

NIH Policy Manual

1480 - NIH Child Care Subsidy Program

Issuing Office: OD/OM/ORS/PES/DATS **Phone:** [\(301\) 827-3287](tel:3018273287)

Issuing Office Website: <https://www.ors.od.nih.gov/pes/dats/Pages/index.aspx>

Release Date: 7/23/2019 ?

Transmittal Notice

1. **Explanation of Material Transmitted:** This issuance establishes policy, regulations and procedures governing the National Institutes of Health (NIH) Child Care Subsidy Program for NIH Federal Employees. This program is administered by the Office of Research Services (ORS), Office of Program and Employee Services (PES), Division of Amenities and Transportation Services (DATS). Updates to this Manual Chapter, besides revisions to improve grammar, clarity and succinctness, include updates regarding same-sex marriages laws, the inclusion of the mandatory section “Scope”, and an expanded “Responsibilities” section.
2. **Filing Instructions:**

Replace: Manual Chapter Issuance 1480, Dated: 12/06/2013.

Insert: Manual Chapter Issuance 1480, Dated: 07/23/2019.

PLEASE NOTE: For information on:

- Content of this Manual Chapter, contact the Issuing Office listed above.
- NIH Policy Manual, contact the Division of Management Support, OMA, 301-496-4606, or enter this URL: <https://oma.od.nih.gov/DMS/Pages/Manual-Chapters.aspx>

A. Purpose

This Manual Chapter establishes the policies and procedures for the NIH Child Care Subsidy Program (Child Care Subsidy Program) and the requirements for participation. The intent of the Child Care Subsidy Program is to support the work of participants by assisting with the expense of reliable child care for lower-income participants, enabling NIH employees to focus on the responsibilities of their positions.

The Child Care Subsidy Program is administered by the NIH, Office of Research Services (ORS), Office of Program and Employee Services (PES), Division of Amenities and

Transportation Services (DATS).

B. Scope

The Policy in this Manual Chapter applies to all NIH Institutes or Centers (IC) or Office of the Director (OD) Offices and any personnel involved in the development, issuance, use, and maintenance of the Child Care Subsidy Program.

NIH employees eligible for this program, further referred to as “participants”, include an individual employed on a full-time basis by the NIH. The employee must be an eligible Title 5 or Title 42 Federal employee, an NIH Civil Service employee or member of the Commissioned Officers Corps. For the purposes of this subpart, the term “civilian employee” means all appointed positions in an executive agency ([5 U.S.C. 2105](#)).

Therefore, for example, NIH Contractors, Visiting Fellows, Intramural Research Training Authority Fellows (IRTAS), Special Volunteers, and Guest Researchers do not meet this standard, and, therefore do not qualify and are not eligible for the Child Care Subsidy Program.

C. Background

[Section 643 of Public Law 106-58 \(113 Stat. 477\)](#), of the Treasury and General Government Appropriations Act of 2000, allows Federal agencies to use appropriated funds, otherwise available for salaries, to assist participants with lower incomes to pay for child care services provided by licensed and/or regulated (by state or local authorities) providers. The Child Care Subsidy Program has existed since Fiscal Year 2008.

D. Policy

The Child Care Subsidy Program supports an eligible NIH employee’s performance and attendance by assisting participants to afford reliable, licensed and/or regulated (by state and/or local authorities) child care services.

1. To qualify for this subsidy in a single-parent/guardian household, the eligible NIH employee must be working full-time and eligible with one or more dependent children (under the age of 13 or under the age of 18, if disabled) residing with the eligible NIH employee.
2. To qualify for this subsidy in a two-parent/guardian household, the eligible NIH employee must be working full-time and eligible with one or more dependent children (under the age of 13 or under the age of 18, if disabled) residing with the eligible NIH employee and the spouse of the eligible NIH employee, and:
 - a. is working at least 30 hours per week or;
 - b. is a documented full-time student, or;
 - c. has a documented disability and is unable to care for the child due to physical/mental limitations posed by their disability.

3. In a two-parent/guardian household currently participating in the program, if the non-NIH employee experiences loss of employment, a 60-day exception to Section E.2.a. (above) may be granted to the household if the unemployed spouse is actively pursuing employment; however, this exception is not automatic. To be considered for such an exception, the eligible NIH employee must submit a written request to ORS/PES/DATS (for contact information go to [NIH Child Care Subsidy Program](#)). To remain in the Child Care Subsidy Program after the 60-day exception period, the formerly unemployed spouse must provide a copy of a job offer letter or a pay stub to ORS/PES/DATS.
4. The eligible NIH employee must use a child care provider licensed and/or regulated by state and/or local authorities.
5. The subsidy does not apply to tuition for public/private educational institutions/schools or non-licensed/regulated recreational programs and/or camps.
6. Participants must meet the current guidelines for total adjusted household income set by the NIH and referred to as Adjusted Gross Income on the applicable IRS Tax Return form.
7. For instructions on how to apply, current subsidy guidelines and benefits, please visit [NIH Child Care Subsidy Program](#).
8. Completed applications, with the required supporting documentation, will be processed in the order received and, generally, within 10 business days.
9. Upon approval, benefits become effective on the first day of the month in which the application was approved, i.e., if an application is approved on March 13th, the benefits take effect on March 1st.
10. Participants who fail to complete the annual renewal process by the required date will be removed from the Child Care Subsidy Program and must reapply.
11. The Child Care Subsidy Program operates on a first-come, first-served basis. If the Child Care Subsidy Program Operator determines all agency funds for the current fiscal year have been committed, completed applications will be placed on a waiting list, in the order received.
12. If additional funds become available during the fiscal year, applications will be processed from the waiting list, in the order they were received.

E. Responsibilities

1. **Director, Office of Research Services (ORS)**
 - a. Sets funding cap and income levels;
 - b. Provides funding authority;
 - c. Provides guidance for Child Care Subsidy Program and policy approval;
 - d. Reviews audit reports as needed, confirming any required corrective actions have been taken, and
 - e. Provides required reports and requested data by other federal agencies, such as Office of Personnel Management (OPM) and General Services Administration (GSA).
2. **Director, Division of Amenities and Transportation Services, ORS**

- a. Maintains oversight to ensure effective implementation;
 - b. Ensures compliance with OPM Child Care Subsidy policies;
 - c. Reviews audit reports as needed, ensuring any required corrective actions have been taken; and
 - d. Provides required reports and requested data by other federal agencies, such as Office of Personnel Management (OPM) and General Services Administration (GSA).
- 3. Program Manager, NIH Child Care Subsidy Program**
- a. Ensures full adherence with OPM Child Care Subsidy Manual Chapter;
 - b. Acts as Child Care Subsidy Program Contract Officer Representative (COR), maintaining oversight and ensuring effective implementation and compliance with the [NIH Child Care Subsidy Program](#), through a review of various sources, *i.e.*, monthly participation and financial reports, communication with enrollees, and information received from NIH employees;
 - c. Monitors for improper payments and ensures funds are recovered;
 - d. Reports any fraudulent activities to leadership. Responsible for resolution of reported fraud and ensures follow through of corrective actions; and
 - e. Provides required reports and requested data by other federal agencies such OPM and GSA.
- 4. Program Operator, NIH Child Care Subsidy Program (CCSP Operator)**
- a. Processes applications, determines eligibility and subsidy award based on NIH standards; makes monthly payments to providers; creates monthly and annual program reports; maintains documentation, and thorough recordkeeping;
 - b. Monitors for improper payments and ensures funds are recovered;
 - c. Elevates any fraudulent activities to the CCSP Program Manager, and
 - d. Follows through with appropriate corrective actions.
- 5. Participants**
- a. Completes and submits all required [NIH Child Care Subsidy Program](#) forms and documentation directly to the Child Care Subsidy Program Operator. *See*, Section F of this document;
 - b. Notifies the Child Care Subsidy Program Operator of any changes in child care provider or arrangement, family situation/employment, etc.;
 - c. Informs the Child Care Subsidy Program Operator of separation from NIH employment;
 - d. Provides true and accurate information on all Child Care Subsidy Program documents and/or forms;
 - e. Submits accurate child care invoices within established timelines; and
 - f. Reapplies on an annual basis to continue participation in the Child Care Subsidy Program.

F. Procedures

For eligibility requirements, instructions and required forms to apply for the Child Care Subsidy Program, please refer to [NIH Child Care Subsidy Program](#).

1. To be considered for participation in the Child Care Subsidy Program, participants must complete and submit all required Child Care Subsidy Program forms and documentation listed below:
 - a. NIH Child Care Subsidy Program Application Form: [NIH Form 2897](#).
 - b. Child Care Subsidy Application: [OPM Form 1643](#).
 - c. Child Care Provider Information for the Child Care Subsidy Program for Federal Employees: [OPM Form 1644](#).
 - i. If more than one child care provider is used, a completed [OPM Form 1644](#) and accompanying documentation **must** be submitted for **each** child care provider.
 - d. [Form SF-50](#) (for verification of NIH Employment).
 - e. Two most recent pay statements for each parent or guardian.
 - f. A copy of the most recent Federal income tax return for each parent or guardian.
 - g. A copy of the child care provider's current license or statement of compliance with state and/or local child care regulations.
 - h. Enrollment documentation (copy of full-time college registration schedule and a college transcript) of spouse/domestic partner's full-time student status, if applicable.
 - i. Medical documentation (physician's letter documenting the disability and limitations on caring for child(ren) of spouse, and/or a copy of [Schedule A letter](#)).
2. If the eligible NIH employee's child(ren) are **not** yet enrolled in child care, participants should **concurrently** submit the Child Care Subsidy Program application forms ([NIH Form 2897](#) and [OPM Form 1643](#)) and identify the desired licensed and/or regulated child care provider. Prior to submitting the completed packet, ensure space is available at the desired child care provider for their child(ren). Once space is confirmed, participants must complete the necessary application form ([OPM Form 1644](#)).
3. The completed application package, with all supporting documentation, must be submitted as directed by the Child Care Subsidy Program Operator.
4. Upon receipt of the completed application package, with all required supporting documentation, as detailed in the Child Care Subsidy Program, the Child Care Subsidy Operator will review the eligible NIH employee's application and determine whether they are eligible, based on NIH specifications, to participate in the Child Care Subsidy Program and the calculate the level of subsidy to be awarded. Generally, this process is completed, and participants are notified within 10 business days from the date of receipt of the completed application package. Completed applications, with the required supporting documentation, will be processed in the order they are received, and approved applications will be effective at the beginning of the month in which they are approved.
5. Monthly subsidy payments will be made directly to the licensed and/or regulated child care provider, not to the eligible NIH employee.

6. Participants must reapply annually, pursuant to the written instructions sent by the Child Care Subsidy Program Operator.
7. Participants who fail to complete the annual renewal process by the date indicated in the instructions will be removed from the Child Care Subsidy Program and **must reapply to continue participating in the Child Care Subsidy Program.**
8. Child Care Subsidy Program payments immediately cease when the participating eligible NIH employee leaves the employment of the NIH.
9. Participants who fail to notify the Child Care Subsidy Program Operator of their separation from employment from NIH and continue receiving subsidy benefits will be required to reimburse the Child Care Subsidy Program. Reimbursement will be sent directly to the Child Care Subsidy Program Operator, in a timely manner.
10. Knowingly providing false or fraudulent statements on any of the Child Care Subsidy Program documents or forms is grounds for immediate termination of subsidy benefits. participants who knowingly make false or fraudulent statements are subject to criminal prosecution and punishment including a fine, imprisonment or both, ([18 U.S.C. § 1001: U.S. Code – Section 1001: Statements or Entries Generally](#)).
Participants may be subject to administrative punishment, including the termination of Federal employment.

G. References

1. [Public Law 106-58, § 643](#)
2. [Public Law 106-554, § 633](#)
3. [Public Law 107-67, § 630](#)
4. [5 U.S.C. § 105: Executive Agency](#)
5. [5 U.S.C. § 2105: Employee](#)
6. [18 U.S.C. § 1001: Statements or Entries Generally](#)
7. [26 U.S.C. § 152: Dependent Defined](#)
8. [40 U.S.C § 590 \(formerly 490b\): Child Care](#)
9. [42 U.S.C. § 282\(k\): Day Care for Children of Employees](#)
10. [5 C.F.R. 792, Subpart B: Agency Use of Appropriated Funds for Child Care Costs for Lower Income Employees](#)
11. [U.S. Office of Personnel Management Guide for Implementing Child Care Legislation \(P.L. 107-67\)](#)
12. [NIH Manual Chapter 1743: Keeping and Destroying Records, Appendix 1, NIH Records Control Schedule](#) and the [General Records Schedule \(GRS\) 2.4, Items 120 and 121](#)

Appendix 1

1. **Child/Children** – A member of an eligible NIH employee’s household, under the age of 13, or disabled and under the age of 18, who has one of the following relationships to the eligible NIH employee and the employee’s spouse:
 - a. Biological child;

- b. Adopted child;
 - c. Stepchild;
 - d. Foster child;
 - e. Child for whom legal guardianship has been established; and/or
 - f. Child to whose support the employee or employee's spouse makes regular and substantial contributions.
2. **Child with Disability** – A member of an employee's household with a disability, under the age of 18, who is unable to care for him/herself due to a physical or mental condition, as determined by a licensed physician or certified psychologist.
 3. **Child Care Provider** - An individual or entity providing child care services for which Federal employees' families are eligible. The provider must be licensed and/or regulated by state or local authorities, and the provider's services may be provided in a Federally-sponsored child care center, a non-Federal center, or a family-type child care home.
 4. **Dependent** – A qualifying child or relative who is provided support by the participant (employee) within the meaning of 26 USC Section 152.
 5. **Documented Disability** – An individual with a documented disability is a person who has: a physical and/or mental impairment substantially limiting one or more major life activities; has a record of such impairment; or is regarded as having such an impairment. (See: [NIH Policy Manual 2204-Reasonable Accommodations](#)).
 6. **Eligible Employee** – An individual employed on a full-time basis by the NIH. The employee must be an eligible Title 5 or Title 42 Federal employee, an NIH Civil Service employee or member of the Commissioned Officers Corps. For the purposes of this subpart, the term “civilian employee” means all appointed positions in an executive agency ([5 U.S.C. 2105](#)). Therefore, for example, NIH Contractors, Visiting Fellows, Intramural Research Training Authority Fellows (IRTAS), Special Volunteers, and Guest Researchers do not meet this standard, and, therefore do not qualify and are not eligible for the Child Care Subsidy Program.
 7. **Child Care Subsidy Program Operator** – Agencies or organizations contracted by NIH to provide day-to-day operation of the Child Care Subsidy Program, to include, but is not limited to, application processing, determination of eligibility and subsidy award based on NIH standards, monthly payments to providers, monthly program reports, annual program reports, documentation and recordkeeping.