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Oklahoma Employment and Training Issuance 11-2008

TO: SCSEP Grantees
Board Staff

FROM: Richard J. Gilbertson, Director
Workforce Integrated Programs Division

DATE: June 17, 2008

SUBJECT: Senior Community Service Employment Program (SCSEP) Policy and Procedures

PURPOSE: The purpose of this issuance is to disseminate State policy regarding administration of the Title V Senior Community Service Employment Program.

OVERVIEW: The Senior Community Service Employment Program (SCSEP) was established to foster individual economic self-sufficiency and promote useful part-time opportunities in community service activities for unemployed low-income persons who are age 55 or older, particularly persons who have poor employment prospects, by assisting them in transitioning to unsubsidized employment.

This policy provides an outline of operational principles and procedures for the Senior Community Service Employment Program.

ACTION REQUIRED: SCSEP Grantees and Board Staff are requested to widely distribute copies of this issuance to appropriate staff.

INQUIRIES: If you have questions regarding this issuance, please contact John Cole at 405-557-5344, john.cole@oesc.state.ok.us, or Tami Decker at 405-962-7595, tdecker@oesc.state.ok.us.

State Title V Policy and Procedures

Operational Principles

The SCSEP, authorized by Title V of the Older Americans Act, is the only federally-sponsored employment and training program targeted specifically to low-income older individuals who want to enter or re-enter the workforce. The program offers participants training at community service work-training assignments in public and non-profit so they can gain on-the-job experience. The goals of the program are to move SCSEP participants into unsubsidized employment and achieve economic self-sufficiency.

In the Older Americans Act Amendments of 2006 (2006 OAA Amendments), Congress expressed its sense of the benefits of SCSEP, stating, “placing older individuals in community service positions strengthens the ability of the individuals to become self-sufficient, provides much-needed support to organizations that benefit from increased civic engagement, and strengthens the communities that are served by such organizations.”

Participant means an individual who is eligible for the SCSEP, has been enrolled and is receiving services.

The SCSEP provides training opportunities to participants that lead to increased participant self-sufficiency by helping participants:

- Develop a sense of personal and occupational identity including defining realistic job goals;
- Develop sufficient job related knowledge and flexibility so that they will not be confined to one job but can transfer to another as opportunities for advancement arise;
- Develop personal and social skills needed for successful job performance; and
- Accept and utilize supervision needed for successful job performance.

What responsibility do grantees have to place participants in unsubsidized employment?

Because a program goal is to foster economic self-sufficiency, grantees must make reasonable efforts to place as many participants as possible into unsubsidized employment, in accordance with each participant’s Individual Employment Plan (IEP). Grantees are responsible for working with participants to ensure that participants’ IEPs include an unsubsidized employment goal and the participants are receiving services and taking actions designed to help them achieve this goal. Grantees must contact private and public employers directly or through the Workforce Center to develop or identify suitable unsubsidized employment opportunities. They must also encourage host agencies to assist participants in their transition to unsubsidized employment, including unsubsidized employment with the host agency.

Program Eligibility

Grantees will provide community service work-training assignments and other authorized activities only for eligible individuals except for necessary technical, administrative, and supervisory personnel, and such personnel will, to the fullest extent possible, be recruited from among eligible individuals. Initial eligibility is determined at the time individuals apply to

participate in the SCSEP. Once individuals become SCSEP participants, the grantee is responsible for verifying their continued income eligibility at least once every 12 months. Grantees may also verify an individual's eligibility as circumstances require. **The Grantee must develop eligibility determination policies and procedures.**

In order to be eligible for SCSEP, the following criteria must be met:

1. Be 55 years of age or older at the time of enrollment:
 - Participant age, which is used both for eligibility and the most-in-need measure, is now calculated from the eligibility determination date rather than the application date for any records entered after July 1, 2006; and
 - Documentation is required.
2. A resident of the state where he or she is enrolled in the SCSEP program:
 - Residence is defined as an individual's primary dwelling place or address as demonstrated by appropriate documentation. No minimum length of residence is required;
 - A homeless individual is considered a resident of the state in which he or she is applying;
 - Grantees may accept residents of other states if there is an approved multi-state agreement; and
 - Documentation of residence is required.
3. Legally be eligible to work in the United States:
 - U. S. Citizenship is not a requirement for enrollment, however, an Employment Eligibility Verification Form (I-9) is required by law;
 - The I-9 documents U. S. Citizenship or Approval to Work in the United States; and
 - As of November 7, 2007, the amended Form I-9 is the only valid version of the form. The Department of Homeland Security will not seek penalties against an employer for using a previous version of the Form I-9 on or before December 26, 2007.
4. Currently unemployed — **signed self-attestation is required. WIA Sec. 101(47)** defines **Unemployed individual.**—The term "unemployed individual" means an individual who is without a job and who wants and is available for work.
 - TEGL 28-04 defines an individual employed on the date of participation as one who, on the date participation occurs:
 - Did any work at all as a paid employee (except the individual is NOT considered employed if: a) he/she has received a notice of termination of employment or the employer has issued a Worker Adjustment and Retraining Notification (WARN) or other notice that the facility or enterprise will close; or b) he/she is currently on active military duty and has been provided with a firm date of separation from military service);
 - Did any work at all in his/her own business, profession, or farm;
 - Worked 15 hours or more as an unpaid worker in an enterprise operated by a member of the family; or

- Was not working, but has a job or business from which he/she was temporarily absent because of illness, bad weather, vacation, labor-management dispute, or personal reasons, whether or not paid by the employer for time off, and whether or not seeking another job.

Employed applicants are presumed to be job-ready and thus ineligible for SCSEP. Whenever a participant has done any work within the last year or two of enrolling, whether it constitutes employment or not, there may be a question whether the applicant is job-ready. A recent work history creates a presumption that the applicant is job-ready and thus does not need community service. This presumption **may not apply** if the participant has had only very limited work experience or if the applicant's personal circumstances render him or her no longer job ready. **Job-ready applicants must be determined ineligible and referred to a Workforce Center.**

5. Annual family income must not be more than 125% of the current U. S. Department of Health and Human Services Poverty Guidelines — Annual household income must be determined on a case-by-case basis and must be based upon the computation that is more favorable to the applicant. The annual household income must be computed by counting the includable income received by the individual or family during the 12-month period ending on the date of SCSEP application –OR- by counting the annualized income for the 6-month period ending on the date of SCSEP application.

A “**family**” is defined in TEGL 12-06 as husband, wife, and dependent children; parent or guardian and dependent children; or husband and wife. (If the applicant is claimed as a dependant on someone else's tax return, you must use the broader Current Population Survey (CPS) definition of family). Count only current family members living together. Do not include deceased spouses or separated spouses who are living separately. In addition, consistent with 20 CFR 641.500, an applicant with a disability may be treated as a family of one for income eligibility determination purposes. Family-of-one status does not extend to other members of the applicant's family. **Documentation is required for all applicants.**

The eligibility TEGL defines a family as a parent and dependent child living together. If the child is not a minor and is not claimed as a dependant on the applicant's taxes, then the child is not part of the applicant's family and the child's income is not includable. If the child is a dependant, then the child's income is includable as part of the family income.

Computing Family Income

The following income sources are included:

1. Earnings
2. 75% of the amount of benefits received under Title II of the Social Security Act
3. Survivor benefits
4. Pension or retirement incomes
5. Interest income
6. Dividends
7. Rents, royalties, estates and trusts
8. Educational assistance

9. Alimony
10. Financial assistance from outside of the household
11. Other recurrent income

The following income sources are excluded:

1. Social Security Disability Insurance
2. Unemployment Compensation
3. 25% of a benefit received under Title II of the Social Security Act
4. Payment made to or on behalf of veterans or former members of the Armed Forces under laws administered by the Secretary of Veterans Affairs
5. Supplementary Security Income
6. Public assistance
7. Income from other employment and training programs
8. Disability benefits
9. All forms of child support
10. Worker's Compensation
11. The first \$2000 of certain per capita fund distributions to Indians pursuant to the Indian Claims Act, P.L. 93-134 and P.L. 97-458
12. Any other income exception required by applicable Federal law – e.g., stipends from programs funded by the Senior Corps of the Corporation for national and Community Service
13. Capital gains people received (or losses they incur) from the sale of property, including stocks, bonds, a house, or a car (unless the person is engaged in the business of selling such property)
14. Money borrowed
15. Withdrawals of bank deposits
16. Tax refunds
17. Gifts
18. Lump-sum inheritances, insurance payments, gambling and lottery earnings; however if lottery winnings are collected in one lump sum as a one-time payment, then the winnings are not considered income for SCSEP eligibility. However, if the winnings are collected from periodic payments and the applicant receives the income on a regular basis – annually, monthly, bi-weekly, every two months, etc. – then the winnings are considered income for purposes of SCSEP eligibility.

Grantees must use some form of an **income worksheet** for capturing and calculating income. This worksheet must be retained in the file for all applicants. Verification of continued income eligibility must be conducted every 12 months and documented in SPARQ. However, when you become aware of a change that will make the participant over-income, you should do a recertification calculation as soon as possible so you can inform the participant when he or she will become ineligible.

If a grantee determines that a participant is no longer eligible for the SCSEP due to an increase in family income, the grantee must give the participant written notification of termination within 30 days, and the participant must be terminated 30 days after the participant receives the notice. The only exception is for participants found ineligible because of providing false information who

must be terminated immediately with written notification of the reason. Grantees must refer such individuals to the services provided under the Workforce Center or other appropriate partner programs. Participants may file a grievance according to the grantee's procedures. (§ 641.510)

Ineligible Applicants

All other applicants who are determined to be ineligible for the SCSEP must be referred to or enrolled in WIA or other appropriate partner programs. These arrangements should be negotiated in the MOU. SCSEP resources may only be used to provide services to SCSEP eligible individuals and to provide ineligible individuals with access to other activities and programs carried out by other Workforce partners.

Recruitment and Selection

Grantees **must develop policies and procedures** of recruitment and selection that assure that the maximum number of eligible individuals have an opportunity to participate in the program, including notification to the Workforce Center of participant openings. Grantees must list all community service opportunities with the Workforce Center and must use the Workforce Center in the recruitment and selection of eligible individuals.

Methods of recruitment may include:

- Newspaper ads;
- Presentations to Senior Citizens groups;
- Church groups; and
- Poster and brochures in Workforce Centers, etc.

Documentation of recruitment efforts must be maintained for monitoring purposes.

The 2006 OAA Amendments state, "Pursuant to regulations prescribed by the Secretary, an eligible individual **shall have priority for the community service employment** and other authorized activities provided under this title if the individual:

- (1) is 65 years of age or older; or
- (2)
 - (A) has a disability;
 - (B) has limited English proficiency or low literacy skills;
 - (C) resides in a rural area;
 - (D) is a veteran;
 - (E) has low employment prospects;
 - (F) has failed to find employment after utilizing services provided under title I of the Workforce Investment Act of 1998 (29 U.S.C. 2801 et seq.); or
 - (G) is homeless or at risk for homelessness."

Enrollment into OSL and SPARQ

All participants must be registered in Oklahoma Service Link (OSL) and SPARQ. Grantees must ensure that all information is entered in SPARQ and updated regularly.

Recertification

SCSEP requires that participants be recertified at least every 12 months, not annually, to determine eligibility for continued enrollment. Programs are free to recertify on the participants' anniversary dates or to recertify all participants at the same time each year. If your program requires that all participants be recertified at a specific time, you will need to recertify new participants as well. Otherwise, they would go more than 12 months between the time of enrollment and their first recertification. The State recommends all participants be recertified for eligibility in February and/or March of each program year to align with publication of the Federal Income Guidelines; however, this is not required.

If a grantee learns of a substantial change in circumstances that is likely to have an effect on eligibility, such as a substantial increase in an existing source of income or the addition of a new source of income, the grantee must do a recertification as soon as it becomes aware of this information. The marriage of a SCSEP participant is a substantial change of circumstances that requires a recertification.

- Re-certification in person with the participant. Participant data must be updated in the appropriate OSL screens and SPARQ, and copies of all documents used to recertify participants will be placed in the participant's file.
- Participants who are determined during re-certification to be ineligible for continued SCSEP services, will be given an immediate written notice that enrollment will be terminated 30 days after date of notice. Grantee should also notify the host agency of the participant's termination date. When feasible, the participant should be referred to other potential sources of assistance.
- For those individuals re-enrolling after termination from the SCSEP, eligibility must be determined.

Over-Enrollment

Grantees may make temporary enrollments—those over and above the authorized number of allocated slots—when deemed reasonably necessary to expend budget allocations and promote program goals. “Temporary participants” will acknowledge their temporary status in writing. They will be enrolled at the regular rate of pay and will be moved into regular enrollment positions if such positions become available.

When there is over-enrollment for any reason, US DOL recommends a gradual shift that encourages current participants in subsidized community service positions to move into unsubsidized employment to make positions available for eligible individuals in the areas where there has been an increase in the eligible population. **SCSEP staff will keep a “waiting list” of eligible participants.**

Waiting Lists

An applicant is entitled to remain on the waiting list as long as s/he is still interested in an assignment and meets the eligibility requirements. However, it is not fair to the applicant or helpful to the program to let applicants languish on the waiting list for an excessive period. You

should generally be in touch with waiting list applicants every three months to find out if they are still interested in the program and are still eligible, and to give them an update on when they might be enrolled. If there is no reasonable prospect of an opening, the participant might decide to withdraw or explore some other program. An applicant has an absolute right to apply to the program. The rules require you to place on the waiting list any eligible applicant who is not assigned to a host agency within two weeks of being determined eligible. You should enter a case note explaining the reason for removing the applicant from the waiting list, especially if the administrative reason involves fault on the part of the applicant, such as falsifying the eligibility information. Except in cases of falsification of eligibility information, you should generally provide 30 days written notice before removing someone from the waiting list on your own initiative. Obviously, no notice is required when the applicant informs you that s/he is no longer interested in the program.

Intake Orientation

Intake orientation will provide orientation to the SCSEP, including information on project goals and objectives, community service assignments, training opportunities, available supportive services, the availability of a free physical examination, participant rights and responsibilities, and permitted and prohibited political activities (OAA sec. 502).

A copy of the Senior Community Service Participant Handbook will be provided to participants at orientation. The final page of the Handbook must be signed by the participant and staff member and be placed in the participant's file for monitoring purposes, a copy of the signature page must be returned to the participant.

Assessment

Upon completing the Intake Orientation and assigning the participant to a community service work-training assignment, a complete assessment of participants' work history, skills and interests, talents, physical capabilities, aptitudes, needs for supportive services, occupational preferences, training needs, potential for performing community service assignments, and potential for transition to unsubsidized employment must be completed.

An assessment must be conducted and the IEP updated whenever circumstances warrant, but no less frequently than two times during a twelve month period. If there are no changes in the participant's circumstances, grantees are free to determine when, within the 12-month period, the two assessments will be conducted and IEP updated. **Grantees must establish written procedures to ensure the required assessments and updates to the IEP occur.**

Community Service work-training assignments must be associated with assessment and labor market demand. The assessment is an ongoing process that lasts throughout the participant's enrollment in the program and is done in consultation with the participant. Assessments should use formal and informal measures to evaluate the participant's performance, development, and potential.

Assessment and reassessment are essential for monitoring the progress of the participant. The assessment is used to determine the most suitable host agency work-training site and community

service work-training assignment for the participant. It indicates the starting point for the participant's overall development and is the first step in writing the IEP. SCSEP staff will use the initial assessment and reassessments as a basis for developing and amending the IEP.

Individual Employment Plan (IEP)

The Individual Employment Plan (IEP) is an ongoing strategy jointly developed by the participant and SCSEP staff that identifies the participant's employment goals, the appropriate achievement objectives, and the appropriate combination of services for the participant to achieve the employment goals. Goals set out in the IEP must be *specific, measurable, attainable, relevant, and time limited*. The IEP will be developed, and amended, in partnership with the participant, and must:

- Consider skills, talents, training, work history, and capabilities;
- Identify appropriate training needs;
- Identify needed supportive services;
- Be the basis for host agency work-training assignment;
- Be signed by participant and program staff; and
- Be done at least twice within twelve months.

The participant's IEP will be reviewed at the completion of each identified goal to:

- Evaluate the progress of each participant in meeting the objectives of the IEP;
- Determine the participant's potential for transition to unsubsidized employment;
- Determine the appropriateness of the participant's current community service assignment; and
- Review progress toward the participant's employment and training objectives.

At the time of the IEP review, changes must be signed by participant and staff member and placed in the participant's file. Should the participant refuse to complete activities consistent with his/her IEP, the participant may be terminated as described in procedures for exiting the SCSEP program. Reassessments are documented in the participant's IEP and maintained as part of the participant's permanent record. **A copy of the IEP will be distributed to the Participant and his/her Host Agency Supervisor.**

Personal Appearance

SCSEP participants are expected to adhere to work-training site dress codes and norms. Participants must be advised to dress appropriately and exercise excellent hygiene as it improves how participants are perceived and results in a better work-training environment. If available, participants should be referred to a "Dress For Success" or similar agency to get appropriate clothing at little or no cost.

Orientation to Host Agency

A "host agency" is either a public agency or a non-profit organization that provides supervision for one or more SCSEP participants during their community service assignment.

An orientation to the host agency where the participant will be assigned will be provided before s/he begins the community service work-training assignment. Orientation to the host agency will include the following:

- Location of the assignment site
- Job description
- Work schedule
- Fringe benefits
- Community service work-training assignment Supervisor's name and contact information
- Administrative procedures (time sheets, leave requests, grievance procedures, etc.) and
- Plans for transitioning to unsubsidized employment as described in the IEP

Reassignment

Grantees are responsible for assessing the participant's IEP progress and reassigning the participant to another work-training host agency, as training warrants. The following factors will be considered:

- The participant's progress in meeting his/her IEP goals;
- The host agency work-training site's effectiveness in helping the participant meet IEP goals;
- Re-evaluation of the participant's skills and aptitudes that indicates a change in the assignment;
- The nature and location of the participant's assignment;
- The general performance of the participant and/or problems with the Host Agency;
- Notice of reassignment will be provided to the participant and the Host Agency in advance, if possible, will include changes to the IEP; and
- Changes in program funding or the status of a Host Agency, which may require immediate reassignment.

Participant Training Services

Participants who have been given a community service work-training assignment may be provided training opportunities, which are market demand and consistent with the participant's IEP. This section does not apply to training provided as a part of a community service work-training assignment. Training may be in the form of:

- Lectures
- Seminars,
- Classroom instruction,
- On-the-job experience (OJE);
- Skills training;
- Classroom training;
- Individual instruction;
- Job search workshops; and
- Training through other employment and training programs and/or colleges.

Note: Signed documentation from Instructors/Workforce Center Staff verifying participant attendance at job search workshops or while job searching must be placed in the participant's file.

Regulations provide that you must pay participants the minimum wage for orientation, training, and community service work-training assignments. Job search activity alone, however, is not considered training. You may pay participants for engaging in job search activity, but you are not required to do so unless the job search activity is provided in conjunction with required training. If you do pay wages for job search activities, you must record these hours in SPARQ, so the hours can be deducted from total paid hours to derive the hours of community service.

Training provided by a Workforce Center or any other source would be considered required training and §641.540(e) encourages grantees to seek training from the Workforce Centers and other locally available resources.

Grantees are encouraged to place a major emphasis on training available through on-the-job experience and locally available resources, including host agencies, at no cost or reduced cost to the Program. Grantees may pay reasonable costs for instructors, classroom rental, training supplies and materials, equipment, tuition, and other costs of training. Participants may be paid wages while in training.

The type of training at the workplace should be more practical than that offered in the classroom. The participant works on real tasks, with actual equipment, dealing with current issues. It may be less time sensitive because the participant can work at his/her own speed to learn a new skill or refresh an old one. Both of these characteristics have been described as helpful for older learners.

Learning on the community service work-training assignment should be promoted, as it may be the most cost-effective and participant-friendly approach to serving those who are most in need. Grantees should seek to place individuals in community service work-training assignments which are similar to "in demand" private sector jobs. In addition, Grantees should rotate participants to different host agencies where they may obtain additional skills to prepare the participants for unsubsidized employment. When a participant masters the skills needed for a job, they are candidates to move off the program into unsubsidized employment.

On-The-Job Experience (OJE) (OWB 4-04).

Participation in an appropriate community service work-training assignment provides the opportunity to develop and practice the skills and/or experience the participant must attain in order to secure unsubsidized employment. In some instances, however, a participant's IEP may show a goal of obtaining an unsubsidized job with a public or private employer that requires specific skills that are not attainable through the regular community service work-training assignment. In these instances, if the participant has completed **at least 2 weeks** at a community service work-training assignment, the grantee may elect to provide the participant with an "on-the-job experience" (OJE). The employer may be reimbursed **up to** 50% of the participant's wages earned while in a OJE training of 4 to 6 weeks.

The grantee must first negotiate a contract, specifying skills, timelines and benchmarks the participant must achieve in order to be hired permanently by a public or private employer. The potential employer will then place the participant in a suitable training assignment for no more than 40 hours a week for up to 6 weeks to accommodate the gap between actual and needed skill levels. It must also stipulate that at the end of the training period, if the participant's OJE has been satisfactory, the participant will remain on the potential employer's payroll.

During the OJE, significant follow-up must be provided in order to address any issues, safety concerns or problems with the employer or the participant. Each grantee may exercise the OJE training option with a particular participant **once** in any 12 month period. Each grantee may exercise the OJE training option with the same employer, but no more than 5 times per year for the same job category, if the employer will hire many participants or attract new employers.

Supportive Services

Supportive Services assist participants in community service work-training, gaining skills for future employment. Grantees may provide assistance and/or make arrangements for needed supportive services identified in the IEP. Supportive Services assist in community service work-training, and unsubsidized employment retention. Support Services may be provided while participants are in community service or in the first six months of unsubsidized employment. Participants may receive (but are not limited to) the following support services **in accordance with the Grantee's Supportive Services Policy**:

- The payment of reasonable costs of transportation;
- Health and medical services;
- Special job-related or personal counseling;
- Incidentals (such as work shoes, badges, uniforms, eyeglasses, and tools);
- Child and adult care;
- Temporary shelter; and
- Follow-up services.

Decisions to pay for such services should be made locally and on a case-by-case basis, depending on the needs of the participant.

Unsubsidized Employment

SCSEP Participants are required to seek unsubsidized employment as a condition of participation in SCSEP. The IEP specifies the agreed upon steps to be taken in pursuit of unsubsidized employment. Failure to meet the obligation to seek and find employment will result in termination for cause from the program. Efforts to place the participant into unsubsidized placement should begin once the participant and the case manager have determined job readiness. **Referrals and placements in unsubsidized employment must be documented in OSL.**

Placement efforts may include, but not limited, to:

- Coordinating with the Workforce Center to place the participant on an active job registry;
- Identifying suitable, unsubsidized employment opportunities;

- The identification of other forms of job-related assistance;
- Encouraging host agencies to hire qualified participants;
- Rotational assignments (work-training sites) as applicable to meeting the goals of the IEP;
- Providing guidance to and assisting participants to contact public and private employers to identify suitable employment opportunities and arrange for interviews; and,
- Providing counseling on participant's progress identified in their IEP and in meeting their supportive service needs.

SCSEP Exits Procedures

Participants may be exited from the SCSEP for the following reasons:

- Voluntary termination;
- Unsubsidized employment;
- Participant was incorrectly declared eligible;
- Changes in family income which effect eligibility;
- Lack of participant cooperation; and
- Termination for cause. Cause may include, but is not limited to:
 - Refusal to cooperate in recertifying eligibility
 - Inability and/or unwillingness to perform assigned duties
 - *Unreasonable refusal to accept a different work-training assignment
 - *Unreasonable refusal to accept job offers or job referrals
 - Failure and/or refusal to cooperate with the IEP
 - Frequent tardiness
 - Falsification by the participant of time sheets or other official records
 - Insubordination
 - Obscene/abusive language or behavior
 - Non-compliance with substance abuse policy
 - Failure to cooperate with grantee and/or host agency staff
 - Failure to maintain Standards of Conduct

*"Unreasonable refusal" is defined as the refusal of three community service assignments, job offers, or job referrals.

Participant terminations must be documented to the fullest extent possible in the participant case notes. When feasible, participants terminated from the SCSEP should be referred to other potential sources for assistance.

If it is determined that a participant was incorrectly declared eligible as a direct result of false information provided by the participant, the participant should be terminated immediately. If a participant, through no fault of his/her own, was incorrectly determined to be eligible, the participant will be given written notice of termination effective 30 days from the date of notice.

Follow-Up Services

To ensure successful placement, SCSEP staff must provide follow-up services to a participant placed in unsubsidized employment during the first 180-days of placement. Follow-up will include, but not be limited to, the following:

- Determine if the job placement is an appropriate match for the participant and the employer and how satisfactory the job placement is to the participant and the employer;
- Should a problem be identified with the job placement, SCSEP staff will work with the participant and the employer to resolve the problem;
- Identify potential SCSEP services required by the participant and/or the employer;
- Maintain contact with the participant and their employer, twelve months in unsubsidized placement;
- If a former participant becomes unemployed after the 180-day follow-up, the participant can be considered for re-enrollment; and
- The right of return is limited to participants who exit to enter unsubsidized employment, work for a total of less than 30 days, and return to the program within 90 days of exit. **Those who do not meet all three criteria for the right of return may seek to re-enroll.** Either option may be available depending upon how long the participant worked, when the participant attempts to re-enter the program, why the participant is now unemployed, and whether the participant is job-ready.

Community Service Work-Training Assignments

As of July 1, 2007, there is a 27-month limit on program participation. In addition, community service work-training assignments have a goal of placing participants into unsubsidized employment. Through this program, older workers should have access to all of SCSEP work training services and the Workforce Investment System. However, work-training assignments will not:

- Reduce the number of employment opportunities or vacancies that would otherwise be available to individuals not participating in the program;
- Displace currently employed workers (including partial displacement, such as a reduction in the hours of non-overtime work, wages, or employment benefits);
- Impair existing contracts or result in the substitution of Federal funds for other funds in connection with work that would otherwise be performed; and
- Employ or continue to employ any eligible individual to perform the same work or substantially the same work as that performed by any other individual who is on layoff.

NOTE: *No SCSEP participant should be the only representative on the premises at any work-training site, at any time.*

Grantees should consider setting limits on the amount of time a participant may spend at a host agency. Advising participants of a rotation policy at the time of enrollment would help both participants and host agencies keep training goals in mind. Rotation to various host agencies may help an individual acquire new, marketable skills that will lead to unsubsidized employment, as well as encouraging host agencies to hire participants.

Work-training assignments are designed to enhance or refresh a participant's basic skills. The training must be consistent with the participant's IEP and must be reasonable. Work-training assignments are provided through a host agency. This training offers the participant an opportunity to receive needed skill training at an organization or a public agency. The IEP must be a detailed training plan which lists needed skills and a realistic timeline for learning them. The following are special training conditions:

- Training wages are provided to a participant who is assigned to a work-training site;
- Participants must receive a training wage consistent with the current minimum wage;
- All participants must sign and submit time sheets on a regular basis to the work-training site supervisor for signature. Supervisors may also request that participant keep a log of specific tasks completed;
- Time sheets must indicate the number of hours worked per day for each week. **This does not include time taken for lunch;**
- Hours for work-training assignments **must not be** more than 25 hours per week;
- There is **no minimum** number of hours that can be worked per week, although 20 hours per week is strongly encouraged. Remember, SCSEP is a work-training program;
- On-the-job work-training is practical, working with real tasks, with actual equipment and dealing with current issues;
- Work-training assignments are developed with the SCSEP staff, the participant and the host agency supervisor and documented;
- **SCSEP participants will not receive annual leave, sick leave, holiday pay, bonuses or any kind of monetary incentive.**
- SCSEP Participants ARE NOT employees of the SCSEP or the Work-Training Site Agency. The Senior Community Service Employment Program Participant Handbook, associated procedures, forms, etc. do not constitute a "work" contract or a guarantee to obtain work. SCSEP Participants who exit the program are not entitled to unemployment compensation;
- Participants must be provided Workers' Compensation coverage equal to that provided by law for covered employment; and,
- The offer of a basic physical examination. A participant may decline the offered physical examination. A Physical Examination Waiver must be signed by the participant and placed in participant's file.

Filing a Grievance

SCSEP will follow WIA grievance procedures. A copy of the grievance procedures is to be given to new participants as part of the orientation process.

Case File Documentation

Participant files must be maintained in accordance with the requirements for confidentiality outlined in the Workforce Investment Act. The following documentation and information are required to be maintained in the participant's case file by the SCSEP staff:

- Enrollment Information (i.e., residence, family size, date of birth, income and employment status);
- Income Tax Return (if used to determine income);
- I-9 Employment Eligibility Verification (12 months);

- SCSEP Participant Handbook Acknowledgement Form;
- Physical Examination Waiver;
- Physical forms must be in a separate locked file;
- Initial Assessment;
- Veteran (or qualified spouses of veteran);
- Signed Individual Employment Plan (IEP);
- Community Service documentation (work schedules and time sheets);
- Participant Evaluation;
- Supportive Services Information;
- Exit form/information; and
- Case notes documenting supportive service, referrals, counseling reports, job development efforts made and the results of the efforts, follow-up to unsubsidized placements, and other participant related activities.

Note: Each participant must be offered the opportunity to take a physical examination after enrollment (start of work-training assignment) and annually. The physical is a fringe benefit and not an eligibility criterion. The results of the physical exam are the private property of the participant. The participant may, at his/her option, provide a copy of the exam results. A participant may waive the physical exam, which will be documented through a signed Physical Exam Waiver.

Retention of case files, financial records and other documentation

According to the grants office of DOL, all required documentation, both fiscal and programmatic, must be retained for three program years after the end of the program year in which the document was generated. For participants who enter unsubsidized employment after exiting the program, this means three program years after the end of the program year in which all follow-up activity is ended.

If you are required to have a signed IEP or Physical Exam Waiver in the file, you must retain it for the specified retention period. If you are missing documentation, you must take reasonable steps to recreate it or you risk audit/monitoring problems. If you do recreate documents, you should also make case notes to document what you have done.

Programmatic Reporting

The host agencies will ensure data is collected for SCSEP services for its respective service area. All data must be accurately entered in the SPARQ system to ensure timely calculation and production of the QPR.

HOST AGENCY DEVELOPMENT

The host agency must provide adequate instruction, supervision, work-training and assistance needed to each participant to enable each participant to perform as an effective and productive worker. The host agency must make a commitment to consider hiring the participant when an appropriate vacancy occurs. SCSEP is a training program designed to meet the needs of

participants ... not host agencies. Host agencies do not “own slots” nor do they “have positions to be filled” by the program.”

The host agencies sites can include, but are not limited to the following:

- Public agencies such as public health departments, school systems, social service departments/agencies (such as councils on aging, domestic abuse shelters, drug abuse treatment centers, and ethnic/cultural centers, museums, etc) courts, police departments, housing authorities, child and youth services, adult services, adult education centers, general hospitals, community mental health centers, mental hospitals, recreation departments, community development/outreach services, employment services, vocational counseling rehabilitation services, local Federal agencies, extension services and local tribal government agencies; and
- Private Non-Profit Organizations such as voluntary hospitals, neighborhood health centers, community and neighborhood centers, health and welfare council agencies, community action agencies and private schools.

Recruiting New Agencies:

- Position your product: product position is usually based on either the benefits of the product (what will it do for me?) or removal of barriers (how difficult is it for me to do?). By talking with current host agencies, you can learn the benefits they value most and the barriers they foresee.
- Build partnerships with key allies: build connections with key people and organizations that have the potential to bring attention and credibility to your program. Develop beneficial relationships with the reporters covering your issue at key media outlets; pitch stories to them with a fresh news angle, provide them with fact sheets, etc.
- Develop a Pro/Con list: develop a list of all the benefits to and disadvantages (from the host agency’s perspective) of being a host agency.
- Design an approach to recruit a new host agency:
 - Develop a letter
 - Bullet out talking points for a telephone conversation or meeting
 - Design a feature article for the community page of the newspaper
 - Work in partnership with other State SCSEP grantees.

Select Host Agency Work-Training site(s) that have the:

- Capability to provide a safe environment with adequate space and equipment for the participant;
- General responsiveness to the goals and objectives of the SCSEP;
- Ability to comply with program requirements;
- Ability to provide work-training that supports the IEP goals and offer opportunities for the participant to enhance skills and be transitioned to unsubsidized employment;
- Capability to provide the participant with work-training that will develop marketable skills in all business sectors with emphasis on demand occupations;
- Capacity to supervise the participant on a day-to-day basis;

- Exhibits the potential for employing the participant on a permanent basis;
- Ability to ensure the participant is given the same consideration and treatment as other staff members;
- Ability to prepare an appropriate work base training description and to adjust the description as the participant develops additional skills;
- Ability to approve time for participants and the supervisor to attend SCSEP training meetings; and
- Appropriateness of work base training for older workers.

SCSEP staff will conduct an orientation for host agencies to their role and responsibilities to the program and the SCSEP participants. At a minimum, orientation should include the host agency roles and responsibilities to orient, supervise, train, and instruct the participants assigned to the agency. Host agencies will be provided with a copy of the SCSEP Participant Handbook. The host agency must be informed of the established Affirmative Action procedures to assure that no person will be discriminated against on the grounds of race, creed, color, handicap, national origin, sex, political affiliation, or beliefs, be excluded from participation, be denied the benefits of, or be subjected to discrimination under any project or activity funded in whole or part with funds made available under the SCSEP program.

Host Agency Agreements

Host Agency Agreements should contain the commitment of the host agency to:

- Provide support to the participant;
- Provide skill training and supervision in learning/practicing new tasks;
- Allow participant to attend meetings, go on job interviews, etc;
- Consider hiring participant if appropriate opening occurs;
- Provide safe working environment;
- Abide by the agreed upon work schedule and hour limits;
- Provide periodic performance reviews;
- Support the participant's IEP goals;
- Honor volunteer service prohibition and non-discrimination assurances;
- Time-frame of agreement;
- Must be renewed each program year; and
- Must attach 501(c)(3) documentation (for host agencies not a unit of government).

Host Agency Monitoring

The SCSEP staff must monitor the host agency site(s), at least once every 90 days following the participant community service work base training to ensure the following:

- The participant's work-based training tasks are consistent with the goals set out in the IEP;
- Assure compliance by host agency and participant with program policy and procedures;
- Assure satisfaction of both parties:
 - Hours and conditions of work;
 - Performance of duties as described;

- Modify/upgrade as training is accomplished;
- The participant is making progress in meeting their IEP goals; and
- Identify and resolve any problems.

Monitoring visits may be made by telephone, so long as every other monitoring visit is done in person.

Areas to be monitored include, but are not limited to the following:

- Safety and working conditions at the host agency site;
- Possibility of additional training at the host agency site;
- Possibility of unsubsidized employment at the host agency site;
- Host agency compliance with community assignment description; and
- Participant involvement in training outside the host agency community service assignment.

As published in the Federal Register June 29, 2007 (Volume 72, Number 125) the following definitions apply.

§641.140 - What definitions apply to this part?

Additional indicators mean retention in unsubsidized employment for one year; and satisfaction of participants, employers and their host agencies with their experiences and the services provided and any other indicators of performance that the Secretary determines to be appropriate to evaluate services and performance. (Sec. 513(b)(2) as amended by Pub. L. 109-365).

At risk for homelessness means an individual is likely to become homeless and the individual lacks the resources and support networks needed to obtain housing.

Community service employment means part-time, temporary employment paid with grant funds in projects in host agencies through which eligible individuals are engaged in community service and receive work experience and job skills that can lead to unsubsidized employment. (Sec. 518(a)(2) as amended by Pub. L. 109-365).

Core indicators means hours (in the aggregate) of community service employment; entry into unsubsidized employment; retention in unsubsidized employment for six months; earnings; the number of eligible individuals served; and most-in-need (the number of individuals described in subsection (a)(3)(B)(ii) or (b)(2) of section 518 of the OAA). (Sec. 513(b)(1) as amended by Pub. L. 109-365).

Disability means a disability attributable to mental or physical impairment, or a combination of mental and physical impairments, that results in substantial functional limitations in one or more of the following areas of major life activity:

- (1) Self-care;
- (2) Receptive and expressive language;
- (3) Learning;
- (4) Mobility;
- (5) Self-direction;
- (6) Capacity for independent living;
- (7) Economic self-sufficiency;
- (8) Cognitive functioning; and
- (9) Emotional adjustment.

Frail means an individual 55 years of age or older who is determined to be functionally impaired because the individual—

- (1)
 - (i) Is unable to perform at least two activities of daily living without substantial human assistance, including verbal reminding, physical cueing, or supervision; or
 - (ii) At the option of the State, is unable to perform at least three such activities without such assistance; or

(2) Due to a cognitive or other mental impairment, requires substantial supervision because the individual behaves in a manner that poses a serious health or safety hazard to the individual or to another individual.

Homeless includes

- (1) An individual who lacks a fixed, regular, and adequate nighttime residence; and
- (2) An individual who has a primary nighttime residence that is:
 - (i) A supervised publicly or privately operated shelter designed to provide temporary living accommodations (including welfare hotels, congregate shelters, and transitional housing for the mentally ill);
 - (ii) An institution that provides a temporary residence for individuals intended to be institutionalized; or
 - (iii) A public or private place not designed for, or ordinarily used as, regular sleeping accommodations for human beings.

Limited English proficiency means individuals who do not speak English as their primary language and who have a limited ability to read, speak, write, or understand English.

Low employment prospects means the likelihood that an individual will not obtain employment without the assistance of the SCSEP or another workforce development program. Persons with low employment prospects have a significant barrier to employment. Significant barriers to employment may include but are not limited to: Lacking a substantial employment history, basic skills, and/or English-language proficiency; lacking a high school diploma or the equivalent; having a disability; being homeless; or residing in socially and economically isolated rural or urban areas where employment opportunities are limited.

Low literacy skills means the individual computes or solves problems, reads, writes, or speaks at or below the 8th grade level or is unable to compute or solve problems, read, write, or speak at a level necessary to function on the job, in the individual's family, or in society.

Most-in-need means participants with one or more of the following characteristics: Have a severe disability; are frail; are age 75 or older; are age-eligible but not receiving benefits under title II of the Social Security Act; reside in an area with persistent unemployment and have severely limited employment prospects; have limited English proficiency; have low literacy skills; have a disability; reside in a rural area; are veterans; have low employment prospects; have failed to find employment after utilizing services provided under title I of the Workforce Investment Act of 1998 (29 U.S.C. 2801 et seq.); or are homeless or at risk for homelessness. (Older Americans Act (OAA) section 513(b)(1)(E) as amended by Pub. L. 109-365).

National grantee means a public or non-profit private agency or organization, or Tribal organization, that receives a grant under title V of the OAA (42 U.S.C. 3056 et seq.) to administer a SCSEP project. (See OAA section 506(g)(5) as amended by Pub. L. 109-365).

Persistent unemployment means that the annual average unemployment rate for a county or city is more than 20 percent higher than the national average for two out of the last three years.

Rural means an area not designated as a metropolitan statistical area by the Census Bureau; segments within metropolitan counties identified by codes 4 through 10 in the Rural Urban Commuting Area (RUCA) system; and RUCA codes 2 and 3 for census tracts that are larger than 400 square miles and have population density of less than 30 people per square mile.

Severe disability means a severe, chronic disability attributable to mental or physical impairment, or a combination of mental and physical impairments, that--

- (1) Is likely to continue indefinitely; and
- (2) Results in substantial functional limitation in 3 or more of the following areas of major life activity:
 - (i) Self-care;
 - (ii) Receptive and expressive language;
 - (iii) Learning;
 - (iv) Mobility;
 - (v) Self-direction;
 - (vi) Capacity for independent living;
 - (vii) Economic self-sufficiency.

Severely limited employment prospects means a substantially higher likelihood that an individual will not obtain employment without the assistance of the SCSEP or another workforce development program. Persons with severely limited employment prospects have more than one significant barrier to employment; significant barriers to employment may include but are not limited to: Lacking a substantial employment history, basic skills, and/or English-language proficiency; lacking a high school diploma or the equivalent; having a disability; being homeless; or residing in socially and economically isolated rural or urban areas where employment opportunities are limited. * * * * *

Veteran means an individual who is a "covered person" for purposes of the Jobs for Veterans Act, 38 U.S.C. 4215(a)(1).