



U.S. DEPARTMENT OF JUSTICE
OFFICE OF COMMUNITY ORIENTED POLICING SERVICES
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COPS

COPS Hiring Program (CHP) Modifications for Post-Application Layoffs (requesting a change in hiring category from new hire to rehire) Frequently Asked Questions

This FAQ is for COPS Office recipients that received COPS Hiring Program (CHP) funds to hire new, additional career sworn officers to increase their force, but are now required to layoff officers or have had to layoff officers because of cuts in their law enforcement budget due to fiscal distress that occurred after applying for CHP funding. Rather than using CHP funding for new hires, your agency may be able to modify the use of your CHP funds to rehire the officers who were laid off or the officers who are now scheduled to be laid off. The COPS Office will approve using CHP funds to rehire officers who were laid off or those scheduled for layoff if you can demonstrate that your agency's budget cuts and layoffs are unrelated to the receipt of CHP funding.

Your agency must receive prior written approval from the COPS Office before your award funds can be used to rehire officers. If your agency's modification request is not approved, you must either implement the CHP award as originally funded for new hires or withdraw from the award.

Modifications for post-application layoffs

What is a modification for post-application layoffs?

A modification for a post-application layoff—a layoff that occurs after you submitted your CHP application—is a change in hiring category from “new hire” to “rehire” following the funding of your award. If you experienced cuts in your law enforcement budget resulting in the layoff or scheduled layoff of locally funded officers after you submitted your CHP application for new officer positions, you can apply for a modification to use CHP funds under the “rehire” category instead of the “new hire” category. Under the “rehire” category, your agency may rehire officers who were laid off after you submitted your application, or your agency can use award funds to maintain officers who are scheduled for layoff on a specific date, as long as you are able to demonstrate through documentation that the layoffs are the result of budget cuts and are not related to the receipt of your award. In other words, your agency can request to use CHP funding to save officers from layoff instead of using these funds to hire new officers.

When can an award be considered for a post-application modification from the new hire category to the rehire category?

To be considered for a post-application layoff modification into the rehire category, you must seek to use CHP funds to do one of the following:

- Rehire officers who were laid off after the CHP application was submitted;
- Rehire officers who are now scheduled for layoff on a specific future date that can be documented.

The COPS Office will only consider a modification request after your agency has made all final, approved budget and/or personnel decisions. In addition, all post-application modification requests must comply with the nonsupplanting requirement of the COPS Office statute.

Modifications and Nonsupplanting

What is the relationship between a post-application layoff modification request and the nonsupplanting requirement?

Modification requests to change the hiring category from new hire to rehire for officers laid off or scheduled for layoff on a specific date post-application must comply with the statutory nonsupplanting requirement of CHP. Under the nonsupplanting requirement, you may not use CHP funds to pay for the salary and benefits of officer positions that are already funded in your local budget.

To comply with the nonsupplanting requirement, the modification request must demonstrate all of the following:

- Your agency is not using CHP funds to supplant (replace) local funds that otherwise would have been used for sworn officers in the absence of the award
- The officers your agency is seeking to rehire with CHP funds were laid off or will be laid off on a specific date as a result of financial reasons unrelated to the receipt of CHP funding
- Budget and personnel decisions were not made based on the receipt of the CHP award (i.e., the CHP award was not considered in the budget deliberations)
- All personnel and budget decisions related to layoffs are final and approved by the appropriate governing body before submitting modification request
- The exact dates of any layoffs as CHP funds can only be used on or after the actual date of layoff

Modification Requests

How does a recipient request a post-application layoff modification?

To request a modification based on a post-application layoff, you must complete and submit a post-application award modification request form. The request must be submitted by your agency's Law Enforcement Executive (LE) through the COPS Office Agency Portal via Account Access (<https://portal.cops.usdoj.gov/>) as explained in the modification request form. Your agency must also submit documentation showing all of the following:

- The specific dates of the layoffs
- The specific officers laid off or scheduled for layoff that your agency is seeking to rehire

- The reasons for the layoffs or scheduled layoffs (a modification request will only be approved if the layoffs occurred for reasons unrelated to the receipt of CHP funding)

Examples of supporting documentation that may be submitted with your modification request include, but are not limited to, the following:

- Council or departmental meeting minutes
- Agency memoranda, notices, orders, or other official documents
- Notices provided to the individual officers regarding their layoffs
- Documents ordering agency layoffs or related budget cuts
- Budgets showing funding or personnel cuts in other departments

Prior to submission, you should complete the modification request form and upload supporting documentation to your modification request, located under the Grants Management tab in your Agency Portal Account. For questions regarding the grant modification process, contact your Grant Program Specialist through the COPS Office Response Center at 800-421-6770. If your modification request is approved, CHP funds may only be applied to the salaries and approved fringe benefits of officers following the scheduled layoff date. Award funding must be limited to paying your agency's entry-level salary and fringe benefits; any costs higher than entry level must be paid by your agency with local funds.

Modification Approvals

If approved, when can an agency rehire an officer that was laid off or scheduled for layoff post- application with CHP funding?

If approved, your agency may use CHP funds to rehire the officers who were laid off post-application on or after the award start date. You may rehire the officers who are scheduled for layoff on a specific future date on or immediately after the date of the scheduled layoff.

Unless required by your jurisdiction, your agency is not required to formally complete the administrative steps associated with the layoff of the individual officers you are seeking to rehire, so long as your agency can document that a final, approved budget decision was made to lay off those particular individual officers on the identified layoff dates. For example, unless required by your agency, you are not required to formally terminate an officer, discontinue benefits, or strip seniority as long as you are able to demonstrate through supporting documentation that the official date the layoff would occur without the award.

If the request for modification for post-application lay-off(s) is approved, will the grantee receive a modified award document?

Yes. The COPS Office will send a modified award document to the recipient. An agency must electronically sign and submit the modified award document to confirm the modification, but implementation of the modified award may begin upon notification of approval by the COPS Office Legal Division.

If you have any questions regarding this process, please call the COPS Office Legal Division at 202-514-3750.