

**Corporation for National and Community Service
Policies and Procedures**

Policy Number: VISTA-2015-15-001 **Effective Date:** May 3, 2015

Subject: VISTA Policy Allowing VISTAs to Hold Outside Employment

Purpose: To lift certain prior restrictions on pursuing outside employment while serving in AmeriCorps VISTA

Who is Covered: All VISTA members and VISTA Leaders

Policies Cancelled: All prior AmeriCorps VISTA policies restricting VISTA members and VISTA Leaders from holding outside employment unrelated to their assigned projects and Volunteer Assignment Descriptions

Originating Office: AmeriCorps VISTA

Approved By:



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VISTA Policy Allowing VISTAs to Hold Outside Employment

1. What is the purpose of this policy?
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3. Now that VISTAs are allowed to work in part-time jobs, will future cost-of-living increases to the VISTA living allowance be impacted?
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6. Are there other grounds for a Sponsor to decline a VISTA member's pursuing legal, outside employment besides its interference with service hours or adverse impact on the member's full-time commitment? For example, if the VISTA is seeking legal employment in the evenings or on the weekends that a Sponsor finds personally unacceptable or improper, may the Sponsor decline to approve the VISTA's request to work at that part-time job?
7. What if there is disagreement between a VISTA and their Sponsor as to whether the proposed outside employment will interfere with the service commitment?
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11. Who makes the final determination if there is disagreement among the VISTA, Sponsor, and the CNCS State Office staff on whether a VISTA's outside employment interferes with their service or service hours?
12. Would income that a VISTA receives from outside employment affect the VISTA's eligibility to receive public assistance or services, as provided under the Income Disregard provision at 42 U.S.C. 5044(f)(1)?
13. Would income that a VISTA receives from outside employment affect the VISTA's eligibility to receive subsidies towards health insurance they either are eligible for or purchase on the federal or state-based health insurance marketplace?
14. Are there tax implications that may impact a VISTA who accepts outside employment?
15. May a VISTA work at an organization that has a legal or other formal relationship with the VISTA project where he or she is serving?
16. May a VISTA work at an organization that lobbies, fundraises, or has a political cause?

1. What is the purpose of this policy?

The purpose of this policy is to lift certain prior restrictions on VISTAs and VISTA Leaders holding outside employment that is unrelated to their assigned project and volunteer assignment description.

Commitment to one's assigned project is the paramount focus of all AmeriCorps VISTA members, regardless of whether a VISTA member is working outside of his or her VISTA service assignment. Any outside employment must not conflict with the VISTA member's training, service, or service hours as assigned by CNCS or the sponsor. To the maximum extent practicable, VISTA members must remain available for service without regard to regular working hours. The VISTA project's needs supersede any requirements of outside employment.

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If a VISTA pursues outside employment while in VISTA service, the VISTA is not, under any circumstances, permitted to be an employee of or contractor for the sponsor, sub-recipient, or other project-related organization to which the VISTA is assigned to serve. While in VISTA service, the VISTA may only accept outside employment for positions that are:

- Legal;
- Part-time;
- Do not conflict at all with the VISTA's service or service hours;
- Do not violate any applicable Federal, state, and local laws and regulations; and
- Do not conflict with any AmeriCorps VISTA program requirements or policies.

Before accepting such outside employment, the VISTA must speak with and obtain the written approval of their supervisor to do so. To approve outside employment, their supervisor must ensure there is no conflict between the employment and the VISTA's service or service hours.

2. When does this new policy take effect?

Beginning **May 3, 2015**, VISTA members and VISTA Leaders are allowed to take lawful part-time employment that is approved by their supervisor, and does not interfere with their VISTA service or service hours.

3. Now that VISTAs are allowed to work in part-time jobs, will future cost-of-living increases to the VISTA living allowance be impacted?

No. This new policy will not impact VISTA living allowances. VISTA will continue to review the cost-of-living indicators and maintain the living allowance levels prescribed by legislation.

4. In the past, VISTAs have been terminated from service for working an outside job while serving. Will those individuals now be eligible for re-instatement?

No. Those terminated early from VISTA service, based in whole or in part, on outside employment grounds before May 3, 2015 are not eligible for reinstatement. This new policy applies prospectively only.

5. What if a VISTA's outside employment interferes with his or her service or service hours?

The needs and requirements of the VISTA project supersede any needs and requirements related to outside employment. When a supervisor becomes aware that a VISTA's or VISTA Leader's outside employment is interfering with his or her service/service hours, the Sponsor should, in writing, direct the VISTA to modify his or her outside employment schedule to avoid interference with the operations of the VISTA project as a condition of their continued service. The Sponsor should document this directive, as well as any actions taken that might lead to the Sponsor's request of the CNCS State Office staff (CSO) for the VISTA's removal. If after giving the VISTA a reasonable opportunity, no more than three business days, to modify his or her employment schedule, the VISTA's employment schedule continues to interfere with service or service hours, the supervisor must notify the CSO.

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- 6. Are there other grounds for a Sponsor declining to approve a VISTA member's pursuing employment besides its interference with service hours or adverse impact on the member's full-time commitment? For example, if the VISTA is seeking lawful employment in the evenings or on the weekends that a Sponsor finds personally unacceptable or objectionable, may the Sponsor decline to approve the VISTA's request to work for an outside employer?**

No. A Sponsor may only decline to approve the VISTA's outside employment if it is reasonably foreseeable that such work would have an adverse impact on the VISTA's service, or does have an adverse impact on the VISTA's service. In such cases, the Sponsor should raise the issue with the VISTA and cite specific anticipated or actual adverse impact(s). Both the VISTA and the Sponsor should have an opportunity to consult with the CSO if there is a disagreement.
- 7. What if there is disagreement between a VISTA and their Sponsor as to whether the proposed outside employment will interfere with the service commitment?**

If the VISTA disagrees with the sponsor's assessment, the Sponsor should discuss the issue with the VISTA. If there is a difference that cannot be resolved between the VISTA and the Sponsor, the issue should then be raised to the CSO for a determination.
- 8. Should Sponsors document their approval or disapproval of a VISTA's request to accept or continue outside employment?**

Yes. Sponsors must document their approval or disapproval, as appropriate, of all requests for VISTAs to accept or continue outside employment.
- 9. What must Sponsors do in order to document their approval or disapproval of a VISTA's outside employment?**

The Sponsor should email the completed "Outside Employment Request Form" to the CSO and copy vistaoutsideemploymentrequest@cns.gov. They should document this in the member's file as well.
- 10. Will CNCS State Office staff need to keep a written record of the Sponsor's approval or disapproval of a VISTA's outside employment?**

Yes. The CSO should add the "Outside Employment Request Form" to the project file.
- 11. Who makes the final determination if there is disagreement between the VISTA and Sponsor on whether a VISTA's outside employment interferes with his or her service or service hours?**

The CSO makes the final determination as to whether a VISTA's outside employment interferes with a VISTA's service or service hours.
- 12. Would income that a VISTA receives from outside employment affect the VISTA's eligibility to receive public assistance or services, as provided under the Income Disregard provision at 42 U.S.C. 5044(f)(1)?**

Potentially. Therefore, a VISTA who receives income from outside employment should expect that their eligibility to receive public assistance and services will be affected. While the VISTA living allowance may count in determining a member's eligibility to receive public assistance, any additional income that a VISTA receives from outside employment would certainly be counted in determining a VISTA's eligibility for public benefits.
- 13. Can income from outside employment affect a VISTA's eligibility to receive subsidies for health insurance offered through the Affordable Care Act?**

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Yes. Healthcare subsidies are based on an individual's income. VISTA members who receive additional income during their service year will likely have any subsidy they receive lowered due to an increase in their income. For more information on how outside employment/extra earned income may affect a particular situation, please visit: <https://www.healthcare.gov/lower-costs/>

14. Are there tax implications that may impact a VISTA who accepts outside employment?

Yes. Increased income from outside employment may impact the VISTA's tax liability. It is the sole responsibility of the VISTA member to take into consideration and manage his or her tax responsibility and the impact that any outside income might have on his or her tax obligations.

15. May a VISTA work at an organization that has a legal or other formal relationship with the VISTA project where he or she is serving?

No. A VISTA may not work at an organization that has a legal or other formal relationship with the organization/project sponsor where he or she is serving. This prohibition includes partnerships, contractor/subcontractor relationships, and grantee/sub-grantee relationships. This prohibition extends to any organizations or for-profit businesses owned or operated by individuals on staff at a VISTA sponsor.

16. May a VISTA work at an organization that lobbies, fundraises, or has a political cause?

Yes, with caveats related to the Hatch Act. A VISTA may never fundraise for a partisan political candidate, even during off-duty hours from VISTA. A VISTA may work for a political organization provided the member is not publicly, broadly identified as a VISTA while working there. The Hatch Act restrictions on electoral activities as outlined in Chapter 23 of the VISTA Desk Reference continue to apply. If a VISTA has questions, s/he should consult with the CSO.