



Northwest Justice Project

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César E. Torres
Executive Director

Send by e-mail to: LSCGrantAssurances@lsc.gov

May 18, 2015
Stefanie K. Davis
Assistant General Counsel
Legal Services Corporation
3333 K Street NW
Washington, D.C. 20007

RE: Comments to Notice of Proposed Revisions for the LSC Grant Assurances for Calendar Year 2016 Funding (80 FR 21264, April 17, 2015)

Dear Ms. Davis:

I am writing on behalf of the Northwest Justice Project (NJP) regarding the proposed additions to the LSC Grant Assurances. NJP agrees with the comments submitted by NLADA regarding the issues raised by the proposed Grant Assurance changes. NJP currently has and maintains a conflicts of interest policy that its board members and executive management staff are required to review and sign each year. One concern raised by proposed Grant Assurance 13 is what is intended by “affected employees.” NJP has determined that “affected employees” under its conflicts of interest policy are its governing board and its six member executive management team. Under NJP’s structure and policy, these are the only persons who are authorized to procure goods and services and can bind NJP to significant financial commitments. Assuming “affected employees” is left to be determined by the recipient program solely in its discretion, NJP supports the requirement. However, if by the requirement LSC intends to expand which employees are subject to a recipient’s conflicts of interest policy, NJP does not support creating a new bureaucratic process to those beyond what is needed to meet the specific goals of a grantee’s conflicts of interest policy.

Regarding a written whistleblower policy, again NJP currently has and maintains a “whistleblower” policy as part of its personnel manual applicable to all staff. NJP’s personnel manual is available to all staff through its staff intranet and the manual is updated annually. NJP notifies (trains) all new staff on the policy at the time of hire and notifies (trains) board members during a formal orientation for new board members. It is unclear what LSC intends with a grant assurance that recipient programs “provide training...to staff and board members” or what type of documentation will be deemed satisfactory to comply with the grant assurance. NJP disagrees with LSC imposing through the grant assurances any new training and documentation requirement related to a well communicated “whistleblower”

policy, particularly given the lack of specificity regarding the training documentation and the risks involved in potentially failing to meet LSC's expectations in this regard.

Regarding proposed changes to Grant Assurance 17, NJP agrees with comments submitted by NLADA. Specifically, NJP does not understand the need for language that extends the notification requirement to report employees charged with fraud, etc. to "any employee with fiscal responsibilities." It is unclear who this applies to and whether it is intended to include not only the finance director (officer) but also any staff member (e.g., legal assistants and other support staff) who may have responsibility for documenting litigation costs, requesting distribution of funds to clients from the program's trust account, reconciling a \$100 petty cash account or being a local office checking account check signer, authorizing payment to private attorneys under a PAI contract attorney system, an account payables clerk, etc. Given that Grant Assurance 16 already requires reporting to the OIG within two business days any loss of \$200 through criminal activity, including theft of time (in reference to any employee), expanding the notice requirements to a potentially broad and undefined category of employees regarding actions related to those who are charged with a crime or loss of license due to fraud, etc., is unnecessary and duplicative.

Thank you for the opportunity to comment on the proposed Grant Assurance changes.

Sincerely,



Deborah Perluss

Director of Advocacy/General Counsel

C César E. Torres, Executive Director

Steve Pelletier, Director of Finance