

Senior Community Service Employment Program (SCSEP)

Effective Date: October 15, 2022

Duration: Indefinite

Purpose: To various policies related to the Senior Community Service Employment Program (SCSEP).

Policy: See specifics below.

SCSEP serves low-income unemployed persons who are 55 years of age and older. The program is designed to provide useful part-time community service training opportunities for participants, enhance the abilities, skills and aptitudes of participants to increase their opportunities to obtain mainstream employment and foster individual economic self-sufficiency. SCSEP strives to change negative attitudes and stereotypes about older workers through demonstrated success.

SCSEP Participant Wage

As stated in Section 641.565(a)(2) of the SCSEP Final Rules, “the highest applicable wage for SCSEP participants is either the minimum wage applicable under the Fair Labor Standards Act of 1938; the State or local minimum wage for the most nearly comparable covered employment; or the prevailing rate of pay for persons employed in similar public occupations by the same employer.”

The LWDB will follow the policy that each SCSEP participant will be paid the Federal minimum wage (currently \$7.25) per hour while actively participating in SCSEP.

SCSEP participants will submit timesheets bi-weekly and will be reimbursed for hours worked during the pay period at minimum wage (currently \$7.25) per hour.

SCSEP is a training program and therefore, participants are not considered employees of sub-grantee or their Host Agency while participating in the program and will not receive any benefits. Unallowable costs under SCSEP are as follows:

- Compensation or payment for unused benefits such as sick leave or holidays
- Payment into a retirement system
- Cost of pension benefits

SCSEP Participant Approved Breaks

SCSEP final rule 20 CFR Section 641.570(d) states there are circumstances when a break from SCSEP activity becomes necessary because of the participant’s personal circumstances or because a suitable community service assignment is not available. USDOL requires each grant recipient of SCSEP to have a policy in place regarding approved breaks.

It shall be the policy of the Local Workforce Development Board to allow SCSEP participants necessary approved breaks per Section 641.570(d) of the SCSEP final rules.

Approved leave without pay may be granted to a SCSEP participant. Some of the reasons a SCSEP participant may be granted an approved leave include, but not limited to, the following:

- Unexpected illness or surgery
- Attend to a personal matter

- Care for a family matter
- Waiting for a new Host Agency

If the participant must take a leave of absence from the program, he/she must make this request in writing to the SCSEP Coordinator at least one week in advance. The SCSEP Coordinator reserves the right to approve or deny the request. In the event of an unexpected illness or accident, verbal or written notification must be given to the supervisor as soon as possible. The participant may make a request to the SCSEP staff and Host Agency to use leave without pay if he/she will be absent for more than (3) three consecutive working days. If the leave without pay is approved, and if it exceeds more than three (3) working days, the SCSEP staff will put the participant on an approved break in service of up to 30 days maximum, during which time the participant will still be enrolled in SCSEP. Should the SCSEP participant not be able to return to work within thirty (30) days, a termination letter will be sent notifying participant of exit. Any participant who exits the program due to health-related reasons can re-enroll in the program after they have fully recovered and provided a release from their doctor.

An approved break will be documented in the participant's file case notes and the USDOL Grantee Performance Management System (GPMS) database. When a leave of absence is requested because of illness or surgery, the participant must obtain a doctor's statement indicating the length of recovery time and anticipated date of return to work. The statement must include any restrictions or instructions for the participant. The documentation is to be a part of the participant's permanent file and noted in case notes that it was received. For any other leave of absence requests, the reason must be documented in the case notes and the USDOL GPMS database. Participant must be re-evaluated periodically for any health-related breaks to determine if break will exceed thirty (30) days.

Annual Leave: No participant in the SCSEP program shall be granted paid annual leave (vacation). The participant's schedule may be adjusted, within reason, by the SCSEP Coordinator or host agency supervisor so they may be able to recoup any lost hours.

Sick Leave: Time lost due to illness may be made up the form of rescheduled work time as the SCSEP Coordinator deems reasonable and necessary. SCSEP staff will obtain appropriate return to work documentation prior to the participants return to the community service assignment if the break is due to illness. The documentation is to be part of the participant's permanent file and noted in case notes that it was received.

Holidays: The SCSEP Program must provide compensation uniformly to participants for recognized federal holidays only if the Host Agency is closed on these federal holidays **AND** if the participant is scheduled to work. The federal recognized holidays include:

New Year's Day -- January 1
Martin Luther King, Jr. Day -- 3rd Monday in January
Presidents Day (Washington's Birthday) -- 3rd Monday in February
Memorial Day -- Last Monday in May
Independence Day -- July 4
Labor Day -- 1st Monday in September
Columbus Day -- 2nd Monday in October
Veterans Day -- November 11
Thanksgiving -- 4th Thursday in November
Christmas -- December 25
Inauguration Day -- January 20 (2009, 2013, 2017, etc.)

If the host agency is closed on additional holidays (e.g. the day after Thanksgiving), the participant shall have the opportunity to make up those hours. In the event a host agency cannot accommodate the participants rescheduled holiday hours, the sub grantee may arrange for approved activities for the participant that is consistent with their IEP and noted in case notes. All holidays hours must be accounted for within the pay period for which the holiday takes place.

Jury Duty: A participant may be granted time off for jury duty. A participant may make-up the time lost while in jury duty within four weeks of the end of jury duty participation if the host agency can accommodate the extra hours and approved by the SCSEP staff.

Natural disasters: In the event of a natural disaster and if the participant is unable to report to their host agency because of events such as tornado, flooding or other disaster, they should contact their SCSEP Coordinator as soon as possible to report their situation, safety and whether they will be able to return to their host agency. Each participant impacted by a loss of a host agency by such disasters will be reassigned to another host agency as circumstances permit. The SCSEP Coordinator shall have procedures in place that would enable contact and follow-up of any participant following a natural disaster.

Participant Durational Limit

Section 641.570(a)(2) of the SCSEP final rules states that SCSEP eligible individuals may participate in the program for a maximum duration of 48 months in the aggregate (whether or not consecutive) from the date of the individual's enrollment in the program. (See 20 CFR 641.570(a)(1)).

The state of Tennessee Department of Labor and Workforce Development implemented a policy effective August 15, 2012, that states individual participant durational limit of SCSEP participants will be 48 months without the possibility of extensions. This means NO participants will be offered an extension beyond the 48-month time limit for participation in SCSEP. It is the policy of the Local Workforce Development Board that the 48-month time limit for participation in SCSEP will be followed with no possibility of an extension.

The following steps will be followed regarding SCSEP participant durational limit

- I. Participants are made aware of this policy at the time of enrollment and heightened by having each participant sign the SCSEP Durational Limit form.
- II. A 90-day and 30-day notice will be submitted to each SCSEP participant who is about to reach their 48-month durational limit.

Transitional Planning: A timely transitional plan will be implemented to ensure the best possible outcome for each SCSEP participant. Other relevant community partners, including one-stop career center partners, will be identified by sub-grantee to ensure other opportunities are available to SCSEP participants. SCSEP participants will be invited to meetings at the local American Job Center for provision of employment services, resume writing and interviewing workshops, High School Equivalent Testing (HSET), and educational training opportunities during participation in the program. These meetings will allow SCSEP participants the opportunity for additional exposure to current job market trends.

Participant Termination

Per 20 CFR 641.580, written policies governing all involuntary terminations regarding SCSEP is a requirement. Per the SCSEP Termination Policy of the TN Department of Labor and Workforce Development (TDLWD), all participants have the right to appeal within thirty (30) days of receiving a termination letter. A copy of the grievance procedure will be attached to the termination letter. The LWDB will adhere to the following guidelines regarding the termination process of a SCSEP participant.

SCSEP participants will be sent a termination letter, along with a copy of the grievance procedure, when a termination is necessitated by circumstances. The following steps will be adhered to in this termination process:

A. Voluntary Termination

A one-week written notice should be provided by any SCSEP participant who decides to voluntarily resign. This notice should state the reason for resignation. If resignation is due to obtainment of an unsubsidized job by the participant, the SCSEP Coordinator should be notified, and the SCSEP participant should cooperate with providing acceptable documentation verifying the reason for exiting the program.

B. Involuntary Termination

Involuntary guidance termination of SCSEP participants will be followed fairly and equitable. Participants will not be terminated on account of age as there is no upper-age limit for participation in SCSEP. Except for severe violations, participants will receive counseling and an opportunity for correction before a formal termination notice is issued. In all cases, a thirty

(30)-day notice will be sent to participant notifying them of exit date and the reason for termination. During orientation participants will receive a written copy and a verbal explanation regarding this Involuntary Termination Policy. The following seven (7) reasons listed below may be cause for involuntary termination:

1. **Knowingly providing false information during Eligibility Process**
Fraudulent actions, such as inaccurate information for SCSEP qualification will serve as justification for placing participant on “leave without pay”. A thirty (30)-day written notice of termination will be sent to the participant.
2. **Incorrectly Determination of Participant as Eligible**
Should a SCSEP participant be found ineligible for participation in the program after enrollment through no fault of his/her own, the participant will be terminated. (EXAMPLE: inaccurate calculation of income). Should this occur, he/she will be notified regarding the error and immediately sent a thirty (30)-day notice of termination. The participant will be allowed to continue work until the date of exit stated in the letter.
3. **No Longer Being Eligible**
Should a SCSEP participant be found ineligible for the program due to changes in family income and/or size during the re-certification process (or if there is a substantial change in circumstances during participation) he/she will be notified and immediately sent a thirty (30)-day notice of termination. The participant will be allowed to work until the date of exit stated in the notification letter.
4. **48-Month Duration Limit**
A participant will be terminated once meeting the 48-month duration limit. There will be no extension issued after 48-month limit is met. Participant will receive a written notice both ninety (90) days and thirty (30) days prior to exit. All participant reaching 48-month duration limit, and who are still not job-ready, will be provided transitional assessment services. This service is provided in order to assist with development of a post-SCSEP survival plan. The SCSEP participant has the option of declining this service. SCSEP Coordinator must document the service was offered and denied by the participant through detailed case notes.
5. **Obtained Employment**
One of the eligibility requirements for SCSEP is that the applicant be unemployed at the time of application or any time during participation in the program. Should a participant obtain employment during participation, the SCSEP Coordinator should be notified immediately. Any participant discovered as being employed without notifying the SCSEP Coordinator will be terminated from the program. Participant will immediately be placed on “leave without pay”, and a thirty (30)-day notice of termination will be sent to participant.
6. **For Cause**

Participant behavior may lead to “for cause” termination. A participant may be terminated “for-cause” [20CFR Part 641.580(d)]. Sub –grantees may terminate a participant for-cause when he or she commits willful misconduct that conflicts with the terms or goals of the program. In most cases, the participant must be given one verbal and one written warning with specific corrective measures that must be taken to resolve the problem so that he or she will have a meaningful opportunity to correct the behavior. Such behaviors should be well documented and included in the project records/case file.

A thirty (30)-day notice will be sent to participant pending termination date. The participant may be terminated no sooner than 30 days after issuance of a written notice which outlines the reason(s) for termination and has been written information about the right to file an appeal. The participant will be permitted to remain at the host agency during the 30-day notice period, except for serious violations like fraud, violence, conveying threats, destroying or stealing property, using abusive or harassing language or displaying inappropriate behavior. In this case, the participant may be placed on leave without pay during the 30-day notice.

The following is a list of “for cause” terminations:

- a. Refusal to cooperate in recertification process to determine continued eligibility
- b. Refusal or failure to perform assigned duties without good cause
- c. Refusal to accept a different Host Agency community service assignment consistent with participant Individual Employment Plan (IEP) without good reason
- d. Absences or frequent tardiness without good cause or without notifying immediate supervisor (3 instances of absence without legitimate documentation)
- e. Falsification of official records or timesheets (any records found as falsifying information must be referred to American Job Center {AJC} or appropriate partner.)
- f. Insubordination (refusing to comply with Host Agency or SCSEP Coordinator/willful disregard for a supervisor’s direct orders) as long as directions/instructions are reasonable and there are no extenuating circumstances
- g. Failure to comply with drug and alcohol-free policy, which prohibits participants from consuming, selling, purchasing, manufacturing, distributing, possessing, or using any illegal or non-prescribed drug; from being under the influence of alcohol and/or drugs while performing Host Agency assignment or while carrying out objectives required by IEP.
- h. Conviction of a felony or any criminal drug statute for a violation occurring in the workplace while on or off duty, or while on duty away from the workplace.
- i. Using obscene, abusive, harassing or threatening language or violent behavior
- j. Theft, meaning illegal taking or withholding property of another without permission
- k. Intentional disclosure of confidential/private information obtained from Host Agency or Grantee
- l. Physical violence or intentional destruction, damage or unauthorized use of property
- m. Causing an imminent threat to others or self. Legal prescribed medications are excluded if participant is able to perform his/her duties and to protect safety of others.
- n. Worksite harassment or discrimination on basis of sex, race, color, religion, national origin, age, marital status or disability
- o. Exceeding approved leave without pay by failing to return to work by required date from an approved leave unless there is good cause

Should a participant’s violation be of such serious nature that immediate removal from Host Agency is required, participant will immediately be placed on leave without pay. A written thirty (30)-day notice of termination will be sent to participant. Some examples warranting immediate removal from Host Agency and leave without pay are:

- Gross misconduct, such as violation of TDLWD's Drug and Alcohol Policy or intentional endangerment of lives of others or self
- Violence, including physical or extreme violence at Host Agency
- Individual Employment Plan (IEP) terminations

An Individual Employment Plan (IEP) is developed between SCSEP participant and SCSEP Coordinator at the time of enrollment. SCSEP participant will sign the agreed upon IEP denoting specific actions to be taken in order to obtain goals of IEP. Failure to comply with IEP actions may be cause for corrective action, and lead to termination. Prior to termination, participant will be given the opportunity to correct their action in accordance with Participant Corrective Action and Warning section below. After three (3) refusals, participant will be terminated. Written notice will be sent to participant documenting the specific event in which participant did not fulfill his/her responsibility as noted on IEP.

Participant may also be terminated due to three (3) refusals of job offers or referrals related to IEP. Participant will be sent a thirty (30)-day notification of termination in this instance and can continue to work until date of exit noted in letter.

Per the TDLWD SCSEP Procedures Manual revised 02-18, **Termination from the program is a last resort.** It should be pursued only after all options have been exhausted, all events have been documented, and only after 30 days written notice has been given to the participant. The proper steps must be taken before asking the State to approve a termination. DOL clearly state the IEP-related termination are not appropriate in the following cases.

- (1) When factors are not within the control of the participant(e.g., when transportation is unavailable to an unsubsidized job or referral)
- (2) When the death of a closely related person or partner impacts the participant's training or work performance
- (3) When a physical condition adversely affects the participant's ability to complete training or a work assignment
- (4) When the training or unsubsidized job creates undue hardship by placing requirements on a participant that significantly exceed the requirements of his or her community service work training assignment
- (5) When the proposed unsubsidized position costs the participant more in terms of transportation, clothing, and other costs than the SCSEP position.

Note: Other extenuating circumstances should be considered on a case-by-case basis.

Participant Corrective Action and Warning: Participant will be given the opportunity to correct his/her behavior or failure to comply with IEP requirements other than cases involving serious harm or imminent threats to health, safety, property, etc. Should participant demonstrate positive action; or if lack of action is justified, corrective action will be discontinued. The following steps for corrective action will be taken.

Step 1: Verbal Warning - Should participant fail to comply with the goals established on his/her IEP, a verbal warning will be given by SCSEP Coordinator and coaching and guidance will be

conducted in an attempt to resolve the concern within a 30-day period. This will be documented in case notes.

Step 2: Formal Warning: If participant fails to show improvement after verbal warning, SCSEP Coordinator will meet with participant and provide a written warning, preferably in person. This notice will be accompanied by coaching and guidance regarding the steps the participant can take to be successful. Participant then has thirty (30) days from the date of written warning to make corrections. Detailed documentation will be made in case notes.

Step 3: If the participant still refuses to cooperate, a letter will be sent by SCSEP Coordinator notifying participant that previous attempts to resolve the concern(s) have not been successful and he/she will be terminated from the program thirty (30) days from date of letter. Reasons for the termination must be included in the letter.

SCSEP Participant Grievance

Any SCSEP termination must be consistent with Tennessee Department of Labor and Workforce Development SCSEP administrative guidelines. Any SCSEP participant receiving a termination notice must be informed of applicable grievance procedures as described in Section 641.910 and 29 CFR 37.70 through 80.

Written notices of termination including the reason for the action and appeal procedures will be given to the participant when SCSEP Coordinator expects to terminate. Participants will have the right to appeal any termination decision. A participant may not be terminated until thirty (30) calendar days after he/she has been provided a written notice. The LWDB will ensure that the grievance procedure is provided uniformly and fairly.

The following steps will be followed regarding resolution of any grievance/complaint within SCSEP arising between grantee, sub-grantees, applicants, or participants:

A. Informal Discussion

1. An informed discussion between SCSEP participant and SCSEP Coordinator will be held (either verbally or written) within five (5) business days of occurrence.
2. SCSEP Coordinator will work with participant to try and provide a solution within ten (10) additional business days.
3. Should no resolution be derived, the participant will be informed of his/her right to file a formal complaint.

B. Formal Written Complaint

If participant is not satisfied with decision of informal resolution:

1. The LWDB Executive Director, or a designated representative, should be contacted in writing by the participant. The written complaint should contain the following information.
 - a. Clear and concise description of complaint or issue
 - b. Names of **ALL** persons involved
 - c. Location of where issue transpired
 - d. Any other pertinent information
2. LWDB Executive Director, or designated representative, will contact participant within five (5) business days after receiving written formal grievance.
3. Participant will be allowed opportunity for further discussion of problem either by telephone or in person.
4. LWDB Executive Director, or designated representative, may elect to investigate the grievance and will have ten (10) business days before providing a written response.

5. Decision will be mailed to complainant within twenty (20) calendar days after attempt to resolve grievance unless circumstances deem additional time is required.
6. If the participant is unsatisfied with the decision, he/she has the right to appeal in writing to the Tennessee Department of Labor and Workforce Development (TDLWD) office / Title V grantee within five (5) business days of receipt of decision from sub-grantee Executive Director or designee.

C. Appeals

Complaints not resolved at the local level can be appealed in writing to:

TN Department of Labor & Workforce Development
220 French Landing Drive
Nashville, TN 37243

This must be done within thirty (30) days after decision at local level has been rendered and not accepted by the participant.

1. Appeal should be clear and concise and state relevant facts, laws, procedures, etc.
2. Appeal should not exceed five (5) pages (excluding exhibits or attachments) if at all possible.
3. Appeal must be filed within thirty (30) calendar days of receipt of decision to act.
4. Request must include complainant's address so official notices can be mailed to complainant.
5. Appeal should be sent by certified mail to:

TN Department of Labor & Workforce Development
ATTENTION: SCSEP State Coordinator
220 French Landing Drive
4th Floor
Nashville, TN 37243

Once the process is complete, grantee will keep the complaint/grievance along with the decision in file.

The U.S. Department of Labor and Workforce Development will not conduct a review except to determine whether proper grievance procedures were followed by all area levels involved. Should the complainant allege violations of federal law other than discrimination, and violations not resolved within sixty (60) days of receipt by TDLWD, the complainant may file a complaint with:

Chief Division of Adult Services
Employment and Training Administration
U.S. Department of Labor
200 Constitution Avenue N.W.
Washington, DC 202101

Allegations determined as substantial and credible will be investigated and addressed.

Complainants alleging a violation of the **Nondiscrimination Requirements of Title VI of Civil Rights Act of 1964, Section 504 of the Rehabilitation Act of 1974, Section 188 of the WIOA Act of 2014**, may be directed to:

Director of Civil Rights Center
U.S. Department of Labor
Room N-4123
200 Constitution Avenue N.W. 580
Washington, DC 202101

Complainants alleging violation of **WIOA Section 188** may be initially filed at the grantee level. Non-Discrimination and Equal Opportunity policy provides uniform procedures for filing complaints alleging violations of Non-Discrimination and Equal Opportunity provision of **WIOA of 2014**.

References: 641.565(a)(2) SCSEP Final Rules; 20 CFR 641.570(d); 641.910 SCSEP Final Rules; 20 CFR 641.570(a)(1); 20 CFR 641.580; 20 CFR 37.70 thru 80;

Related TDLWD Policy: Workforce Services Policies – SCSEP Participant Wage TN-WIOA (16-7); Senior Community Service Durational Limit TN-WIOA (16-5); SCSEP Participant Approved Break TN-WIOA (16-13); SCSEP Termination TN-WIOA (16-8); Grievance Policy TN-WIOA (16-6)

Vetted and Approved by the Local Workforce Development Board: October 27, 2022

DocuSigned by:
Ben Ferguson
3E33AF392ED9401...

Ben Ferguson, Chair
Southwest Tennessee Workforce Board

Contact Information: For questions regarding this policy, please contact Jennifer Bane, Executive Director for the Fiscal Agent/Staff to the Board, Workforce Innovations, Inc., 208 N. Mill Avenue, Dyersburg, TN 38024 Phone: (731)286-3585 Email: jbane@nwtworks.org.