

***Assurances Compliance for the Coronavirus Nonprofit Relief Fund (CNRF)  
at the Alaska Community Foundation***

To help nonprofits understand the state and federal assurances noted in the application guidelines for the Coronavirus Nonprofit Relief Fund at the Alaska Community Foundation, Foraker has prepared the following summary. If you need assistance writing or updating your policies, please see samples on our website or contact us.

*This document is not intended as legal advice.*

- **Alaska Human Rights Law (AS 18.80.220(a)(1))**

Applies to all employers. Prohibits employers from refusing or barring a person from employment, or discriminating against a person in all terms, conditions, and privileges of employment including compensation when the reasonable demands of the position do not require a distinction of the following factors: race, religion, color, or national origin, age, physical or mental disability, sex, marital status, changes in marital status, pregnancy, or parenthood.

- **Civil Rights Act of 1964**

Applies to organizations with 15 or more employees. *(Note from Foraker: Even if employers don't meet the threshold for this act, our non-legal recommendation is that it is good business practice to have anti-discrimination culture, practice and policies for your team, your mission, and your community.)* It prohibits unlawful discrimination in all terms, conditions and privileges of employment (hiring, firing, promotion, demotion, access to training, pay) based on 5 protected classes: race, ethnicity, national origin, religion, and gender. Additional protected classes under other acts include: age, marital status, parental status/pregnancy, veteran status, mental or physical ability, genetic information, gender identity, and sexual orientation.

- **Americans with Disabilities Act of 1990**

Applies to organizations with 15 or more employees. *(Note from Foraker: Even if employers don't meet the threshold for this act, our non-legal recommendation is that it is good business practice to have anti-discrimination culture, practice and policies for your team, your mission, and your community.)* ADA prohibits discrimination of individuals who are qualified to perform the essential functions of a position with or without a reasonable accommodation. Under the law, a disability is considered a mental or physical impairment that substantially limits one or more major life activities such as seeing, hear, walking, etc. There are some invisible impairments that may be considered a disability under the law. Disabilities and accommodations

are not a one-size-fits all. ADA requires employers to engage in an interactive dialogue with the employee in order to determine a reasonable accommodation; this interactive process may also include the qualified provider treating the employee and legal counsel.

- **Age Discrimination Act of 1975**

Applies to employers with 20 or more employees. (Note from Foraker: Even if employers don't meet the threshold for this act, our non-legal recommendation is that it is good business practice to have anti-discrimination culture, practice and policies for your team, your mission, and your community.) It prohibits unlawful discrimination against individuals who are 40 years of age or older in all terms, conditions, and privileges of employment (hiring, firing, promotion, demotion, access to training, pay). The Age Discrimination Act of 1975 does not specify a specific age group; rather it prohibits discrimination on the basis of age in programs and activities that are federally funded.

- **Rehabilitation Act of 1973**

Applies to employers with over 50 employees unlike the ADA. The Rehabilitation Act applies to programs conducted by federal agencies, federal contractors, and programs receiving federal funds; federal contractors and subcontractors with contracts of \$10,000 or more must take affirmative action to employ and advance qualified individuals with disabilities. Like the Americans with Disability Act (ADA), the Rehabilitation Act prohibits discrimination against an individual with a disability who is qualified to perform the essential functions of a position with or without a reasonable accommodation. Under the law, a disability is considered a mental or physical impairment that substantially limits one or more major life activities such as seeing, hear, walking, etc. and is a disability that is self-identified by employees after invitation. There are some invisible impairments that may be considered a disability under the law.

- **Drug Free Workplace Act of 1988**

Applies to employers who receive a federal contract of \$100,000 or more, or those who receive a federal grant of any size. This act requires that employers provide a drug-free work environment as a pre-condition of receiving a federal grant or contract. The act does not require employers to conduct drug-testing of its employees, yet employers must take steps to ensure a drug-free workplace through training, practice, and policy. A drug-free workplace includes the use, possession, manufacturing, sale or distribution of illegal substances, alcohol, and misuse of prescription medications. Although the use of cannabis is legal in Alaska, it is still an illegal drug under federal law.

- **Health Insurance Portability & Accountability Act (HIPAA), when applicable**

HIPAA does not apply to all entities. It applies to: health plans, health care clearinghouses, and health care providers who electronically transmit any PHI. HIPAA was established to address the security, privacy and electronic exchange of patient's protected health information (PHI). HIPAA also addresses the portability and continuity of health insurance for individuals. The U.S. Department of Health and Human Services set the security and privacy standards under HIPAA. For further information, visit: [www.hhs.gov/hipaa](http://www.hhs.gov/hipaa).

- **Pro-Children Act of 1994 (Smoke-Free Workplace)**

Applies to specific employers only. Smoking is prohibited in certain facilities that receive federal funds in which children's services are provided to children under the age of 18. Those services include education, library, day care, health care, or early childhood development services.

- **Educational Amendment Act of 1972**

Applies to specific employers only. This act prohibits discrimination on the basis of sex in any educational program or activity that is federally funded. Often referred to as Title IX, individuals cannot be denied participation in or the benefits of a federally funded educational program including athletics.

- **National Historic Preservation Act, when applicable**

Applies to specific employers only. Signed into law in 1966, this federal legislation intends to preserve historic places throughout the country. This act established federal-state and federal-tribal partnerships, the National Register for Historic Places, the National Historic Landmark program, and the Advisory Council on Historic Preservation. Section 106 of the act requires a thorough review of federally funded projects that include construction, renovation, repair, or rehabilitation, ground disturbances, and changes to an area's visual characteristics of historic places and properties.

- **Federal Funding Accountability and Transparency Act**

Applies to specific employers only. An organization receiving awards of subcontracts in any month in excess of \$30,000 is required to provide subaward reports to the prime contractor. In an effort to reduce wasteful spending, this act was signed into law in 2006. This law requires the federal government to publicly disclose the award of federal funds. Taxpayers are able to see who was awarded the funding, the amount of the funding, the purpose of the funding action, and the location of the recipient and where the work will be performed.

- **Hatch Act**

Applies to specific employers only. Does not apply to 501(c)(3) nonprofits that are inherently not partisan. An organization is required to file a complaint under the Hatch Act if federal employees use their position to coerce other employees to act in a partisan fashion. Federal employees are limited in their political activities in an effort to ensure the nonpartisan administration of federally funded programs. The act also guards against favoritism/advancement of covered employees based on their political affiliation. State and local government employees whose work is associated with federally funded programs are also covered under the Hatch Act.

- **Trafficking Victims Protection Act**

Applies to federal contractors only. They must certify to the best of their knowledge and belief that their supply chain had not engaged in human trafficking-related activities. Based on three key elements of protection, prevention, and prosecution, the Trafficking Victims Protection Act (TVPA) combats human trafficking especially related to sex trade, slavery, and involuntary servitude.

- **National Defense Authorization Act of 2013 (Whistleblower protections)**

Applies to federal contractors. This act enhances whistleblower protections for employees of federal contractors and subcontractors who report the mismanagement, gross waste, abuse of authority, or violation of law related to a Department of Defense or NASA contract or grant.

- **Omnibus Crime Control and Safe Streets act of 1968**

This does not apply to nonprofits. It applies to state governments and local jurisdictions.  
[https://transition.fcc.gov/Bureaus/OSEC/library/legislative\\_histories/1615.pdf](https://transition.fcc.gov/Bureaus/OSEC/library/legislative_histories/1615.pdf)

- **Juvenile Justice and Delinquency Prevention Act of 2002**

This does not apply to nonprofits. It applies to state governments and local jurisdictions.  
<https://ojjdp.ojp.gov/about/legislation>

- **Uniform Relocation Assistance and Real Property Acquisitions Act of 1970, when applicable**

Applies to persons removed from property. Commonly referred to as the Uniform Act, this act was established to ensure fair and equitable treatment and compensation of individuals who are displaced from their property under eminent domain for federally assisted or federally funded programs, or for state or local agencies receiving federal funding.