs:
	  o Partnerships and other similar programs providing enforcement incentives such as inspection exemptions or penalty reductions for participating employers.
	  o Alliances and other similar programs that do not involve enforcement incentives.
	  • Outreach Participants/Trainees affected by outreach activities during the period.
	  • Safety and Health Achievement Recognition Program (SHARP) participants.

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Appendix C

Annual Performance Goals Template

Performance Goals: For each performance goal, provide the following information in the format listed below. Performance goals should relate to the specific strategic goal. A strategic goal may have more than one performance goal.

Strategic Goal #	
Annual Performance Goal #	
Strategy	
Performance Indicator(s) (including activity, intermediate outcome, and primary outcome measures)	
Data Source(s)	
Baseline	
Comment	

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Appendix D

23(g) State Plans Projected Program Activities Template

23(g) Compliance and On-site Consultation

23(g) Compliance & On-site Consultation	Actual FY 2014		Estimated FY 2015		Projected FY 2016	
	Safety	Health	Safety	Health	Safety	Health
Private Sector Inspections - Non-Construction						
Private Sector Inspections - Construction						
State and Local Governent Inspections - Total						
Total Inspections	**0**	**0**	**0**	**0**	**0**	**0**
State and Local Government Consultation Visits						
Private Sector Consultation Visits - 23(g) (KY, PR, and WA Only)						
Total Consultation Visits	**0**	**0**	**0**	**0**	**0**	**0**

23(g) Compliance Assistance

23(g) Compliance Assistance	Actual FY 2014		Estimated FY 2015		Projected FY 2016	
	New	Total	New	Total	New	Total
VPP Participants - General Industry						
VPP Participants - Construction						
VPP Participants - State and Local Government						
Participants in Cooperative Programs with Enforcement Incentives (i.e., Strategic Partnerships)						
Participants in Cooperative Programs without Enforcement Incentives (i.e., Alliances)						
Private Sector SHARP Participants - 23(g) (KY, PR, and WA Only)						
State and Local Government SHARP participants						
Outreach Participants						

New participants *are those that become active during the fiscal year. The total number of participants is the number that is active at the end of the fiscal year, and includes all new sites from that year.*

Note: Fiscal year based on Federal fiscal year.

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Appendix E
23(g) Personnel Funding Breakout Chart Template

23(g) Grant Positions	Allocated FTE Funded 50/50	Allocated FTE 100% State Funded	Total	50/50 Funded FTE On Board as of 7/1/15	100% State Funded FTE On Board as of 7/1/15
Managers/Supervisors (Admin)			0.00		
First Line Supervisors			0.00		
Safety Compliance Officers			0.00		
Health Compliance Officers			0.00		
Discrimination Investigator			0.00		
Private Sector Safety Consultants (KY, PR, WA)			0.00		
Private Sector Health Consultants (KY, PR, WA)			0.00		
State/Local Gov. Safety Consultants			0.00		
State/Local Gov. Health Consultants			0.00		
Compliance Assistance Specialist			0.00		
Trainers			0.00		
Clerical/Admin/Data System			0.00		
Other (all positions not elsewhere counted)			0.00		
Total 23(g) FTE	0.00	0.00	0.00	0.00	0.00

Notes:

- *FTEs should be expressed in percentage of time allocated to 23(g) grant/agreement.*
- *Managers/Supervisors are now separated from First Line Supervisors. Managers/Supervisors would be Administrative where First Line Supervisors would be Program.*
- *For compliance officers, include all allocated or onboard positions or portions thereof, as appropriate, devoted to field enforcement activities (on-site, case documentation, informal conferences, and other CSHO-related activities).*
- *All information on this chart must correspond to the Organizational Chart and Object Class/Supportive Cost Breakout chart, and must not include personnel outside the 23(g) program.*

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Appendix F
23(g) Object Class/Supportive Cost Breakout Template

A. PERSONNEL (Indicate whether position(s) is (are) Enforcement (safety/health), 23(g) Consultation, Compliance Assistance, Outreach/Training/Cooperative Programs, Standards, Mgt. Information Systems, Laboratories, Review Process, Non-discrimination.)

Title	Program Type	Name	Annual Salary	% of Participation in FTE	Administration	Program	Federal Share	State Match	State 100% Funded	Total Cost
										$0.00
										$0.00
										$0.00
										$0.00
										$0.00
										$0.00
										$0.00
										$0.00
										$0.00
										$0.00
										$0.00
										$0.00
										$0.00
										$0.00
Subtotal			$0.00	0.00	$0.00	$0.00	$0.00	$0.00	$0.00	$0.00

B. FRINGE BENEFITS (Include components and cost formula[s] used).

Item	Administration	Program	Federal Share	State Match	State 100% Funded	Total Cost
						$0.00
						$0.00
						$0.00
						$0.00
						$0.00
Subtotal	$0.00	$0.00	$0.00	$0.00	$0.00	$0.00

C. TRAVEL (Include travel cost for OTI, IMIS Successor (OIS) training, OSHSPA attendance, etc.).

Item	Administration	Program	Federal Share	State Match	State 100% Funded	Total Cost
Out of State						
						$0.00
						$0.00
						$0.00
Subtotal	$0.00	$0.00	$0.00	$0.00	$0.00	$0.00
In-State						
						$0.00
						$0.00
						$0.00
Subtotal	$0.00	$0.00	$0.00	$0.00	$0.00	$0.00
Out-of-State and Instate Subtotal	$0.00	$0.00	$0.00	$0.00	$0.00	$0.00

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D. EQUIPMENT (Itemize and describe details on equipment costing $5,000+ with a useful life of 1+ year(s) and all computer-related equipment purchases)

Item	Administration	Program	Federal Share	State Match	State 100% Funded	Total Cost
						0
						0
Subtotal	0	0	0	0	0	0

E. SUPPLIES

Item	Administration	Program	Federal Share	State Match	State 100% Funded	Total Cost
						0
						0
Subtotal	0	0	0	0	0	0

F. CONTRACTUAL (Itemize and describe the purpose of each contract, contractor name and cost. Include costs for such things as laboratory sample analysis, equipment calibration, NCR maintenance and computer services.)

Item/Purpose of Contract	Name of Contractor	Administration	Program	Federal Share	State Match	State 100% Funded	Total Cost
							$0.00
							$0.00
Subtotal		$0.00	$0.00	$0.00	$0.00	$0.00	$0.00

G. OTHER (Itemize and describe costs not included elsewhere such as reimbursement to OTI and associated course expenses, etc.)

Item	Administration	Program	Federal Share	State Match	State 100% Funded	Total Cost
						$0.00
						$0.00
Subtotal	$0.00	$0.00	$0.00	$0.00	$0.00	$0.00

H. TOTAL DIRECT CHARGES

	Administration	Program	Federal Share	State Match	State 100% Funded	Total Cost
Sum of A through G	#REF!	#REF!	#REF!	#REF!	#REF!	#REF!

I. TOTAL INDIRECT CHARGES (Include in Admin. Provide information on Indirect Cost Rate used.)

	Administration	Federal Share	State Match	State 100% Funded	Total Cost
Total					$0.00

J. TOTAL CHARGES (DIRECT AND INDIRECT)

	Administration	Program	Federal Share	State Match	State 100% Funded	Total Cost
Sum of H & I	#REF!	#REF!	#REF!	#REF!	#REF!	#REF!

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Appendix G
OSHA 110 Form – 23(g) Grant Agreement

U.S. DEPARTMENT OF LABOR
Occupational Safety and Health Administration

GRANT AGREEMENT

OSHA 23(g) OPERATIONAL PROGRAM

CFDA: 17.503
Occupational Safety and Health_State Program

(1) Region: _____

State: _____

Grantee: _____

Grant Number: SP _____

Starting Date: October 1, 2015

Ending Date: September 30, 2016

(2) Recipient
Name:
Address:

_____

Recipient Liaison Representative

_____

Area Code and Telephone Number

(3) U.S. Department of Labor

_____

OSHA Liaison Representative

_____

Area Code and Telephone Number

(4) Authority for Grant: P.L. 91-596, under Section 23(g)

		Pct. Total Funds
1. Federal Base Award Amount:	_____	50%
2. State Base Award Amount: (please do not include 100% funding)	_____	50%
3. Total Recipient Share:	_____	
4. Recipient 100% Funding: (please also include in line 3)	_____	
5. Total State and Federal Funds Allocated to This Agreement: (line 1 plus line 3)	_____	

Uniform Administrative Requirements, Cost Principles, and Audit Requirements:
2 CFR Part 200: Uniform Administrative Requirements, Cost Principles, and Audit Requirements, Final Rule
2 CFR Part 2900: DOL Exceptions to 2 CFR Part 200

Terms and Conditions of the Grant:
This GRANT AGREEMENT includes the award notification letter as well as the entire grant application, including all attachments, exhibits, enclosures, etc.

(5) Recipient Approval

Signature Date

_____

Type Name and Title

(6) Federal Approval

Kimberly A. Locey, Director Date
Administrative Programs

Form OSHA 110

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Appendix H

23(g) Assurances and Certifications, Non-Construction Programs (including Lobbying Certification) with 23(g) OSHA Restrictions and Conditions

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Note: Some of these assurances may not be applicable to your program. If you have questions, please contact the awarding agency. Some Federal awarding agencies may require applicants to certify to additional assurances. If this is the case, you will be notified.

As the duly authorized representative of the applicant, I certify that the applicant:

1. Has the legal authority to apply for Federal assistance, and the institutional, managerial and financial capability (including funds sufficient to pay the non-Federal share of project costs) to ensure proper planning, management and completion of the project described in this application.

2. Will give the awarding agency, the Comptroller General of the United States, and if appropriate, the State, through any authorized representative, access to and the right to examine all records, books, papers, or documents related to the award; and will establish a proper accounting system in accordance with generally accepted accounting standards or agency directives.

3. Will establish safeguards to prohibit employees from using their positions for a purpose that constitutes or presents the appearance of personal or organizational conflict of interest or personal gain.

4. Will initiate and complete the work within the applicable time frame after receipt of approval of the awarding agency.

5. Will comply with the Intergovernmental Personnel Act of 1970 (42 U.S.C §§4728-4763) relating to prescribed standards for merit systems for programs funded under one of the nineteen statutes or regulations specified in Appendix A of OPM's Standards for a Merit System of Personnel Administration (5 CFR 900, Subpart F).

6. Will comply with all Federal statutes relating to nondiscrimination. These include but are not limited to: (a) Title VI of the Civil Rights Act of 1964 (P.L. 88-352), which prohibits discrimination on the basis of race, color or national origin; (b) Title IX of the Education Amendments of 1972, as amended (20 U.S.C. §§1681-1683, and 1685-1686), which prohibits discrimination on the basis of sex; (c) Section 504 of the Rehabilitation Act of 1973, as amended (29 U.S.C. §794), which prohibits discrimination on the basis of handicaps; (d) the Age Discrimination Act of 1975, as amended (42 U.S.C. §§6101-6107), which prohibits discrimination on the basis of age; (e) the Drug Abuse Office and Treatment Act of 1972 (P.L. 92-255), as amended, relating to nondiscrimination on the basis of drug abuse; (f) the Comprehensive Alcohol Abuse and Alcoholism Prevention, Treatment and Rehabilitation Act of 1970 (P.L. 91-616), as amended, relating to nondiscrimination on the basis of alcohol abuse or alcoholism; (g) §§523 and 527 of the Public Health Service Act of 1912 (42 U.S.C. §§290 dd-3 and 290 ee-3), as amended, relating to confidentiality of alcohol and drug abuse patient records; (h) Title VIII of the Civil Rights Act of 1968 (42 U.S.C §§3601 et seq.), as amended, relating to nondiscrimination in the sale, rental or financing of housing; (i) Title VI of the Civil Rights Act of 1964 (42 U.S.C. §§2000d) and section 188 of the Workforce Investment Act of 1998 (P.L. 105-220), as it relates to the prohibition against national origin discrimination for persons with limited English proficiency (pursuant to Executive Order 13166 issued August 11, 2000); (j) any other nondiscrimination provisions in the specific statute(s) under which application for Federal assistance is being made; and (k) the requirements of any other nondiscrimination statute(s) which may apply to the application.

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7. Will comply with Executive Orders 12876, 12900, 12928, and 13021 by strongly encouraging contractors to provide subcontracting opportunities to Historically Black Colleges and Universities, Hispanic-Serving Institutions, and Tribal Colleges and Universities.

8. Will comply, or has already complied, with the requirements of Titles II and III of the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970 (P.L. 91-646), which provide for fair and equitable treatment of persons displaced or whose property is acquired as a result of Federal or federally assisted programs. These requirements apply to all interests in real property acquired for project purposes regardless of Federal participation in purchases.

9. Will comply with the provisions of the Hatch Act (5 U.S.C. §§1501-1508 and 7324-7328), which limit the political activities of employees whose principal employment activities are funded in whole or in part with Federal funds.

10. Will comply, as applicable, with the provisions of the Davis-Bacon Act (40 U.S.C. §§276a to 276a-7), the Copeland Act (40 U.S.C. §276c and 18 U.S.C. §874), and the Contract Work Hours and Safety Standards Act (40 U.S.C. §§327-333), regarding labor standards for federally assisted construction sub-agreements.

11. Will comply, if applicable, with flood insurance purchase requirements of Section 102(a) of the Flood Disaster Protection Act of 1973 (P.L. 93-234), which requires recipients in a special flood hazard area to participate in the program and to purchase flood insurance if the total cost of insurable construction and acquisition is $10,000 or more.

12. Will comply with environmental standards which may be prescribed pursuant to the following: (a) institution of environmental quality control measures under the National Environmental Policy Act of 1969 (P.L. 91-190) and Executive Order (EO) 11514; (b) notification of violating facilities pursuant to EO 11738; (c) protection of wetlands pursuant to EO 11990; (d) evaluation of flood hazards in flood plains in accordance with EO 11988; (e) assurance of project consistency with the approved State management program developed under the Coastal Zone Management Act of 1972 (16 U.S.C. §§1451 et seq.); (f) conformity of Federal actions to State (Clear Air) Implementation Plans under Section 176(c) of the Clear Air Act of 1955, as amended (42 U.S.C. §§7401 et seq.); (g) protection of underground sources of drinking water under the Safe Drinking Water Act of 1974, as amended, (P.L. 93-523); and (h) protection of endangered species under the Endangered Species Act of 1973, as amended, (P.L. 93-205).

13. Will comply with the Wild and Scenic Rivers Act of 1968 (16 U.S.C. §§1271 et seq.), related to protecting components or potential components of the national wild and scenic rivers system.

14. Will assist the awarding agency in assuring compliance with Section 106 of the National Historic Preservation Act of 1966, as amended (16 U.S.C. §470), EO 11593 (identification and protection of historic properties), and the Archaeological and Historic Preservation Act of 1974 (16 U.S.C. §§469a-1 et seq.).

15. Will comply with the National Research Act (P.L. 93-348) regarding the protection of human subjects involved in research, development, and related activities supported by this award of assistance.

16. Will comply with the Laboratory Animal Welfare Act of 1966 (P.L. 89-544, as amended, 7 U.S.C. §§2131 et seq.) pertaining to the care, handling, and treatment of warm-blooded animals held for research, teaching, or other activities supported by this award of assistance.

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17. Will comply with the Lead-Based Paint Poisoning Prevention Act (42 U.S.C. §§4801 et seq.), which prohibits the use of lead-based paint in construction or rehabilitation of residence structures.

18. Will cause to be performed the required financial and compliance audits in accordance with the Single Audit Act Amendments of 1996 and OMB Uniform Guidance 2 CFR 200 and exceptions in 2 CFR 2900.

19. Will comply with all applicable requirements of all other Federal laws, executive orders, regulations and policies governing this program.

20. Will comply with the requirements for Federal Funding Accountability and Transparency Act (2 CFR Part 170) and the Universal Identifier and System for Award Management, formerly Central Contractor Registration (2 CFR Subtitle A, Chapter I and Part 25).

21. In accordance with Section 516 of the 1989 Department of Labor Appropriation Act, the grantee agrees that when issuing statements, press releases, requests for proposals, bid solicitations or other documents describing the grant project or program the grantee shall clearly state the percentage of the total costs of the program or project which will be or is being financed with Federal money.

22. In accordance with the Drug-Free Workplace Act of 1988, the grantee certifies that it will provide a drug-free workplace by:

    (a) 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;

    (b) Establishing a drug-free awareness program to inform employees about:

        (1) The dangers of drug abuse in the workplace;

        (2) The grantee's policy of maintaining a drug-free workplace;

        (3) Any available drug counseling, rehabilitation, and employee assistance programs; and

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

    (c) 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 (a);

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

        (1) Abide by the terms of the statement; and

        (2) Notify the employer of any criminal drug statute conviction for a violation occurring in the workplace no later than five days after such conviction;

    (e) Notifying the agency within ten days after receiving notice under subparagraph (d)(2) from an employee or otherwise receiving actual notice of such conviction;

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(f) Taking one of the following actions, within 30 days of receiving notice under subparagraph (d)(2), with respect to any employee who is so convicted:

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

(2) 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;

(g) Making a good faith effort to continue to maintain a drug-free workplace through implementation of paragraphs (a), (b), (c), (d), (e) and (f).

Lobbying Certification

23. The undersigned certifies, to the best of his or her knowledge and belief, that:

(a) No Federal appropriated funds have been paid or will be paid by or on behalf of the undersigned, to any person for influencing or attempting to influence an officer or an employee of an agency, a Member of Congress, an officer or employee of Congress, or an employee of a Member of Congress in connection with the awarding of any Federal award, the making of any Federal grant, the making of any Federal loan, the entering into of any cooperative agreement, and the extension, continuation, renewal, amendment, or modification of any Federal award, grant, loan, or cooperative agreement.

(b) If any funds other than Federal appropriated funds have been paid or will be paid to any person for influencing or attempting to influence an officer or employee of any agency, a Member of Congress, an officer or employee of Congress, or an employee of a Member of Congress in connection with this Federal grant, the undersigned shall complete and submit Standard Form-LLL, "Disclosure of Lobbying Activity," in accordance with its instructions.

(c) The undersigned shall require that the language of this certification be included in the award documents for all sub-awards at all tiers (including subcontracts, sub-grants, and contracts under grants) and that all sub-recipients shall certify and disclose accordingly.

This certification is a material representation of fact upon which reliance was placed when this transaction was made or entered into. Submission of this certification is a prerequisite for making or entering into this transaction imposed by section 1352, title 31, U.S. Code. Any person who fails to file the required certification shall be subject to a civil penalty of not less than $10,000 and not more than $100,000 for each failure.

(d) Section 18 of the Lobbying Disclosure Act of 1995, signed by the President on December 19, 1995, requires that any organization described in section 501(c)(4) of the Internal Revenue Code of 1986 which engages in lobbying activities shall not be eligible for the receipt of Federal funds constituting an award, grant or loan.

(1) This is to certify that we are____/are not____ an IRS 501(c)(4) entity.

(2) As an IRS 501(c)(4) entity, we have____/have not____ engaged in lobbying activities.

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23(g) OSHA Restrictions and Conditions

Restrictions and Conditions #1 through #29 are applicable to all grantees and are made a part of these assurances and certifications by the Occupational Safety and Health Administration (OSHA). These include program elements mandated by the Occupational Safety and Health Act of 1970 as amended and implementing regulations that are not addressed through other available monitoring and reporting mechanisms, and a number of other restrictions:

1. The grantee assures that the following mandated program elements are and will continue to be implemented in accordance with all statutory and regulatory requirements: (1) prohibition against advance notice of inspection; (2) worker access to hazard and exposure information; (3) safeguards to protect an employer's trade secrets; (4) employer recordkeeping; (5) legal procedures for compulsory process and right of entry; (6) posting of worker protections and rights; (7) right of a worker representative to participate in walkaround; (8) right of a worker to review a decision not to inspect (following a complaint); and (9) voluntary compliance programs.

2. The grantee understands that participation in OSHA's Integrated Management Information System (IMIS) and the OSHA Information System (OIS) and all its constituent data components, is a condition of plan approval. The State agrees to pay OSHA for data processing services, telecommunication, specialized training, and other services provided through such a system, based on quarterly bills. The fourth quarter payment will be based on an estimated bill. All bills are expected to be paid upon receipt, but must be paid no later than September 15th. Any adjustments between actual charges and estimates will be made in the first quarter of the following fiscal year, as necessary.

3. State recipients who are connected through OSHA agree to adhere to all requirements for OSHA connectivity participation (including hardware and software specifications) and to pay OSHA for requested services provided, including telecommunication charges, an annual service fee for operation and maintenance costs, software licenses, set-up of sites, servers, inappropriate use investigations, retrieval of information related to e-discovery requirements, and annual user fees for remote access. States must maintain an appropriate maintenance and repair contract for their OSHA connection network equipment (server/backup unit/router/power supply) after the initial warranty period expires. (For items billed quarterly, the fourth quarter payment will be based on an estimated bill. All bills are expected to be paid upon receipt, but must be paid no later than September 15th. Any adjustments between actual charges and estimates will be made in the first quarter of the following fiscal year, as necessary.)

4. State recipients who participate in OSHA connectivity and Extranet are required to submit a consolidated monthly report of staff separations and hires from each State IT person or other designated staff by the 15th of each month for the previous month to OSHA at HIRETERM@DOL.GOV. This will allow OITS to perform the required audit of new and deleted accounts from the system and ensure all required account request documentation has been received.

   State recipients that participate in OSHA IMIS and OIS are also required to provide the same monthly reports to the OITS Help Desk.

5. State recipients who participate in OSHA connectivity, OSHA IMIS and OIS, are required to submit account request forms for each system, along with a signed New Hires Computer Security Training acknowledgement form, if a new account is requested. Upon separation, an account deletion form for each application is required to be submitted the same day of departure. The form should clearly mark the account(s) to be deleted (i.e., Citrix, IMIS, OIS, etc.) and faxed to the OITS Help Desk at 202-693-1617 (fax).

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6. All desktops, laptops and servers connected through OSHA are subject to an annual software audit to ensure compliance with Executive Order 13103, "Computer Software Piracy," the U.S. Copyright Act, Title 17 of the U.S. Code, Department of Labor software management and acceptable use policy, and vendor software license agreements.

7. All desktops and laptops that are connected through OSHA must be configured with the OSHA image. Software that is not part of the OSHA standard image must be pre-approved by OITS prior to purchase; once approved and received, it must be approved for installation. States must maintain all approved software to avoid security risk to the OSHA network. Installation of unsupported software is not permitted and will void any prior approval.

8. All State recipients not participating in OSHA connectivity must consult with the OITS and any other designated official prior to expending Federal or State matching funds for the purchase of any data processing/computer equipment or software that will be used to connect to OSHA systems (locally or remotely) or otherwise provide information to OSHA to assure that equipment and software meet the current requirements necessary to run or operate OSHA applications. Desktop or laptop computers and software that will be used to access OSHA systems, including the CSHO and On-site Consultation PC Applications, Whistleblower application, and all web-based and other applications (including OIS) as deployed, etc., must meet the minimum OSHA specifications. Specifications are posted on the OITS Help Desk page on the OSHA Intranet/Limited Access Page.

9. All new computers must run the Microsoft (MS) Windows 7 operating system. All computers with OSHA network connectivity must follow OITS standard desktop image guidelines for the operating system (currently it is MS Windows 7).

10. All system users (OSHA Connected, Extranet and other OSHA applications) must adhere to Federal, Department of Labor (DOL), and OSHA computer security policies, procedures, and processes, including use of appropriate federal IT software.

11. All State recipients not connected through OSHA and Extranet must assure, in order to protect sensitive information, including Personally Identifiable Information, and meet OMB and DOL requirements, that encryption software meeting the requirements of the NIST Federal Information Processing Standards (FIPS) 140-2 has been installed on all computers/devices that access OSHA systems, and its use is required by all users. This must include full disk encryption of all mobile computers and file level encryption of data downloaded from OSHA information systems to portable storage devices.

12. All OSHA system users must complete the mandatory DOL annual computer security awareness training and any other federally mandated or DOL-required computer security training to be specified, within the required time frame.

13. All users connected through OSHA, Extranet and other OSHA applications must annually sign Rules of Behavior for each system accessed.

14. Only staff and contractors who have been authorized by the State recipient designated Approving Official can use Extranet to access internal agency resources. All users must change their Extranet account password every 90 days. Accounts that have not been used for 90 consecutive days will become dormant (or suspended), and accounts that have not been used for 180 consecutive days will be archived. Every six months, approving officials must recertify all Extranet accounts for which they are responsible.

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15. No 23(g) grant or matching State funds may be expended for the purchase of internal peripherals or other modifications (except replacement parts) in conjunction with the NCR equipment without prior approval from OITS.

16. No 23(g) grant or matching State funds may be expended for the development or operation of a substitute/alternative or supplemental IMIS/OIS system unless it provides all data required by OSHA, the OSHA IMIS, and the OIS, in a timely manner and in an acceptable electronic format. Any State developing an alternative or supplemental system must continue to provide data to OSHA that are identical to that required by the Federal Information System and that are submitted in the same manner and to the same extent as though continuing to participate in the Federal system. Data must be timely submitted through download (e.g., an interface) into IMIS and the OIS, and must be provided in a format that meets OSHA's current as well as any future requirements. All OIS software releases or modifications must be deployable within a timeframe negotiated by OSHA upon receipt of specifications. There may be no interruption in submission of data unless authorized by OSHA during the development or modification of such alternative or supplemental systems. States will be expected to continue to meet these requirements upon deployment of the OIS. Implementation of a new system, or change to an existing system, must be coordinated with OSHA, and OSHA must be notified at least 90 days prior to implementation of a new system, or modification of an existing system.

17. To maximize the use of the new OIS's features and to address the increasing role of videos and other social media that will provide enhanced capabilities, the State's IT capabilities must include:

    a. Network Bandwidth capacity for each user of at least 1.544 MB (e.g., T-1 Line or higher);

    b. Compliance with Federal and Department of Labor IT Security Requirements (e.g., Desktop/Mobile encryption); and

    c. Compliant with or exceeding the OSHA Desktop/Mobile hardware/software configuration.

18. States must assure that all appropriate staff participate in any required OIS training. States must continue to designate individual(s) to assist OSHA in coordinating OIS training for newly hired staff, and retraining or additional training of existing staff.

19. No 23(g) grant or matching State funds may be expended for programs coming within the jurisdiction of and/or funded by another Federal agency, whether or not the Federal program is administered by the designated State Plan agency.

20. OSHA reserves the right to transfer title to equipment acquired under this agreement with a unit cost of $5,000 or more.

21. The grantee agrees to pay OSHA for industrial hygiene sample analysis services provided by the Salt Lake Technical Center (SLTC) laboratory. Any State using the SLTC as its primary analytical laboratory must have a signed Memorandum of Agreement (MOA) on file. The fourth quarter payment will be based on an estimated bill. States without an MOA may submit samples on an occasional basis. All bills are expected to be paid upon receipt, but must be paid no later than September 15th. Any adjustments between actual charges and estimates will be made in the first quarter of the following fiscal year, as necessary.

22. The grantee agrees to pay OSHA for costs associated with the conduct of OSHA Training Institute (OTI) training courses conducted for the grantee at the grantee's request. The grantee

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will pay for travel and per diem for OTI instructors, all fees and travel expenses associated with contract trainers, shipping charges, equipment rental and training facility rental. All bills are expected to be paid upon receipt, but must be paid no later than September 15th. Any adjustments between actual charges and estimates will be made in the first quarter of the following fiscal year, as necessary.

23. No 23(g) or matching state funds may be expended for activities prohibited under OSHA's Appropriation Riders. Non-match/100 percent State funds only must be used if the State chooses to perform prohibited activities; an accounting mechanism must be in place to assure that no 23(g) or matching State funds are expended on these activities. (Any State using 100 percent State funds for such prohibited activities must appropriately utilize available OSHA information system (IMIS or its successor, the OIS) coding to reflect this).

24. No legal liability on the part of OSHA arises until the appropriation is made available within OSHA to fund the obligation. States may not begin grant activities for FY 2016 until states are notified that appropriations are currently available for these purposes. Notice will be provided through the Payment Management System (see the award notification letter).

25. States are encouraged to promote safety or health professional certification of their employees by a nationally recognized accrediting organization. State Plan Grant funds may be used to pay for the costs associated with a professional certification preparation course and the examination, including travel and per diem. No 23(g) or matching State funds may be expended for costs associated with preparation for a second attempt to obtain certification by employees who initially fail a professional certification examination. However, grant funds may be used for the examination itself and related travel and/or per diem for a second attempt. Grant funds may not be used for any subsequent attempts. Certification costs cannot exceed the percentage of time for which an employee is dedicated to the grant.

26. No 23(g) or matching State funds may be expended for annual fees associated with maintaining professional certifications.

27. State representatives are expected to attend all regularly scheduled joint meetings between OSHA and the Occupational Safety and Health State Plan Association (OSHSPA). 23(g) grant and/or State matching funds may be used for costs associated with such attendance. Attendance is essential to a State's commitment to its program. These meetings are the mechanism through which OSHA both seeks input and informs the States of its expectations for State Plan performance and structure.

28. All State recipients are expected to maintain a State Internal Evaluation Program as part of the State Plan monitoring system. Failure to operate an effective internal self-audit program will result in increased Federal oversight.

29. All State recipients must assure that an effective debt collection mechanism is in place and documented in the State Plan to assure the integrity of the program through collection of assessed penalties. Funds so collected may not be used for operation of the enforcement program.

<u>The following Additional Condition(s) apply to 23(g) States that provide On-site Consultation services under the 23(g) grant:</u>

30. States which operate their On-site Consultation Program through 23(g) funding (Kentucky, Puerto Rico and Washington), are required to administer their On-site Consultation Program under the requirements of the Consultation Policies and Procedures Manual (CPPM) or a state-specific, approved alternate CPPM. This requirement includes administering all mandatory

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elements of the On-site Consultation Program and reporting on these elements in the SOAR. States that provide private sector consultation services under the 23(g) grant must plan to attend the Annual On-site Consultation Training Conference and otherwise meet equivalent effectiveness requirements. Costs for attendance may be allocated to 23(g) and/or State matching funds.

31. States that provide private sector On-site Consultation services under the 23(g) grant must complete both Appendix D and Appendix J of this grant application.

Note: The Restrictions and Conditions which relate to the procedures for payment for various services OSHA provides may be further modified prior to the time of grant submission.

SIGNATURE OF AUTHORIZED CERTIFYING OFFICIAL	**TITLE**
APPLICANT ORGANIZATION	**DATE SUBMITTED**

Signature must be by official with signatory authority for 23(g) programs and it applies to assurances and certifications, lobbying restrictions and 23(g) OSHA restrictions and conditions.

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Appendix I

23(g) State Plans Memorandum of Agreement (MOA) for Laboratory Services with the Salt Lake Technical Center (SLTC) Template

Memorandum of Agreement for FY 2016 under Section 18 of the Occupational Safety and Health Act of 1970 for Laboratory Services by the Salt Lake Technical Center (SLTC) between

the [name of State Plan agency]

and the

Occupational Safety and Health Administration (OSHA), United States Department of Labor

Establishing conditions during FY 2016 under which the **[State agency]**, which operates a State Plan approved by the Occupational Safety and Health Administration (OSHA) under Section 18 of the Occupational Safety and Health Act of 1970 will pay the Occupational Safety and Health Administration – Salt Lake Technical Center for laboratory services related to analysis of industrial hygiene samples collected during State occupational safety and health compliance activities.

I. Terms of Agreement

A. OSHA through its Directorate of Technical Support and Emergency Management – Salt Lake Technical Center will provide analytical services with regard to all industrial hygiene samples gathered during compliance-related activities (and On-site Consultation program activities in the state and local government sector) by the **[State Plan agency]**. This service is being provided at the State's request. SLTC will provide the same analytical services to the **[State Plan agency]** as are provided to the Federal OSHA program, in the same manner and to the same extent. Specific policies and procedures for receipt and analysis of samples and delivery of results will be provided and agreed upon separately between the State and SLTC. Samples will be subject to the same chain of custody, priority and quality assurance procedures as the Federal program; expert witness testimony, when required, will be provided by the SLTC to the **[State Plan agency]**. Participation in State Plan enforcement litigation will be governed by the policy established in the January 21, 1998, memorandum from the Office of the Solicitor of Labor to the Assistant Secretary (63 FR 35611).

B. The **[State Plan agency]** agrees to utilize the services of the OSHA Salt Lake Technical Center as its primary/exclusive laboratory for compliance-related sample analysis, and to follow the policies and procedures established for sample gathering and submission by the Federal program. Samples gathered as a result of On-site Consultation program activities in the private sector, whether pursuant to a Section 21(d) On-site Consultation Agreement or under the State Plan, may **not** be submitted to the SLTC for analysis. Samples collected during either compliance or On-site Consultation program activity in the state and local government sector will be accepted for analysis by the SLTC.

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II. Cost and Payment

A. The SLTC laboratory will provide these laboratory services at a cost of **$175** per sample analyzed. This will include all related activity including expert technical advice and consultation and testimony, as mutually agreed appropriate. There will be a special charge rate for four exceptional sample types:

CO Methoxyhemoglobin Calculation	$ 1,150
Explosibility	$ 710
GC/MS* Identification	$ 465
Materials Failure	$ 2,820

** Gas Chromatograph/Mass Spectrometer*

Quarterly accountings of numbers of samples analyzed for the State will be provided together with a bill requesting payment. The fourth quarter payment will be based on an estimated bill. All bills are expected to be paid upon receipt, but must be paid no later than September 15, 2016. Any adjustments between actual changes and estimates will be made in the first quarter of the following fiscal year.

B. The **[State Plan agency]** anticipates a sample workload of approximately **[# samples]** per year and intends to pay the U.S. Department of Labor, Occupational Safety and Health Administration, for all services provided upon receipt of billings, but will deliver payment no later than September 15, 2016. The **[State Plan agency]** will include sufficient funds for these expenses in its annual State Plan grant application and will pay OSHA with Federal and State grant funds allocated to the program. The **[State Plan agency]** understands that the additional Federal staff and resources necessary to provide this service are being made available by OSHA based on the expectation of State Plan payment for at least the estimated number of samples.

III. Contacts

The **[State Plan agency]** contact for purposes of this agreement is **[Name, title, address, phone, fax, e-mail].** The OSHA contact for SLTC is:

Dean Lillquist, Director
Salt Lake Technical Center, USDOL-OSHA
8660 South Sandy Parkway
Sandy, UT 84070-6424
Phone: (801) 233-4902

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The OSHA contact for bill processing is:

James Digan, Director
Office of Program Budgeting and Financial Management
USDOL-OSHA
200 Constitution Ave., NW, Room N-3419
Washington, DC 20210
Phone: (202) 693-2111
E-mail: digan.jim@dol.gov

IV. Other Services

The Salt Lake Technical Center will continue to provide other services to the **[State Plan agency]**, such as assistance from the Health Response Team (HRT), in the same manner as currently provided. Requests for such services are to be coordinated through the Regional Office.

V. Period of Agreement

This agreement is entered into for the period **October 1, 2015 through September 30, 2016**, and may/will be renewed annually thereafter, on a fiscal year basis.

_____ Signed _____, 2015

Kimberly A. Locey, Director
Administrative Programs
Occupational Safety and Health Administration
U.S. Department of Labor

_____ Signed _____, 2015

Authorized State Representative
State Plan agency

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Appendix J

Projected On-site Consultation Program Activities (Private Sector) for State Plans Without a 21(d) Program (Kentucky, Puerto Rico, and Washington)

(Name of State)

Consultation Projects in state-plan states that have not adopted Federal measures and goals.

ACTIVITY & AREAS OF EMPHASIS	Safety	Health	Total
1. TOTAL VISITS	0	0	0
a. Construction			0
b. Non-construction			0
2. Total Area of Emphasis Visits	0	0	0
3. Percentage Area of Emphasis Visits of Total Visits	#DIV/0!	#DIV/0!	#DIV/0!
4. Emphasis Industries	0	0	0
a. Emphasis Industry 1			0
b. Emphasis Industry 2			0
c. Emphasis Industry 3 (etc.)			0
5. Emphasis Safety & Health Hazards	0	0	0
a. Emphasis Hazard 1			0
b. Emphasis Hazard 2			0
c. Emphasis Hazard 3 (etc.)			0
6. Activities related to Agency Measures			
a. Strategic Measure 1			0
b. Strategic Measure 2			
c. Strategic Measure 3 (etc.)			0

7. TOTAL SHARP SITES	0	**8. TOTAL RENEWALS**	0
a. New	0		
b. Current	0		
9. TOTAL PRE-SHARP SITES	0		
10. Total Interventions (Form 66)	0		

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Appendix K

Occupational Safety and Health Administration
State Plan States – 23(g) Operational Grants
FY 2015 Final Base Award Levels

STATE PLAN	FY 2015 Final Base Award Level
Alaska	$1,383,800
Arizona	$2,286,400
California	$26,544,300
Connecticut	$629,700
Hawaii	$1,464,000
Illinois	$1,527,100
Indiana	$2,263,400
Iowa	$2,000,600
Kentucky	$3,393,300
Maine[1]	$400,000
Maryland	$3,999,100
Michigan	$9,963,300
Minnesota	$3,991,800
Nevada	$1,457,900
New Jersey	$1,921,400
New Mexico	$994,500
New York	$3,705,200
North Carolina	$5,326,000
Oregon	$5,124,000
Puerto Rico	$2,506,300
South Carolina	$2,054,700
Tennessee	$3,850,300
Utah	$1,528,800
Vermont	$726,900
Virgin Islands	$195,700
Virginia	$3,921,300
Washington	$7,018,700
Wyoming	$531,200
Total Awards	**$100,709,700**
Unmatched Funds	$140,300
Appropriation Level	**$100,850,000**

[1] FY 2015 base funding for Maine will be available to the state if OSHA approves the Maine State Plan under Section 18 of the OSH Act in FY 2015.

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Appendix L – Regional Administrator Recommendation Memorandum Template

Date:

MEMORANDUM FOR: DOUG J. KALINOWSKI
Director
Directorate of Cooperative and State Programs

KIMBERLY A. LOCEY
Director
Directorate of Administrative Programs

FROM: <Regional Administrator Name>
Regional Administrator

SUBJECT: FY 2016 23(g) State Plan Grant Agreement Application

The region has completed the review of FY 2016 application package(s) in Grants.gov and recommends the following for approval and final review by the National office.

State	DOL E-Grants Number	Grants.gov Number

The above application(s) has (have) been reviewed in accordance with the Financial and Program Application Checklist found in Appendix N of FY 2016 State Plan Grant Agreement Application Instructions.

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Appendix M– State Plan Laboratory Information Template

*Required for all State Plans **without** an MOA for SLTC.*

Completion of this information template serves as written assurance that during the course of the grant period, the State Plan will utilize only labs that are rated proficient in the American Industrial Hygiene Association (AIHA) Proficiency Analytical Testing (PAT) program for each field of testing for which the lab is used.

Field of Testing[1]	Laboratory Name[2]	Laboratory Address[3]	Proficiency Program ID [4,5]	Contract Expiration Date[6]	Funding Amount for Lab Specified (FY 2016) [7]	Number of Samples[8]	Comments
Asbestos Bulk							
Asbestos Fibers							
Metals							
Organic							
Silica							

1. If the State Plan does not anticipate collecting any samples categorized under a Field of Testing this must be noted in the Comments.
2. If a laboratory analyzes samples under multiple Fields of Testing, repeat the entry for each Field of Testing. If the State Plan has arrangements with multiple laboratories capable of analyzing samples under a Field of Testing, all laboratories must be listed.
3. Physical address of the individual laboratory, not a parent corporation.
4. Laboratories analyzing bulk asbestos may participate in either the AIHA-PAT bulk asbestos program or the NVLAP bulk asbestos program. For other Fields of Testing the laboratory must participate in the AIHA-PAT proficiency program.
5. For each laboratory the State Plan must obtain and provide a copy of written permission from the laboratory for the OSHA Salt Lake Technical Center to obtain their proficiency scores from AIHA-PAT.
6. If the State Plan's contract with a laboratory expires during the grant year, provide a comment addressing how the State Plan will provide for sample analysis following the expiration. If a new contract is awarded to a different laboratory or laboratory location, provide the Office of State Programs and the OSHA Salt Lake Technical Center with the updated information when the contract is awarded.
7. Please provide the funding amount requested for each lab, if different labs are used for different fields of testing. If the same lab is used for all fields of testing, you may input the amount only once.
8. Estimated number of samples expected for each field of testing.

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Appendix N– Financial and Program Application Checklist

Note: This is intended to be a guideline and does not limit the items reviewed in the application package.

Financial Application Checklist

OSHA 110

- ❑ Is the correct version of the OSHA 110 included in the application?
- ❑ Is all of the information on the OSHA 110 completed? (Please note that the document number should be left blank and Section 1, 2 and 3 must be correct.)
- ❑ Is the Form OSHA 110 signed & dated by the state designee (or its designated representative)?
- ❑ Has the Directorate of Administrative Programs (DAP) been informed of any changes to the state designee since the last application?
- ❑ Does the Federal award level agree with the award level provided in the instructions?
- ❑ Is the state match calculated correctly?

SF424/SF424A

- ❑ Is all of the information on the SF 424/SF424A completed correctly?
- ❑ Is the CFDA number 17.503 for 23(g)?
- ❑ Do the totals in Section A of the SF 424A agree with the totals in Section B?
- ❑ Is Page 2 of the SF424A complete and accurate?
- ❑ Is the administrative cost rate 25% or below the total grant/agreement?
- ❑ Are the administrative costs under Administration not Program?
- ❑ Is program income included? If so, is a description of the nature and source included in the application and is a narrative included as an attached to the application?
- ❑ Are indirect costs included on the SF424A? If so, are the costs based on an approved indirect cost rate agreement?

Other Documents & Review Items

- ❑ Is the Supportive Cost Breakout included for 23(g) applications and are these costs traceable back to the SF 424A?
- ❑ Do the dollar amounts on the OSHA 110/SF 424/SF424A/Supportive Cost Breakout agree with each other?
- ❑ Are the costs listed on Supportive Cost Breakout allowable in accordance with the OMB Uniform Guidance?
- ❑ Are the costs shown in the correct object class categories and the correct budget categories – Program vs. Administration vs. 100% State funding?
- ❑ Are the correct versions of assurances and certifications signed and dated by the state designee (or its designated representative)?
- ❑ Does the Regional recommendation memorandum identify the State, DOL E-Grants and Grants.gov numbers for the application package that should be reviewed?

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Appendix N – Financial and Program Application Checklist

Program Application Checklist

Supplemental Documents

- ❑ Is a New Five-Year Strategic Plan included (if applicable)?

Laboratory Information

- ❑ Is there an MOA for those states utilizing SLTC as their primary lab? If so, is the MOA accurately completed, signed, and dated?
- ❑ If there is no MOA with SLTC, is the State Plan Laboratory Information Template filled out completely, including the laboratory's name and address, proficiency program ID, contract expiration date, funding amount, and number of samples filled out for each field of testing?
- ❑ Is there a letter attached, printed on proper letterhead, from each lab used that gives Salt Lake City Technical Center access to their IHPAT Proficiency Testing Program results? (Only required for those states without an MOA with SLTC)

Inspections, Consultations and Compliance Assistance Information

- ❑ Is all requested inspection data for the past three years included?
- ❑ Are numbers of state and local government sector consultations specified?
- ❑ For KY, PR, and WA only: is 23 (g) information included?
- ❑ For KY, PR and WA only: Is Appendix J, "Projected On-site Consultation Program Activities (Private Sector) for States Plans Without a 21(d) Program" completed?
- ❑ Is Appendix D filled out completely, showing inspections, consultation visits, and Compliance Assistance Data?
- ❑ Is the total number of outreach participants included on Appendix D?

Annual Performance Plan

- ❑ Has the State submitted an Annual Performance Plan approved by the RA?
- ❑ Are the activities and outcome/results-oriented goals aligned with their 5-Year Strategic Plan? Does it include specific activities and their outcome/results-oriented goals, encompassing all major components of program?

Personnel Information

- ❑ Is an Organization Chart included?
- ❑ Is there a 23(g) Personnel Funding Breakout Chart (Appendix E) included?
- ❑ Is Appendix E filled out completely, showing all allocated and onboard enforcement staff as well as 23 (g) state and local government consultants (where applicable)?
- ❑ Are staff properly categorized under 50/50, 100% state, etc. where applicable?
- ❑ Are all discrimination investigators reflected in both Appendix E and the Organizational Charts?

Conditions and Restrictions

- ❑ Does the application contain the 23(g) Certification/Assurances, Lobbying Restrictions and Restrictions/Conditions appropriately signed by a State official with signatory authority?
- ❑ Does funding reflect planning for OIS transition/interface (if applicable)?
- ❑ Does funding reflect NCR, IMIS/OIS charges?
- ❑ Is there an included supportive Cost Breakout contains all information required (contractor's name, cost, purpose), on all contractors (i.e., labs, maintenance contractors on equipment/computers, alternative/substitute IMIS/OIS systems, etc.)?
- ❑ Is there OSHSPA travel funding allocated (and OSHCON for KY, PR, and WA only)?

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