

**FOOD DISTRIBUTION PROGRAM ON INDIAN RESERVATIONS
PLAN OF OPERATION GUIDANCE**

A cover sheet should be attached to the Plan of Operation which identifies the State agency by name and address; effective Fiscal Year; authority citation; name and location of each reservation served; statement that the State Agency will abide by pertinent legislation, regulations, instructions, and FNS Handbook 501 (or other approved operating manual); and joint FNS and State agency signature blocks. A sample cover sheet is shown below.

**FOOD DISTRIBUTION PROGRAM ON INDIAN RESERVATIONS
Plan of Operation and Budget**

State Agency:

(Name)

(Address)

SPECIMEN

Authority Citation:

Reservation(s) Served

Location(s)

The State agency responsible for program operations of the Food Distribution Program on Indian Reservations agrees to abide by all pertinent legislation, regulations, instructions, and FNS Handbook 501.

Submitted by:

Approved By:
Food and Nutrition Service

JOHN DOE
Chairman

JOHN SMITH
Regional Administrator

(Date)

(Date)

I SCOPE OF OPERATION

Required: A detailed description of the geographic boundaries of the relevant areas to be served including tribal reservation land, near area(s), and urban place(s).

Regulation cite: 7 CFR 253.4(d)

Guidance: This section of the plan should include:

- A. Narrative description and maps of defined reservation boundaries;
- B. Narrative description and maps of near reservation area(s);
- C. Description of previously approved urban area(s) and dates of FNS approval, including name of city or town and population; and
- D. (Optional) Tribes which will be served in each defined area.

II STORAGE AND DISTRIBUTION

Required: A detailed description of the manner in which commodities will be distributed, including, but not limited to, the storage and distribution facilities to be used.

Regulation cite: 7 CFR 253.5(a) (2)

Guidance: This section of the plan should include:

- A. Location of each storage facility;
- B. Floor and height dimensions of cold and dry storage areas;
- C. Description of type of each storage facility (i.e., commercial, tribal building, etc.);
- D. Procedures taken to ensure that the handling, storage, and distribution of foods are safeguarded against theft, spoilage, infestation, fire, and other losses;
- E. Frequency and estimated number of participants to be served at each distribution site;
- F. Type of distribution offered to participants at each distribution site (i.e., manual, over-the-counter, or tailgate);
- G. Procedures used to ensure issuance of commodities to households on a 1-day expedited basis for hardship cases; and
- H. Procedures for controlling disposition of damaged commodities (i.e., list of emergency contacts and telephone numbers).

III DUAL PARTICIPATION

Required: A detailed description of the State agency's procedures for preventing simultaneous participation of households in both the Food Stamp Program and the Food Distribution Program on Indian reservations.

Regulation cite: 7 CFR 253.5(a) (2)

Guidance: This section of the plan should include:

- A. Procedures used to control simultaneous participation of households in the Food Stamp Program and other Food Distribution Program on Indian Reservations, including a list of offices contacted; and
- B. Procedures used to permit households to smoothly switch participation from the Food Stamp Program to the Food Distribution Program on Indian Reservations and vice versa.

IV FOOD PREFERENCES

Required: A detailed description of the State agency's system used to determine food preferences of households.

Regulation cite: 7 CFR 253.5(a) (2)

Guidance: This section of the plan should include a description of methods used to collect food preferences from households, including the frequency of collection.

V NONDISCRIMINATION

Required: A detailed description of the procedures for complying with the nondiscrimination requirements, and any applicable nondiscrimination requirements specified by the Department.

Regulation cite: 7 CFR 253.5(a) (2)

Guidance: This section of the plan should include:

- A. Description of procedures for handling civil rights complaints; and
- B. Location of nondiscrimination posters.

VI PROGRAM MONITORING

Required: A detailed description of the State agency's procedures for monitoring the program to ensure compliance with the regulations and guidance provided by FNS.

Regulation cite: 7 CFR 253.5(i)

Guidance: This section of the plan should include:

Procedures for detecting program deficiencies, including frequency of internal reviews;

- A. Procedures for documenting all program deficiencies found and related corrective action procedures;
- B. Description of procedures for handling program complaints; and
- C. Name and title of the fair hearing official.

VI PROGRAM TRAINING

Required: A detailed description of the State agency's procedures for training personnel involved in the Food Distribution Program on Indian Reservations activities.

Regulation cite: 7 CFR 253.5(f)

Guidance: This section should include:

- A. Procedures for detecting training needs; and
- B. Description of training sessions to be held.

VIII STAFFING

Required: A list of all employees, by job title, working on the Food Distribution Program on Indian Reservations.

Regulation cite: 7 CFR 253.5(c)

Guidance: This section of the plan should include:

- A. Description of organizational structure;
- B. Description of each employee's responsibilities, including staff persons responsible for conducting nutrition education; and

- C. Explanation of how a contract with an outside agency for any portion of program administration will work with staff.

IX NUTRITION EDUCATION

Required: A detailed description of the procedures used for making food and nutrition education information and materials available to participating households.

Regulation cite: 7 CFR 253.5(g)

Guidance: This section of the plan should include:

- A. Explanation of how participants will be informed of the commodity foods in the food package (i.e., visual aids, printed materials, home demonstrations, etc.); and
- B. Location and description of applicable posters and other materials.

X FINANCIAL MANAGEMENT

Required: Any State agency administering an ongoing Food Distribution Program on Indian Reservations which desires to receive administrative funds shall submit an SF-424, Application for Federal Assistance, and supporting narrative to the appropriate FNS regional office at least 3 months prior to the beginning of each Federal Fiscal Year. The budget information required in Part III of the application shall reflect by category of expenditures, the State agency's best estimate of the total amount to be expended in the administration of the Food Distribution Program on Indian Reservations during a Federal Fiscal Year.

Regulation cite: 7 CFR 253.9

Guidance: This section of the plan should include:

- A. Budget
 - 1. All sources of funding for the program;
 - 2. Categorization of State agency expenditures in Part III, Sections A and B of SF-424 by indicating the division of funds among the following categories: Certification; Storage and Distribution; Nutrition Education; and Other;
 - 3. Indication of whether equipment expenses are for maintenance, rental fees, or new purchases;

FNS HANDBOOK 501
EXHIBIT A

4. Estimation of caseload for ongoing programs reflecting the program's 12-month average participation, as reported on Form FNS-152; and
5. A copy or detailed summary of the current indirect cost agreement.

B. Narrative

1. Description of procedures and controls in effect that ensure accounting records reflect the Fiscal Year authorized administrative funds;
2. Description of how the financial management system accommodates drawdowns on Letters of Credit; and
3. Description of the checks and balances used in making disbursements.

XI EXHIBITS

Guidance: The exhibits to the Plan of Operation should include:

- A. A detailed list of all approved program forms including, complete title and FNS approval date of each form;
- B. Any new forms which need approval;
- C. Organizational charts;
- D. Reservation maps; and
- E. Memorandum(s) of understanding (If applicable).

SAMPLE COPY OF FORM FNS-74

According to the Paperwork Reduction Act of 1995, no persons are required to respond to a Collection of Information unless it displays a valid OMB control number. The valid OMB control number for this information collection is 0584-0067. The time required to complete this information collection is estimated to average 15 minutes per response, including the time to review instructions, search existing data resources, gather the data needed, and complete and review the information collection.

INSTRUCTIONS: Sign and submit the original and one copy of this Agreement to your FNS regional office. You must have original signatures on both copies of the agreement and the following attachments, which become part of this Agreement: Certification Regarding the Drug-Free Workplace Requirements (Form AD-1049); Certification Regarding Lobbying; and Disclosure of Lobbying Activities (Form SF-LLL).

**FEDERAL-STATE AGREEMENT
CHILD NUTRITION AND FOOD DISTRIBUTION PROGRAMS
FOOD AND NUTRITION SERVICE
U.S. DEPARTMENT OF AGRICULTURE**

1. What is the purpose of this agreement?

This agreement sets out the requirements for administering the Child Nutrition Programs and the Food Distribution Programs.

2. Who are the parties to this agreement?

The Food and Nutrition Service (FNS), U.S. Department of Agriculture (USDA) _____
(State agency). In consideration of the funds and commodities provided by FNS to the State agency and the services provided by the State agency, the parties agree to the provisions of this agreement.

3. What programs does this agreement cover?

This agreement covers the programs noted with an "x" in the chart below. If the State agency decides to discontinue or begin administration of any of these programs after signing this agreement, the State agency must provide FNS advance written notice, including the proposed effective date of the change. Upon approval of the request, FNS will enter into a new agreement or amend this agreement.

	National School Lunch Program	School Breakfast Program	Special Milk Program	Commodity School Program	Child and Adult Care Food Program	Summer Food Service Program	Nutrition Education Training	Food Distribution Programs
Public schools	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Private schools	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Public residential child care institutions	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Private residential child care institutions	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Nonresidential child care institutions	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Nonresidential adult care institutions	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Service institutions (including camps)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Charitable institutions	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Disasters and situations of distress	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
CSFP	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
FDPIR and FDPI in Oklahoma	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Nonprofit summer camps	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
TEFAP	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Other (describe)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

4. What are the definitions for the terms used in this agreement?

The terms in this agreement have the same meaning as they are defined in the program statutes, program regulations, and the glossary in Appendix A to this agreement.

5. What is the authority for this agreement?

This agreement is authorized by the program statutes listed in Appendix A to this agreement.

6. What is the duration of this agreement?

This agreement is effective for the Federal Fiscal Year from October 1 _____ to September 30, _____. This agreement may be extended by FNS. The extension will be in the form of the annual grant award document announcing the grant amounts for each program for each Federal Fiscal Year.

7. How may this agreement be terminated?

This agreement may be terminated in accordance with the program statutes, program regulations, and 7 CFR Parts 3015.124, 3016.43 and 3016.44.

8. May this agreement be amended?

This agreement may be amended only by FNS. However, either FNS or the State agency may propose amendments. FNS amendments are not subject to approval by the State agency. By continuing to operate the covered programs after an amendment to this agreement, the State agency agrees to comply with the amendment.

If the State agency does not wish to comply with an amendment, the State agency must seek to terminate the agreement in accordance with Section 7 of this agreement.

9. What are the requirements for FNS?

Subject to available appropriations, FNS will provide funds and commodities to the State agency for the programs covered by this agreement. In addition and also subject to available appropriations, FNS will provide State Administrative Expense funds and Cash-in-Lieu of Donated Foods (7 CFR Part 240) when the State agency is approved to administer a program for which those funds are available.

FNS will provide the funds and commodities in accordance with program statutes, program regulations, any FNS instructions, policy memoranda, guidance, and other written directives interpreting the program statutes and program regulations, and the other statutes and regulations cited in this agreement.

10. What are the requirements for the State agency?

A. Program Statutes, Program Regulations, Instructions, Policy Memoranda, and Guidance

The State agency will comply with the program statutes and program regulations applicable to the programs covered by this agreement. The State agency also will comply with any FNS instructions, policy memoranda, guidance, and other written directives interpreting the program statutes and program regulations applicable to those programs.

B. Departmental Regulations on Grants and Cooperative Agreements

The State agency will comply with the following USDA Regulations:

- i. 7 CFR Part 3015, Uniform Federal Assistance Regulations;
- ii. 7 CFR Part 3016, Uniform Administrative Requirements for Grants and Cooperative Agreements;
- iii. 7 CFR Part 3019, Uniform Administrative Requirements for Grants and Agreements with Institutions of Higher Education, Hospitals and Other Non-Profit Organizations, and Institutions;
- iv. 7 CFR Part 3051, Audits of Institutions of Higher Education and Other Nonprofit Institutions;
- v. 7 CFR Part 3052, Audits of States, Local Governments, and Nonprofit Organizations.

C. Debarment and Suspension

The State agency will comply with 7 CFR Part 3017, Subparts A-E, Governmentwide Debarment and Suspension (Nonprocurement). If this agreement covers Food Distribution Programs other than food distribution related to the Child Nutrition Programs, and the State agency has signed and attached to this agreement the Certificate Regarding Debarment, Suspension, and Other Responsibility Matters-Primary Covered Transactions, the SA must submit an additional Certification to FNS by October 1 of each year.

D. Nondiscrimination and Equal Employment Opportunity

The State agency will comply with the following nondiscrimination statutes and regulations, any other related regulations, and any FNS and USDA nondiscrimination directives:

- i. Title VI of the Civil Rights Act of 1964 (42 U.S.C. 200d et seq.), USDA regulations at 7 CFR Part 15, Nondiscrimination, and Department of Justice regulations at 28 CFR Part 42, Nondiscrimination; Equal Employment Opportunity; Policies and Procedures;
- ii. Title IX of the Education Amendments of 1972 (20 U.S.C. 1681 et seq.) and USDA regulations at 7 CFR Part 15a, Education Programs or Activities Receiving or Benefitting from Federal Financial Assistance;
- iii. Section 504 of the Rehabilitation Act of 1973 (29 U.S.C. 794), USDA regulations at 7 CFR Part 15b, Nondiscrimination on the Basis of Handicap in Programs and Activities Receiving Federal Financial Assistance, and Department of Justice regulations at 28 CFR Part 41, Implementation of Executive Order 12250, Nondiscrimination On The Basis of Handicap In Federally Assisted Programs; and
- iv. The Age Discrimination Act of 1975 42 (U.S.C. 6101 et seq.),

The State agency assures that it will immediately take any measures necessary to effectuate the requirements in the laws, regulations, and directives. The State agency gives this assurance in consideration of and for the purpose of obtaining the funds and commodities provided under this agreement.

E. Lobbying

The State agency will comply with the 7 CFR Part 3018, New Restrictions on Lobbying and has signed and attached to this agreement the Certificate Regarding Lobbying and, if applicable, the Disclosure of Lobbying Activities (Forms SF-LLL) and annually will sign and submit a certificate, if applicable, Form SF-LLL to FNS.

F. Drug-Free Workplace

The State agency will comply with 7 CFR Part 3017, Subpart F, Drug-Free Workplace and will maintain a drug-free workplace in accordance with (check one):

- The current annual single State or State agency drug-free workplace certification statement that is on file with USDA.
- The Certification Regarding the Drug-Free Workplace Requirements (Form AD-1049) that the State agency has signed and attached to this agreement.

11. How do changed or new statutes, regulations, instructions, policy memoranda, and guidance affect this agreement?

By continuing to operate the covered programs after the enactment or issuance of any changed or new statutes or regulations applicable to the programs covered by this agreement and any changed or new instructions, policy memoranda, guidance, and other written directives interpreting these statutes or regulations, the State agency agrees to comply with them.

If the State agency does not wish to comply with any changes or new items, the State agency must seek to terminate the agreement in accordance with Section 7 of this Agreement.

12. Signatures

STATE AGENCY	USDA
By (Signature)	By (Signature)
TITLE	TITLE
DATE	DATE

Appendix A -- Glossary

"Child Nutrition Programs" means:

National School Lunch Program (NSLP)
Special Milk Program for Children (SMP)
School Breakfast Program (SBP)
Commodity School Program
Summer Food Service Program (SFSP)
Child and Adult Care Food Program (CACFP)
Nutrition Education and Training Program (NET)
State Administrative Expense Funds (SAE)

"Food Distribution Programs" means:

The commodity donation portion of the Child Nutrition Programs
Commodity assistance for charitable institutions
Commodity Supplemental Food Program (CSFP)
Commodity assistance for disasters and situations of distress
Food Distribution Program for households on Indian reservations (FDPIR)
Food Distribution Program for Indian households (FDPI) in Oklahoma
Commodity assistance for nonprofit summer camps
The Emergency Food Assistance Program (TEFAP)

"Program Statutes" means:

for the Child Nutrition Programs

Richard B. Russell, National School Lunch Act (42 U.S.C. 1751-69h)
Child Nutrition Act of 1966 (42 U.S.C. 1771-91)

for the Food Distribution Programs

general and charitable institutions

Commodity Distribution Reform Act and WIC Amendments of 1987 (7 U.S.C. 612c note)
Section 32 of the Act of August 24, 1935 (7 U.S.C. 612c)
Section 416(a) of the Agricultural Act of 1949 (7 U.S.C. 1431(a))

CSFP

Sections 4(a) and 5 of the Agriculture and Consumer Protection Act of 1973 (7 U.S.C. 612c note)

Disasters and Situations of Distress

Section 412 and 413 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5179-80)
Section 4(a) of the Agriculture and Consumer Protection Act of 1973 (7 U.S.C. 612c note)

FDPIR

Section 4(b) of the Food Stamp Act of 1977 (7 U.S.C. 2013(b))
Section 4(a) of the Agriculture and Consumer Protection Act of 1973 (7 U.S.C. 612c note)

FDPI for Oklahoma

Section 1336 of the Food Stamp and Commodity Distribution Amendments of 1981

Nonprofit Summer Camps for Children

Section 4(a) of the Agriculture and Consumer Protection Act of 1973 (7 U.S.C. 612c note)

TEFAP

Emergency Food Assistance Act of 1983 (7 U.S.C. 7501-16)

"Program Regulations" means the regulations noted below:

- 7 CFR Part 210 National School Lunch Program
- Part 215 Special Milk Program for Children
- Part 220 School Breakfast Program
- Part 225 Summer Food Service Program
- Part 226 Child and Adult Care Food Program
- Part 227 Nutrition Education and Training Program
- Part 235 State Administrative Expense funds
- Part 240 Cash in Lieu of donated foods
- Part 245 Determining eligibility for free and reduced price meals and free milk in schools
- Part 247 Commodity Supplemental Food Program
- Part 250 Donation of foods for use in the United States, its territories and possessions and areas under its jurisdiction
- Part 251 The Emergency Food Assistance Program
- Part 253 Administration of the Food Distribution Program for households on Indian reservations
- Part 254 Administration of the Food Distribution Program for Indian households in Oklahoma

SAMPLE COPY OF FORM AD-1049

U.S. DEPARTMENT OF AGRICULTURE

CERTIFICATION REGARDING
DRUG-FREE WORKPLACE REQUIREMENTS (GRANTS)
ALTERNATIVE I - FOR GRANTEEES OTHER THAN INDIVIDUALS

This certification is required by the regulations implementing Sections 5151-5160 of the Drug-Free Workplace Act of 1988 (Pub. L. 100-690, Title V, Subtitle D; 41 U.S.C. 701 et seq.), 7 CFR Part 3017, Subpart F, Section 3017.600, Purpose. The January 31, 1989, regulations were amended and published as Part II of the May 25, 1990 Federal Register (pages 21681-21691). Copies of the regulations may be obtained by contacting the Department of Agriculture agency offering the grant.

(BEFORE COMPLETING CERTIFICATION, READ INSTRUCTIONS ON PAGE 3)

Alternative I

- A. The grantee certifies that it will or will continue to 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 an ongoing 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 in writing of his or her conviction for a violation of a criminal drug statute occurring in the workplace no later than five calendar days after such conviction;
 - (e) Notifying the agency in writing, within ten calendar days after receiving notice under subparagraph (d)(2) from an employee or otherwise receiving actual notice of such conviction. Employers of convicted employees must provide notice, including position

Form AD-1049 (REV 5/90)

title, to every grant officer on whose grant activity the convicted employee was working, unless the Federal agency has designated a central point for the receipt of such notices. Notice shall include the identification number(s) of each affected grant:

- (f) Taking one of the following actions, within 30 calendar 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, consistent with the requirements of the Rehabilitation Act of 1973, as amended; 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).

B. The grantee may insert in the space provided below the site(s) for the performance of work done in connection with the specific grant:

Place of Performance (Street address, city, county, State, zip code)

SPECIMEN

Check if there are workplaces on file that are not identified here.

Organization Name Award Number or Project Name

Name and Title of Authorized Representative

Signature Date

INSTRUCTIONS FOR CERTIFICATION

1. By signing and submitting this form, the grantee is providing the certification set out on pages 1 and 2.
2. The certification set out on pages 1 and 2 is a material representation of fact upon which reliance is placed when the agency awards the grant. If it is later determined that the grantee knowingly rendered a false certification, or otherwise violates the requirements of the Drug-Free Workplace Act, the agency, in addition to any other remedies available to the Federal Government, may take action authorized under the Drug-Free Workplace Act.
3. Workplaces under grants, for grantees other than individuals, need not be identified on the certification. If known, they may be identified in the grant application. If the grantee does not identify the workplaces at the time of application, or upon award, if there is no application, the grantee must keep the identity of the workplace(s) on file in its office and make the information available for Federal inspection. Failure to identify all known workplaces constitutes a violation of the grantee's drug-free workplace requirements.
4. Workplace identifications must include the actual address of buildings (or parts of buildings) or other sites where work under the grant takes place. Categorical descriptions may be used (e.g., all vehicles of a mass transit authority or State highway department while in operation, State employees in each local unemployment office, performers in concert halls or radio studios).
5. If the workplace identified to the agency changes during the performance of the grant, the grantee shall inform the agency of the change(s), if it previously identified the workplaces in question (see paragraph three).
6. Definitions of terms in the Nonprocurement Suspension and Debarment common rule and Drug-Free Workplace common rule apply to this certification. Grantees' attention is called, in particular, to the following definitions from these rules:

"Controlled substance" means a controlled substance in Schedules I through V of the Controlled Substances Act (21 U.S.C. 812) and as further defined by regulation (21 CFR 1308.11 through 1308.15);

"Conviction" means a finding of guilt (including a plea of nolo contendere) or imposition of sentence, or both, by any judicial body charged with the responsibility to determine violations of the Federal or State criminal drug statutes;

"Criminal drug statute" means a Federal or non-Federal criminal statute involving the manufacture, distribution, dispensing, use, or possession of any controlled substance;

"Employee" means the employee of a grantee directly engaged in the performance of work under a grant, including: (i) all "direct charge" employees; (ii) all "indirect charge" employees unless their impact or involvement is insignificant to the performance of the grant; and, (iii) temporary personnel and consultants who are directly engaged in the performance of work under the grant and who are on the grantee's payroll. This definition does not include workers not on the payroll of the grantee (e.g., volunteers, even if used to meet a matching requirement; consultants or independent contractors not on the grantee's payroll; or employees of subrecipients or subcontractors in covered workplaces).