

Highway Safety Sub-Grantee Contract FY 2023

Name of Agency _____

The **West Virginia Coalfields Highway Safety Program** is a Sub-Grantee of the West Virginia Governor's Highway Safety Program (WVGHSP) and provides funding for highway safety enforcement. By receiving highway safety funds from the **West Virginia Coalfields Highway Safety Program**, your agency is considered a Sub-Grantee of the **West Virginia Coalfields Highway Safety Program**. The purpose of this document is to implement a set of operating standards and expectations regarding enforcement activities and funding from the **West Virginia Coalfields Highway Safety Program** and the WVGHSP.

The WVGHSP may provide funding for a variety of highway safety enforcement activities within a variety of program areas. The WVGHSP will reimburse officers up to one-and-a-half (1.5) times their regular rate of pay. Departments may only use the funds provided for the enforcement activity specified. If you wish to use funds for enforcement activities other than those specified, you **MUST** contact **Sergeant Adam Ballard, WVCHSP Coordinator** who will contact the assigned WVGHSP Program Manager for approval. Any funds that remain unspent from a specific funding period **DO NOT** roll over to the next funding period.

CONDITIONS & ASSURANCES

1. **RELATIONSHIP.** The relationship of the Sub-Grantee to the **West Virginia Coalfields Highway Safety Program** and the WVGHSP shall be that of an independent contractor, not that of a joint enterprise. The Sub-Grantee shall have no authority to bind the **West Virginia Coalfields Highway Safety Program** or the WVGHSP for any obligation or expense without the express prior written approval of the WVGHSP.

2. **LAWS OF WEST VIRGINIA.** The contract/grant shall be governed in all respects by the laws of the State of West Virginia. State procedures and practices will apply to all funds disbursed by the WVGHSP, as well as any applicable procedures and practices of the **West Virginia Coalfields Highway Safety Program** and the WVGHSP.

3. **ACCESS TO RECORDS.** The WVGHSP, through any authorized representative, will have access to and the right to examine all records, books or documents related to the contract/grant, and to relevant books and records of contractors. The items to be audited will be timecards, activity reports, DMV-314s, citations or other related paperwork from activities related to the programs conducted.

4. **USE OF FUNDS.** Funds awarded by the **West Virginia Coalfields Highway Safety Program** and the WVGHSP may be expended only for the purpose and activities specifically covered by the Sub-Grantee's approved funding request in an award document. A basic list of standards and expectations are listed in the Enforcement Guidelines.

5. **FEDERAL GRANTS REQUIREMENTS AND CONTRACTS.** The Agency shall comply with the following statutes and implementing regulations as applicable: **a)** 2 CFR 200, Uniform Administrative Requirements, Cost Principles, and Audit Requirements for Federal Awards and all other relevant Federal regulations covering the Highway Safety Program; **b)** 5 U.S.C. § 1501-1508 and 5 CFR Part 151 "Political Activity of State and Local Offices, or Employees: (HATCH ACT); **c)** 23 U.S.C §313 Buy America; and **d)** NHTSA Highway Safety Grant Funding Guidance, as revised, July 2015 (<https://www.nhtsa.gov/highway-safety-grants-program/resources-guide>) and additions or amendments thereto. **e)** 23 USC Chapter 4-Highway Safety Act of 1966, as amended; 23 CFR part 1300-Uniform Procedures for State Highway Safety Grant Programs; 2 CFR part 1201-Department of Transportation, Uniform Administrative Requirements, Cost Principles, and Audit Requirements for Federal Awards.

6. **PROHIBITION OF USING GRANT FUNDS TO CHECK FOR HELMET USAGE.** The State and each Sub-Grantee will not use 23 U.S.C. Chapter 4 grant funds for programs to check helmet usage or to create checkpoints that specifically target motorcyclists.

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7. **PROJECT, PROGRAMS - REQUIRED DOCUMENTS.** The Sub-Grantee shall submit, by due date established in each award document, all required documentation of overtime. They are due by Close of Business (C.O.B.) on the date designated in each award document. Documentation for each enforcement event shall include: Request for Reimbursement (with appropriate signatures), Enforcement Activity Data Forms for each activity (signed by Officer and Supervisor), a Checkpoint Data Report if the activity was a checkpoint (along with one Enforcement Activity Data Report Form to summarize the checkpoint information), and an Underage Drinking Prevention Form for Underage Compliance Checks. Copies of all citations/warnings/arrests resulting from grant-funded enforcement events, a copy of the DMV-314 form if a DUI arrest occurred, a copy of the timecard/pay stub/payroll printout showing the grant-funded enforcement activities worked and paid, list of agency's regular and OT rates, copies of officers' regular schedules, etc., will be requested periodically by the WVGHSP office and/or your granting agency/regional program staff as part of the federal funding monitoring process. If not submitted, this may result in temporary suspension of grant funding. To reinstate funding, all outstanding paperwork must be submitted and approved by the **West Virginia Coalfields Highway Safety Program** and the WVGHSP. More than two suspensions in any twelve (12) month fiscal funding period will automatically terminate the project for the remainder of the fiscal year.
8. **DMV-314 DOCUMENTS.** Each agency is responsible for ensuring that ALL DMV-314s for Impaired Driving arrests are submitted to the WV DMV in a manner determined by WV State Code. Any Agency with more than five missing DMV-314s is ineligible to receive highway safety funds until the issue is resolved.
9. **SANCTIONS FOR NONCOMPLIANCE.** In the event the Sub-Grantee's noncompliance with the terms, conditions, covenants, rules or regulations of this grant, the **West Virginia Coalfields Highway Safety Program** and the WVGHSP shall impose such contract sanctions as it may deem appropriate, including but not limited to:
- a. Withholding of payments to the Sub-grantee until the Sub-Grantee complies, or
 - b. Cancellation, termination or suspension of the contract in whole or in part, or
 - c. Refrain from extending any further assistance to the Sub-Grantee until satisfactory assurance of future compliance has been received from the Sub-Grantee.
10. **WRITTEN APPROVAL OF CHANGES.** The Sub-Grantee must obtain prior written approval from the WVGHSP for all major changes relating to the scope of the activity to be conducted (i.e. DUI Patrols, Sobriety Checkpoints, Click It or Ticket, Target Red, etc.)
11. **DISCRIMINATION PROHIBITED.** No person shall, on the grounds of race, color, sex, religion, disability, age or national origin, be excluded from participation in, be refused the benefits of, or to be otherwise subjected to discrimination under grants awarded by the **West Virginia Coalfields Highway Safety Program** and the WVGHSP.
12. **FEDERAL LOBBYING.** The Agency agrees that 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 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 the awarding of any Federal contract, 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 contract, grant, loan, or cooperative agreement.
13. **STATE LOBBYING.** None of the funds under this program will be used for any activity specifically designed to urge or influence a State or local legislator to favor or oppose the adoption of any specific legislative proposal pending before any State or local legislative body. Such activities include both direct and indirect ("grassroots") lobbying activities.

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14. **CERTIFICATION REGARDING DEBARMENT, SUSPENSION, INELIGIBILITY AND VOLUNTARY EXCLUSION-LOWER TIER COVERED TRANSACTIONS.** A) The prospective lower tier participant (the Agency) certifies, by submission of this contract proposal, that neither it nor its principals are presently debarred, suspended, proposed for debarment, declared ineligible, or voluntarily excluded from participation in this transaction by any Federal Department or Federal Agency. b) Where the prospective lower tier participant is unable to certify to any of the statements in this certification, such prospective participants shall attach an explanation to this contract proposal.

15. **INTRA-AGENCY AUDIT.** It is the responsibility of the Sub-Grantee to provide for the performance of an independent audit as detailed in the Highway Safety Administrative Manual. This means your department is subject to audits by the State of West Virginia. If a finding is made related to the **West Virginia Coalfields Highway Safety Program** and the WVGHSP grant funding, then the **West Virginia Coalfields Highway Safety Program** and the WVGHSP must be notified by the Sub-Grantee of such findings in written form immediately upon first notice.

16. **PROPERTY ACCOUNTABILITY.** The Sub-Grantee shall establish and administer a system to control, protect, reserve, use, maintain, and dispose of any property or equipment furnished by the **West Virginia Coalfields Highway Safety Program** and the WVGHSP. The obligation continues as long as the property is retained by the Sub-Grantee notwithstanding the expiration of this agreement. Prior to the sale, trade-in, or disposal of property, disposition instructions will be obtained from the WVGHSP. The Sub-Grantee assures that all property shall be made available to the **West Virginia Coalfields Highway Safety Program** and the WVGHSP for inspection/inventory use at the request by the governing bodies.

17. **OBLIGATION OF PROJECT FUNDS.** Funds may not, without the prior written approval from the **West Virginia Coalfields Highway Safety Program** and the WVGHSP, be obligated prior to the effective date or subsequent to the termination date of the project period. Funding not used or set to be used during the time frame of the project will be liquidated back to the **West Virginia Coalfields Highway Safety Program** and the WVGHSP for dispersion to other Sub-Grantees for other events scheduled later in the same fiscal year.

18. **CRIMINAL PENALTIES.** Whomever embezzles, willfully misapplies, steals or obtains by fraud any funds, assets or property which are the subject of this grant, or whomever knowingly and willingly falsifies, conceals or covers up by trick, scheme, or device any material fact in any application contract for assistance submitted to the WVGHSP shall be subject to prosecution. Programs are suspended until all litigation is completed.

19. **MEETINGS.** Sub-Grantee assures that the Law Enforcement Liaison, or designee, will attend any meeting, conference, workshop, or other similar function as deemed necessary by the WVGHSP as necessary for administration of this project/funding acceptance. Additionally, the Sub-Grantee assures that the Law Enforcement Liaison or designee will cooperate and fully participate with staff of the **West Virginia Coalfields Highway Safety Program** and the WVGHSP during statewide initiatives and campaigns (i.e. Click It or Ticket, Target Red, Drive Sober or Get Pulled Over, etc.)

20. **TRAVEL/TRAINING.** All travel-related expenses (i.e., per diem, registration, lodging, and transportation) to any destination outside of West Virginia must have WRITTEN APPROVAL from the WVGHSP PRIOR TO an event to be eligible for reimbursement.

21. **SEAT BELT POLICY.** Any law enforcement agency receiving highway safety funds must have a written seat belt policy, which must include sanctions for non-compliance with the policy, and must be submitted to the

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WVGHSP each new grant year. Failure to do so will cause your agency to be ineligible to receive highway safety funds.

22. **LAW ENFORCEMENT LIAISON.** Each Agency will designate a Law Enforcement Liaison (LEL) who will serve as the link from **West Virginia Coalfields Highway Safety Program** and the WVGHSP to the individual department. The responsibility of this position is to process grant-funded enforcement paperwork in a timely manner and ensure all paperwork and records are correct and display appropriate signatures. The LEL will assist the **West Virginia Coalfields Highway Safety Program** and the WVGHSP with issues or problems and keep informed the progress of the project/funding. It is the responsibility of the LEL to inform the **West Virginia Coalfields Highway Safety Program** and the WVGHSP as soon as possible should an Agency not be able to use approved funds.

ENFORCEMENT GUIDELINES

I. Officers working highway safety-funded enforcement must be a fully certified law enforcement officer in the State of West Virginia and a full-time employee of his or her agency. Part-time officers are not permitted to work highway safety overtime.

II. Salaried officers (i.e., Chief, Sheriff) may work highway safety overtime enforcement at straight time. If requesting time and a half, the agency must designate the hourly rate based on the officer's salary divided by 2080 hours. This may not exceed \$50.00 per hour. The officer's supervisor must provide a signed statement in writing on official agency letterhead, a copy of which must be sent to the WVGHSP with requests for reimbursement. The supervisor must also sign the request for reimbursement page for the time worked. The salaried officer must be a WV-certified law enforcement officer and have completed intoximeter training.

III. All highway safety enforcement activities must be completed by the date specified on the award forms. If working DUI overtime for multiple months, the Request for Reimbursement and supporting documentation must be submitted by the 10th of the month following the activity. (Ex: If there are 20 patrols completed during the month of June, then all patrols are due with the correct request for reimbursement page by July 10th.)

IV. Documentation for each enforcement event shall include: Request for Reimbursement (with appropriate signatures), Enforcement Activity Data Forms for each activity (signed by Officer and Supervisor), a Checkpoint Data Report if the activity was a checkpoint (along with one Enforcement Activity Data Report Form to summarize the checkpoint information), and an Underage Drinking Prevention Form for Underage Compliance Checks. Copies of all citations/warnings/arrests resulting from grant-funded enforcement events, a copy of the DMV-314 form if a DUI arrest occurred, a copy of the timecard/pay stub/payroll printout showing the overtime worked and paid, list of agency's regular and OT rates, copies of officers' regular schedules, etc., will be requested periodically by the WVGHSP office and/or your granting agency/regional program staff as part of the federal funding monitoring process.

V. Failure to submit overtime within TWO months of the completion of the activity may lead to non-reimbursement of funds by the **West Virginia Coalfields Highway Safety Program** and the WVGHSP.

VI. Each officer that works a patrol enforcement detail shall legibly complete the Enforcement Activity Data Report. All signatures listed are required on each Enforcement Data Activity Report including the officer and authorized signatory. Failure to do this will result in the return of the paperwork for necessary changes.

VII. The Request for Reimbursement (RFR) Form acts as the invoice for enforcement event(s). Note that you may list several officers along with the date they worked the patrol in the same week or month on the Request

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for Reimbursement Form, but you may not include different enforcement programs on the same RFR, such as Click It or Ticket and DUI. This form must be signed by the Chief, Sheriff, or their designated LEL provided the LEL did not work grant-funded enforcement on the document.

VIII. If an LEL is receiving grant funding for enforcement during the enforcement period, the forms must be signed by a Supervisor of higher rank. Should overtime be conducted by the Chief of Police, then the authorized signature must be either the Mayor or Chief Financial Officer.

IX. Officers working **West Virginia Coalfields Highway Safety Program** and WVGHSP grant-funded enforcement must be dedicated to highway safety enforcement. Officers must attend all court hearings, DMV hearings, other related meetings/hearings generated by highway safety details worked.

X. Officers working highway safety programs that leave the highway safety enforcement activity to assist their department or another department for shift-initiated calls, may not include that time on the Request for Reimbursement.

XI. In addition to impaired driving enforcement, officers should enforce all WV traffic laws while engaged in highway safety patrols, especially occupant protection and distracted driving violations. There is **zero tolerance** for not wearing seat belts and impaired driving. There is also zero tolerance while working specific enforcement programs (Ex. If working distracted driving enforcement, cell phone usage is zero tolerance.)

XII. DUI checkpoints (both regular and low-manpower events) must follow the department's written DUI checkpoint policy. All other checkpoints, including traffic safety and seat belt checkpoints are to be performed in the same legal manner.

XIII. Grant-funded seat belt checkpoints must be conducted as nighttime enforcement, which runs from 6 PM to 6 AM. The entirety of the checkpoint does not have to fall within the nighttime enforcement time frame, but most of it should. (Ex: A seat belt checkpoint from 4PM-8PM would be considered nighttime enforcement.)

XIV. All highway safety patrols are authorized patrols of no less than two (2) hours and no more than eight (8) scheduled hours at no more than one-and-one-half times the regular pay rate. Any funds paid to officers exceeding the actual one and one-half overtime rate (benefits, social security, etc.) are not reimbursable by the **West Virginia Coalfields Highway Safety Program** and the WVGHSP per Federal and State regulations. Holiday double time or higher rates are NOT allowable for reimbursement with **West Virginia Coalfields Highway Safety Program** and the WVGHSP funds, only up to time-and-a-half.

XV. All DUI enforcement funding should be conducted between the hours of **8 PM and 4 AM** unless otherwise authorized by the WVGHSP Senior Program Manager. DUI enforcement outside of this timeframe must be based on data justification.

XVI. All highway safety enforcement must be worked in addition to regular manpower staffing; it cannot be used during normal scheduled agency shift work. Highway safety enforcement should bring additional officers out to enforce traffic laws, in addition to officers on regularly scheduled shifts. Overtime must be a scheduled event for the agency and cannot be conducted last-minute. It must be scheduled in advance of the overtime shift worked. ONE EXCEPTION: If a DRE is working a regular shift and is called out to assist another officer at another department, then the DRE can claim the hours called away to assist the other department, as overtime. Then, the DRE will return to his or her agency and make up the hours missed and complete the shift for the DRE's own department.

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XVII. Impaired driving arrests at or near the end of a regular shift cannot cross over onto highway safety overtime. These must be completed on the regular duty shift or overtime provided by the department.

XVIII. All agencies receiving highway safety funding must be enrolled with the Data Tracking & Agency Support Program (DTASP) and actively submitting all agency citation data (not just highway safety citation data) monthly to DTASP.

XIX. Departments with DREs must submit the proper paperwork (Request for Reimbursement, Face Sheet, DRE Overtime Summary Page) with proper signatures to **West Virginia Coalfields Highway Safety Program** and WVGHSP, and it should be separate from the impaired driving overtime conducted by the department's overtime program. DREs may also be reimbursed for their time of expert testimony if subpoenaed to appear in court for a DUI arrest they assisted with, for another agency. If it was their own arrest for their own agency, it is simply their overtime from their department for their work for their department.

In accordance with the Conditions and Assurances and the Enforcement Guide, we certify this application is an accurate and complete description of the project to be considered for receiving Highway safety funds. We further agree this application shall be binding upon the applicant, assignees, transferees, lessees and successors in interest. These assurances shall also be binding through every modification or amendment to the project.

Agreed upon by the following signatures:

_____	_____	_____
Printed Name	Signature	Date
LEL, Chief, Sheriff, Other Designee of Sub-Grantee		

_____	_____	_____
Printed Name	Signature	Date
Regional Coordinator or WVGHSP Program Manager		