

# Tennessee Senior Community Service Employment Program

A TRAINING AND EMPLOYMENT PROGRAM FOR ADULTS 55 AND OVER



Revised February 16, 2017

## Forward

The SCSEP Program Operations Manual provides official guidance for the operation of local Senior Community Service Employment Projects funded by the Tennessee Department of Labor and Workforce Development. This includes SCSEP projects operated by sub grantees.

The manual is based on the following legislative and regulatory mandates:

Title V of the Older Americans Act of 1965, as amended,

Senior Community Service Employment Program (SCSEP) Federal Regulations,

Department of Labor Older Worker Bulletins and Training and Employment Guidance Letter (TEGL),

State of Tennessee Grant Agreement with the U.S. Department of Labor

The operational policy, procedures, and standards outlined in this manual should be followed and enforced by all sub grantees. The local SCSEP Program Manager and staff members designated by the sub grantee must be familiar with the contents of this manual and are responsible for implementing its provisions.

This manual is effective. In case of any perceived discrepancy between this manual and other materials, the State SCSEP Coordinator should be consulted for clarification.

All staff members involved with the SCSEP should be familiar with the SCSEP Program Operations Manual.

This Procedures Manual is an evolving document, subject to revision as legislative and policy changes occur. The TN State SCSEP Coordinator will send all SCSEP sub grantee Program Managers a memorandum announcing change(s) when legislative or policy changes require the manual be updated. Copies of the updated manual pages, with revision dates, will accompany the memorandum. The Tennessee SCSEP Operations Manual is accessible on the Tennessee Department of Labor & Workforce Development website <http://www.tn.gov/workforce> under the SCSEP section that addresses Technical Assistance and Policies.

# Tennessee Department of Labor and Workforce Development

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## **Overview of Program Operations**

Tennessee and its six sub grantees will work with the U.S. Department of Labor and community agencies to help older adults obtain job training, increase their income, learn new skills, and find jobs. SCSEP makes it possible for the State to promote the economic independence of older Americans by providing the opportunity for eligible participants to obtain training and unsubsidized employment. The primary focus of SCSEP will be to provide participants community service training and job placement. Training programs at community service host sites allow participants to participate in providing community service to local communities, prepares participants for unsubsidized positions and advance them toward economic independence.

The SCSEP sub grantees are required partners with the WIOA providers. SCSEP sub grantees are required to have signed Memorandum of Understandings (MOU) with the local Workforce Investment Board.

The Tennessee grantee conducts annual SCSEP Data Validation of performance and eligibility of data that is input by sub grantees into the SCSEP Performance and Results QPR (SPARQ), in an effort to ensure accurate reporting.

The Tennessee grantee conducts annual monitoring of sub grantee participant and host agency files to ensure compliance with USDOL SCSEP policies.

Tennessee grantee and all sub grantee SCSEP staff agree to conform to Programmatic Assurances required by USDOL each program year in the delivery of services.



## **Tennessee SCSEP Procedures**

### **Eligibility:**

To be eligible for the SCSEP program, participants must meet the following criteria:

1. Age 55 or older
2. A current resident of the state of Tennessee
3. Have a family income that is not more than 125% of the federal poverty income guidelines
4. Unemployed at the time of enrollment
5. Enrollment priority of service is given to:
  - Persons in accordance with the Jobs for Veterans Act; veterans' priority of service means that "covered persons" (veterans and certain spouses, including widows and widowers) who are eligible for SCSEP must receive services instead of or before non-covered persons.
  - Are 65 years or older.
  - Have a disability.
  - Have limited English proficiency or low literacy skills.
  - Reside in a rural area.
  - Have low employment prospects.
  - Have failed to find employment after utilizing services provided through the One-Stop Delivery System.
  - Are homeless or are at risk of homelessness.

## INTAKE AND ORIENTATION

### INTAKE

During the intake process, questions about a participant's health are not permitted even if the participant appears frail or has indicated that he or she has a health problem.

The application process should focus solely on determining eligibility. Physical health is not an eligibility factor as cited in the U.S. Department of Labor's regulations at 20 CFR 641.311(3) (i).

The Americans with Disabilities Act (ADA) and Section 504 of the Rehabilitation Act prohibit making medical inquiries before an offer of employment has been made. In other words, questions about ability to work are not allowed before the person is determined eligible and offered a position on the program. Therefore, the assessment, which does ask questions about limitations, should be done after determining eligibility.

After the participant has been found eligible for SCSEP and while an appropriate training assignment is being developed, the new participant can be asked certain questions regarding his or her health, job-related medical inquiries are permitted at this time to assist in matching the participant to a training assignment.

**Note:** Caution should be taken when asking health related questions. Any medical inquiry should focus on the individual's ability to perform an essential job task. The questions, "Can you stand for two hours a day?" and "Can you sit at a computer and type for three to four hours?" are appropriate. Do not ask general questions such as "How is your health?"

### SCSEP eligible participants:

If an enrollee is found to be eligible, do an Initial Assessment of their needs with them. The assessment should evaluate such areas as noted below. This is not meant to be a comprehensive list.

- a. Brief work history.
- b. Skills and abilities, in need of skills upgrading
- c. Education
- d. Math and reading skills
- e. Barriers, disabilities, limitations
- f. Job interests
- g. Family situation: divorced, widowed, raising grandchildren, living with adult children, homeless
- h. Transportation
- i. Ability to use computers

### Procedure:

If it appears that the enrollee is SCSEP eligible and agrees to apply to be enrolled in the program, immediately begin enrollment following the below process:

- Fill out Applicant's Confidential Statement of Income.
- Verify family size (Family Size Certification Form,
- Complete the SCSEP Participant Form.
  - Be sure applicant signs and dates participant form attesting to the accuracy of the information.
- Complete I-9 Employment Eligibility Verification form following the I-9 instructions .
  - All sub-grantees are required to verify the employment eligibility of applicants and participants under the Immigration Reform and Control Act (IRCA) of 1986. Participants enrolled after November 6, 1986, must complete the Employment Eligibility Verification Form (Form I-9). Sub-recipient agencies shall inform all applicants that only authorized individuals who may work in the United States and can be eligible to enroll in SCSEP.
- Have participant sign the Senior Community Service Employment Program Privacy Act Statement.
- Complete Statement of Non-Employment.

Place the signed forms with original signatures in the participant's file.

At this time, you have officially enrolled the applicant into the SCSEP.

- Review and provide the enrollee with a copy of the SCSEP Participant Handbook.
- Have participant sign and date the "Participant Rights and Responsibilities & Handbook Acknowledgement" (last page of booklet) and file signed original copy in participant's file.
- Review the information contained in the Participant Handbook. Participants must sign a copy of the Record of Participant Orientation to indicate that they have read or received a satisfactory explanation of the material covered during the orientation. A copy of the signed form shall be given to the participant and the original placed in the participant's file.
- Offer the physical as a benefit of the program. If the enrollee refuses, have them sign the Record of Offer of Physical Examination form and place this in their file.
- Complete a skills assessment on participants in an effort to determine barriers and training needs.
- Begin to develop the Individual Employment Plan (IEP) with participant, discussing job interests and goals. The initial IEP must contain a job related goal. (The initial IEP shall be completed within the first month of the enrollment date.)
- Determine an appropriate community service assignment at a host agency and complete the SCSEP Community Service Assignment form or if no host agency is available, place them on the waiting list.
- Fill out and review Participant Training Assignment Description (TAD), and discuss schedule of work hours and other host agency expectations. The TAD needs to be updated with every IEP.
- Determine if a co-enrollment is possible through WIOA, and/or if classroom training is an option. Refer for further formal assessments as necessary.

- Have participants attend no less than one workshop training per quarter, in an effort to prepare them for future employment.
- Follow up regularly with each participant.

No sub-grantee may impose any additional requirement or condition for determining enrollment eligibility for SCSEP unless required by federal law.

### Dual Eligibility

An individual who meets the age, income and residence requirements for SCSEP participation under the Title V of the Older Americans Act shall be eligible to be enrolled in the local Workforce Innovation and Opportunity Act Program (WIOA). The enrollee is required to register at their nearest TN American Job Center within 30 days of enrollment. Documentation of this action may be accomplished via case note following the Department of Labor's guidance on case note content and a completed resume.

## **ORIENTATION**

### **Purpose**

The purpose of the orientation is to provide essential information that participants need to effectively fulfill their responsibilities while on their training assignments.

### **Requirements**

The sub-grantee's staff shall provide orientation to all new participants **before** they begin their training assignments. Because orientation is mandatory, participants **must** be compensated for their attendance.

### **Procedures**

Orientation sessions shall be conducted during normal work hours and should include, but not be limited to, information concerning

- (a) The role of the sub grantee staff
- (b) SCSEP project goals and Objectives
- (c) Participant rights and responsibilities
- (d) Training site information, including the following:
  - (1) Name of the agency
  - (2) The agency's address and directions to the location, if needed
  - (3) The training site supervisor's name
  - (4) A training plan with duties listed
  - (5) A work schedule (including hours and days);
- (e) Administrative procedures (including instructions on how to complete time sheets, request leave, etc.)
- (f) Policies on working hours, wages, and fringe benefits
- (g) Policies on leave and calling in sick
- (h) The individual Employment Plan (IEP)



- (i) Training opportunities available through the project
- (j) Service plans in the IEP to assist in the participant's transition to unsubsidized employment
- (k) Available supportive services
- (l) Permitted and prohibited political activities
- (m) Safe working habits and conditions
- (n) Procedures for reporting accidents and handling emergencies
- (o) The Age Discrimination in Employment Act (ADEA);
- (p) The Americans with Disabilities ACT of 1990
- (q) The Drug-Free Workplace Act of 1990
- (r) Grievance procedures

### **Orientation Checklist**

Participants must sign a copy of the Orientation Training Checklist to indicate that they have read or received a satisfactory explanation of the material covered during the orientation. A copy of the form should be given to the participant and a copy placed in the participant's record.

### **Orientation to Host Agency**

An orientation on the materials listed above shall be provided by the sub grantee to the training site supervisor and any other staff involved with SCSEP participants. Each of these individuals should be **asked to sign an orientation checklist form**. The form(s) should be placed in the Host file.

### **Follow-up Orientation Session for Participants**

The State **strongly recommends** that sub grantees offer participants a follow-up orientation session in a group setting during the first quarter of their enrollment. This session will provide

- (a) An in-depth review of the SCSEP
- (b) An opportunity to discuss program goals
- (c) A supplementary explanation of the funding relationships among the State, the U.S. Department of Labor, and the Local SCSEP sub-grantee
- (d) An opportunity to answer questions and address issues that may have arisen.

### **BENEFITS**

#### **Physical Examination:**

#### **Purpose**

The U.S. Department of labor has stated clearly that physical examinations are a fringe benefit for program participants. Physical examinations are **not** an eligibility factor.

#### **Timing**

Physical exam shall be offered to each participant at the time of eligibility and annually thereafter.

## **Policy**

Sub grantees must offer SCSEP participants a physical exam upon enrollment into the program and annually as long as they continue on the program.

## **Procedures**

In the field, many questions arise concerning appropriate ways to offer physical exam and ask questions about an applicant's Physical limitations. Procedures for this section fall under the jurisdiction of the Federal regulations SCSEP, the Americans with Disabilities Act (ADA), and Section 504 of the Rehabilitation Act.

The state requires that its sub grantees adhere to the following procedures during and individual's application, enrollment, and tenure in SCSEP.

## **During the Application Process**

During the intake process, questions about an applicant's health are **not** permitted even if the applicant appears frail or has indicated that he or she has a health problem.

**The application process should focus solely on determining eligibility. Physical health is not an eligibility factor.** The Americans with Disabilities Act (ADA) and section 504 of the Rehabilitation Act prohibit making medical inquiries **before** an offer of program enrollment has been made. In other words, questions about ability to work are not allowed before the person is determined to be eligible **and** offered a position in the program.

## **After Enrollment**

After the applicant has been found eligible for SCSEP and while an appropriate training assignment is being developed, the new participant can be asked certain questions regarding his or her health. Job-related medical inquiries are permitted at this time to assist in matching the participant to a training assignment.

## **Note: Caution should be taken when asking health related questions.**

Any medical inquiry should focus on the individual's ability to perform an **essential** job task. The questions, "Can you stand for two hours a day?" and "Can you sit at a computer and type for three to four hours per day?" are appropriate.

Do not ask general questions such as "How is your health?" **Sub grantees must explain clearly** too new participants that health related questions are asked only for the purpose of developing suitable community service training assignments for them. If questions are asked of one participant, **they must be asked of all participants.** For instance, a sub grantee may ask all participants if they have recently been under a doctor's care. The follow-up question, "Do you have a release from your physician?" can be asked of individuals who answer yes to the question of recently being under a doctor's care.

Don not limit questions to persons who appear to have disabilities, health problems, or are receiving Social Security Disability Insurance or any other disability payments. The U. S. Department of Labor states, "Judgments made on appearances can lead to the perception that discriminatory assumptions are being made."

### **While Participating on a Community Service Training Assignment**

If a participant is placed in a position where everyone working in similar positions must undergo a physical examination, the participant may be required to undergo a physical examination. An example of this would be when a participant is considered for a food service assignment in a non-profit hospital where all food service workers are required to pass a physical examination. If the participant refuses to have a physical examination, another training site should be found.

### **During the Recertification Process**

During the recertification process, sub grantees **must** offer an annual physical exam to each participant who is eligible to continue on the program.

### **Documentation**

The examining physician should provide a written medical report to the participant. The participant does **not** provide a copy of the medical report to the sub grantee. The State SCSEP Coordinator will periodically review files for compliance.

### **Refusal of a Physical Assessment**

A participant may refuse to take advantage of the physical assessment offer at the time of enrollment or at recertification. **Sub grantees must document the refusal by having the participant sign a Physical Exam Offer.** The participant must sign the waiver **within 60 days after beginning a community service training assignment.** Sub grantees should actively encourage participants to take advantage of the physical exam. Staff should **not** volunteer the use of a waiver as an automatic option.

### **Cost of Physical Examinations**

Sub grantees should seek to provide physical assessments through **reduced** or **no-cost** local providers. Reimbursements for physical exams are allowed at a rate of \$75.00 per participant. The cost of physical assessments should be charged to the Participant Wages/Fringe Benefits cost category.

### **Forms**

If the participant refuses the physical assessment, he or she must sign a **Physical Exam Waiver.**

The Physical Assessment Waiver forms should be kept in a separate file, **not in the participant's record.**

## **Workers' Compensation**

The Senior Community Service Employment Program sub-grantee provides participants with workers' compensation coverage as required by state law. Workers' Compensation is insurance, paid for by employers, that provides cash benefits and medical care if a person becomes disabled because of an injury or illness related to their job. All employees are covered by the Workers' Compensation Law. If death results, benefits are payable to a surviving spouse and dependents as defined by law.

***IMPORTANT:*** All injuries related to the community service assignment must be reported immediately to the Project Director/Coordinator. If a participant becomes involved in an accident or sustains an injury while working, he or she must report the situation as required by state law. Workers' compensation information is posted in the Project Office. If a participant is restricted from working (per doctor's orders), he or she will go on an approved break in service. If a participant has an active Workers' Compensation claim with a Project Agency office, he or she cannot be terminated from SCSEP while the claim is active. If a participant has an active Workers' Compensation claim during the recertification period and while he or she is on an approved break (with an open, workers' compensation claim), that participant does not need to be recertified at that time. When the claim is closed, that participant will return to active status and be recertified if he or she has missed the recertification period. Recertification is required since family income may have changed during the period of the approved break. If found currently eligible, every reasonable accommodation will be made to find a suitable Host Agency assignment within the parameters of the participant's current physical status.

## **Comprehensive ASSESSMENT**

### **Purpose**

The initial assessment provides the basic framework for the individual employment plan (IEP). The comprehensive assessment process seeks to identify a participant's existing work skills and deficits, job preferences, and any barriers to employment. From the assessment, the sub grantee will determine the appropriate employment, training, or service activities for each participant and describe each activity on the IEP. Procedures for the IEP follow in Section G.

### **Requirements**

It is the responsibility of the sub grantee to design and implement an effective procedure to assess participants. The assessment must include a comprehensive evaluation that includes both formal and informal techniques.

The assessment must include input from the participant. The U.S. Department of Labor has established minimum assessment requirements in Older Worker Bulletin 96-1, dated February 7, 1996. All sub grantees **must adhere to** and all assessments **must include** the following:

- (a) The assessment shall be made in partnership with the participant.

- (b) The participant's skills, talents, training, work history, and capabilities must be considered.
- (c) Appropriate training and employment objectives must be identified.
- (d) Needed supportive services must be identified
- (e) The assessment must be the basis for the individual employment plan (IEP).
- (f) The assessment must be the basis for the community service assignment.
- (g) The participant and the project staff member who helped develop it must sign the assessment.
- (h) The assessment must be conducted by the sub grantee.

In addition, the State **requires** sub grantees to include, at a minimum, the following when assessing a participant:

- (a) The individual's occupational/job preference
- (b) Education and vocational training
- (c) Occupational skills, interests, talents, and aptitudes
- (d) Physical capabilities (consistent with Section 504 of the Rehabilitation Act of 1973, as amended, and the Americans with Disabilities Act of 1990)
- (e) Positive attributes
- (f) Barriers to employment
- (g) Scores on assessment instruments
- (h) Potential for performing the proposed community service assignment duties
- (i) Potential for transition to unsubsidized employment

Particular attention should be paid to the knowledge and skills the participant now possesses, the types of work the participant would like to do, and the knowledge and skills the participant needs to obtain a job in the occupational field of interest. This information provides the basis for the individual employment plan (IEP) and should guide training and employment decisions.

### **Methods of Assessment**

Methods of assessment that sub grantees may use include:

- (a) Vocational testing and interest surveys
- (b) Informal (personal questionnaires) and formal structured interviews
- (c) Observations of an individual's attitudes, behavior, and body language
- (d) Basic skills testing
- (e) Workbooks/exercises to help individuals identify their work preferences, values, and options
- (f) Needs identification through self-assessment activities

## The Assessment Interview

A technical guide prepared for the U.S. Department of Labor provides the following tips to help project staff make the assessment interview less threatening to an older individual and to help create a welcoming environment.

- (a) **Be ready to interview** the individual
- (b) **Be mindful of your role** to assist someone who needs guidance through the system
- (c) **Be trustful**, briefly stating that you intend to help the participant meet his or her goals
- (d) **Be open and avoid making judgments** about a participant based on dress, styles, accent, or location of his or her residence
- (e) **Be aware of your limitations**, as you are neither a therapist nor a rescuer
- (f) **Be participatory**, gently guiding the interview
- (g) **Be useful** by showing how your program's assistance may lead to gainful employment
- (h) **Be relaxed and non-threatening**, but remember to be aware of cultural differences that
- (i) **Be adaptable** allowing the participant to make decisions about employment goals and training

Staff must be willing to work with individuals with a variety of experiences, skills, needs, and attitudes. The goal is to work effectively with the participants and present options will propel them toward their employment objectives.

## Ongoing Procedures and Re-assessment

Assessment of participants is a continual responsibility of the sub grantee. A formal re-assessment of each participant's progress toward the goals set in the IEP is required **at least once every six (6) months**.

Monitoring participant achievements and challenges on a monthly or a quarterly basis will enhance both participant development and the review. Ongoing assessments should seek to make the best use of SCSEP resources by determining how participants can be motivated to higher levels of achievement.

## Recent Assessments Conducted by Other Programs

A sub grantee may use an assessment of a participant prepared by another employment or training program under the WIA **if** the program prepared the assessment **within one year prior to the date of application to the SCSEP**.

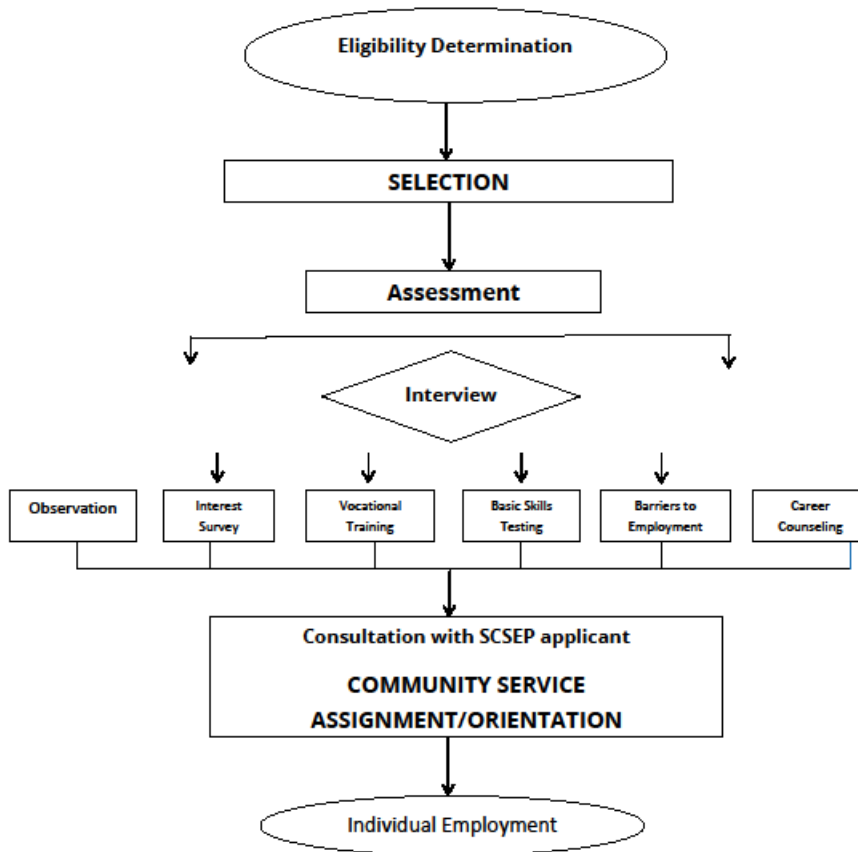
## Assessment Forms

Sub grantees must use the participant assessment forms.

## Diagram Illustrating the SCSEP Assessment Process

A diagram illustrating the SCSEP assessment process follows on the next page.

## SCSEP Assessment Process



## INDIVIDUAL EMPLOYMENT PLAN

## **Purpose**

The purpose of the Individual Employment Plan (IEP) is to outline a strategy that will assist participants in achieving their employment goals. The assessment and IEP are used to develop a training assignment for each participant.

## **IEP Requirements**

The IEP must be developed with the participant and host site and must include the following:

- (1.) An initial employment goal
- (2.) A list of intermediate objectives to be achieved
- (3.) A service plan listing the sequence of the services or activities that the participant will receive or in which they will participate including an explanation of how these services or activities address the participant's needs, interest, and desires that were identified during the assessment process and will help them to achieve employment.

The IEP must be developed for each participant within the first month of enrollment in the Senior Community Service Program. The State requires that the IEP be developed within a month of a participant's enrollment because it is important that participants know the steps they must take to become employable in the local job market.

All participants are to be given a copy of their IEP. The original should be placed in the participant's file. Training site supervisors will be provided with a copy of the IEP. Host Agency supervisors must sign the IEP acknowledging their participation in developing the participant's goals.

## **IEP Review**

The sub grantee shall formally review the IEP progress for each participant at least twice a year. This review must include the following:

- (a) An assessment of the appropriateness of the participant's current community service work training assignment.
- (b) An evaluation of the progress the participant has made in meeting IEP objectives
- (c) A determination of the participant's potential for transition to unsubsidized employment.
- (d) An evaluation of the progress the participant has made toward meeting his or her training and employment objectives.
- (e) Input from the participant on any aspect of the plan
- (f) Input from the Host site supervisor on any aspect of the plan
- (g) Motivation of the participant toward completing the plan steps



- (h) Any necessary revisions to the IEP due to a change of circumstances with the participant or the training site, e.g. Some participants may not be able to achieve the original employment goal

If the participant has made significant progress or if there has been a change in the participant's circumstances, a revised IEP should be completed. Be sure to insert the date that the revised plan was developed. The participant and host site supervisor should be given a copy of the revised IEP. The original of the revised IEP should be filed in the participant's record. Sub grantee staff should ensure that the participant understands and agrees to all changes in his or her goals, program activities and services, and required action steps.

### **Host Site Transfer based on the IEP Review**

Upon review of the IEP, a sub grantee may develop an alternative training assignment or host site transfer for a participant under the following circumstances:

- (a) When a different training assignment will provide greater opportunities for the participant to use his or her skills and aptitudes
- (b) When an alternative training assignment will provide work experience that will enhance the participant's potential for unsubsidized employment
- (c) When a different training assignment will serve the best interests of the participant or host site
- (d) The host site request the participant be moved
- (e) Sub grantees must follow the required procedures when making training site transfers.

### **IEP Form**

Sub grantees must use the Individual Employment Plan form and the IEP Review/Follow-up.

### **IEP-Related Terminations**

Under certain circumstances, the State will review a request for an IEP-related termination. The request will be approved only if both the State and U.S. Department of Labor criteria are met. Sub grantees should ensure that the request meets all requirements before submitting it to the State SCSEP Coordinator. A participant cannot be terminated until State approval is received.

The U.S. Department of Labor (DOL) issued clear guidance in Older Worker Bulletin 96-11, dated August 15, 1996, that IEP-related terminations should be used only as a last resort. DOL has emphasized that all practical steps should be taken to avoid the termination of a participant based on the IEP.

### **DOL's Criteria for IEP-Related Terminations**

DOL has established six broad criteria that must be adhered to before IEP-related terminations will be considered. These criteria are listed below.

- (1) All participants must be informed during orientation or during a quarterly meeting that failure to accept a reasonable number of job offers could be a basis for termination from the SCSEP.
- (2) Rules and procedures must be applied in a fair and consistent manner to all participants in a sub grantee project. Staff cannot request a termination of one participant over another solely because of personality issues. "Difficult" participants cannot be terminated without being given the same consideration and support in achieving their IEP objectives as more cooperative participants.
- (3) The IEP must reflect clearly and accurately state the goals of the participant. **A participant's failure to adhere to vaguely worded IEP Objectives will not be considered a valid reason for an IEP-Related termination by the State or DOL.**
- (4) IEP-related terminations will follow the termination Policy #5 on the TDLWD website under SCSEP.
- (5) An IEP may be modified to reflect a situation that was not considered in the original IEP. For example, a participant who has recently lost a spouse may not be able to fulfill some of the IEP objectives while adjusting to the loss. In such situations, a modification to the IEP would be more appropriate than requesting an IEP-related termination.
- (6) When a participant's actions are not consistent with the IEP, the sub grantee must explore the cause in every case. A corrective action notice or letter must be developed and provided to the participant whenever the participant's actions are inconsistent with IEP objectives, including when the participant fails to follow through with a job referral. The notice or letter must provide time frames for the participant to respond to the sub grantee.

### **Additional State Criteria for IEP-Related Terminations**

The State criteria for IEP-related termination request follow:

- (1) The sub grantee must have developed a valid IEP for the participant with the participant's input. Further, the participant must have agreed to the requirements of the IEP.
- (2) The sub-grantee must submit copies of any documents that describe or enumerate the participant's inability to meet the IEP Objectives. Copies of any corrective letters that were given to the participant should be included as attachments. The documents should describe clearly what has happened and the steps the sub grantee took to help the participant to resolve the relevant IEP issues. All IEP progress reviews should be sent with the request.
- (3) The participant must have been given sufficient time to follow through with the actions and activities on the IEP. The state SCSEP Coordinator will review the information received to determine if the DOL and the State Criteria were fulfilled and notify the sub grantee of a decision.

### **Corrective Action**

Corrective actions are taken to inform participants that they have not complied with one or more of the program requirements. A corrective action notice or letter is a document that

is conveyed to the participant in person, if possible. The document contains information regarding a specific incident where the participant failed to fulfill his or her IEP responsibilities. The corrective action notice must have the following components:

- (1) It shall list the specific event.
- (2) It shall cite the jointly signed agreement provision.
- (3) It shall provide a period of 30 days to allow the participant to take corrective action.

A corrective action notice or letter may be appropriate in the following situations if the participant's performance is inconsistent with the jointly signed IEP agreement.

- (1) A corrective action notice should be used when a participant refuses to accept a referral for an interview at an employer's workplace. However, the proposed job must be consistent with the participant's IEP.
- (2) A sub grantee may terminate a participant if the participant refuses to accept a reasonable number of job offers to unsubsidized employment consistent with the IEP and there are no extenuating circumstances that would hinder the participant from moving to unsubsidized employment.

**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 states that IEP-related terminations 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. The participant must be given 30 days' notice of termination. The participant must be provided a copy of the Grievance Policy upon termination from the program.

### **PARTICIPANT STATUS, WAGES, LEAVE POLICY**

Individuals who participate in any Title V funded project are not Federal employees at any time during their program participation.

## Wages

Sub-Grantees must pay participants the highest applicable required wage for time spent in orientation, training, and community service assignments.

- (1) SCSEP participants may be paid the highest applicable required minimum wage while receiving WIOA intensive services.
- (2) While engaged in productive, part-time community service training, under the project, participants shall receive wages at a rate no less than the highest of the following:
  - a) The current minimum wage as established by the Fair Labor Standard Act, as amended, or,
  - b) The State or local minimum wage for the most nearly comparable covered employment.

## Annual Leave (Vacation)/Sick 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 sub-grantee project director/Coordinator or host agency supervisor so they may be able to recoup any lost hours.

Time lost due to illness may be made up the form of rescheduled work time as the sub-grantee deems reasonable and necessary. Sub-grantee 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 a noted in case notes that it was received.

## Holidays

Sub grantees 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:

Federal holidays:

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 is to 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.

#### Leave of Absence

If you must take a leave of absence from the program, you must make this request in writing to the SCSEP office at least one week in advance. The SCSEP office 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 your supervisor as soon as possible. You may make a request to the SCSEP staff and your Host Agency to use leave without pay if you will be absent for more than (3) three consecutive working days. If your leave without pay is approved, and if it exceeds more than three (3) working days, the SCSEP staff will put you on an approved break in service of up to 30days maximum, during which time you will still be enrolled in SCSEP. If you have not returned to work by the end of the approved break, you will be exited from the program, but you may reapply at a later date. Sub grantee 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 a part of the participant's permanent file and noted in case notes that it was received.

#### 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.

## 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 Project 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.

Each sub-Grantee shall have procedures in place that would enable contact and follow-up of any participant following a natural disaster.

### **RECERTIFICATION of ELIGIBILITY**

1. Program regulations require that each sub-grantee recertify the income of each participant once each project year using the Confidential Income Statement form.
2. No participant shall hold a training position for more than 12 months without having his or her income recertified.
3. When recertifying a participant, a sub-Grantee must:
  - a) Complete the process during a face-to-face interview with the participant.
  - b) Complete the Confidential Income Statement; indicate that it is a recertification on the form in the appropriate area.
  - c) Ensure that the I-9 Form is complete and in the participant's file.

When individuals re-enroll after termination from a project for reason of extended illness or placement into unsubsidized employment, eligibility determination is identical to that of recertification.

Further, if at any time the sub-grantee staff suspects that a participant is over the SCSEP income level, they must ask the enrollee to provide information for the necessary eligibility documentation.

### Procedures to Follow When Participant is No Longer Eligible

When a participant is found to be ineligible for continued enrollment on the program, regulations require that the participant be provided a 30 day notice, in writing, and include in the notice the reason for the ineligibility determination.

- (a) If, at any time a sub-grantee determines that a participant was incorrectly declared eligible as a result of false information provided by the participant, a 30 day written notice explaining the reason for termination shall be provided to the participant.
- (b) If a participant is determined to be no longer eligible during eligibility recertification, the sub-grantee must give the participant a 30 day written notice explaining the reason for termination.

- (c) If it is discovered that the sub-grantee determined that a participant was incorrectly found eligible, the sub-grantee must give the participant an immediate 30 day written notice explaining the reason for termination.

In situations (b) and (c) above, the sub-grantee staff should make a reasonable effort to place the participant in an unsubsidized job or find other support for the ineligible participant. The participant shall receive written information about the right to appeal and instructions on how to file an appeal with the sub-grantee.

### Inter-Program Transfers

Transfers must be done by agreement of both Title V grantees, not the unilateral action of a participant. When a participant has been transferred, the participant retains the status that he or she had at the transferring project. The participant **does not have** to be recertified (as long as the last eligibility check was within the last 12 months), nor is the participant subject to priority of service at the new project. Any participant can terminate from one project and seek to re-enroll in another project. However, such action requires a new application with eligibility determination and is subject to the priorities in effect at the new project.

### Food Stamps

The Senior Community Service Employment Program wages are not counted in determining eligibility for food stamps.

### HUD Housing

The Senior Community Service Employment Program wages are not counted in determining eligibility for HUD housing.

## **MAXIMUM ENROLLMENT DURATION (TIME LIMITATION POLICY)**

### **INDIVIDUAL PARTICIPANT TRANSITION PLANNING**

#### Durational Limit and Transition Assessment

The Older Americans Act, the authorizing legislation for SCSEP, allows that eligible participants to participate in SCSEP for a maximum period of 48 months or 4 years. In most cases participants rarely participate for 48 months before leaving for unsubsidized placements or other personal reasons.

The Transition Assessment is for participants who are approaching their four-year time limit on participation, and who are still not job ready. The Transition Assessment is intended to help develop a post-SCSEP survival plan by the time the participant completes his or her duration in the program. Participants have an option to decline the Transition Assessment process. If they decline, project staff must document this decision with detailed, case notes as well as on the Transition Assessment. If a participant concludes that

he or she does not have sufficient financial resources, program staff should help him or her identify supportive service agencies in the community.

The Transition Assessment should include the following as appropriate:

- (1) Up-to-date information about transferrable skills, interest, unsubsidized placement goals (if applicable), and specific action steps, ( such as updating the participant's resume, job interviewing and job search skills, additional training needs, employers to target), and an outreach strategy.
- (2) Up-to-date information about supportive needs and goals along with specific action steps, such as developing a personal budget without SCSEP wages, or getting permission to contact social support systems to ensure safety-net services throughout the transition.
- (3) Up-to-date information about continuing community service goals or other plans post-exit and specific action steps, such as identifying other stipend/ volunteer programs.

**SCSEP Participants will receive notification letters that they are approaching the end of their four years (48 months) from project staff 90 days before the time limit is reached. They will also receive a 30-day termination notice before the 4-year time limit is reached.**

**TDLWD no longer offers the Durational Limit Extension Waiver.**

## **TERMINATION POLICY**

### **TERMINATION**

No participant may be terminated except in accordance with Tennessee Department of Labor and Workforce Development's (TDLWD's) SCSEP's Termination Policy. All participants have the right to appeal under TDL WD's SCSEP grievance procedure within 30 days of termination letter. A copy of the grievance procedure will be attached to the termination letter. Terminations and processes are listed below.

#### **A. Voluntary Terminations**

If a participant decides to voluntarily resign, one week's notice should be provided by the participant, and the reason for resigning should be stated. If a participant has obtained an unsubsidized job, the participant should inform and work with his or her SCSEP Director/Coordinator to gather necessary information for the participant's exit. Project staff may ask the participant to submit copies of acceptable documentation to verify the reason for exiting SCSEP.

#### **B. Participant Involuntary Terminations**

Each Sub-Grantee's local Program Director/Coordinator will make terminations in accordance with the Involuntary Terminations listed below. There are seven (7) reasons a participant may be involuntarily terminated from the SCSEP. The reasons are listed below



along with an explanation. This Termination Policy will be followed fairly and equitably when involuntarily terminating participants. Participants will not be terminated on account of age; there is no upper-age limit for participation in SCSEP. Except as noted below in the case of serious violations, participants will receive counseling and an opportunity for corrective action before a formal termination notice is issued. In all cases, participants will receive a 30-day termination letter notifying them of the date of exit and the reason for the termination. Participants will receive both a copy and a verbal explanation of the Involuntary Termination Policy during orientation. This policy is based on the Older Americans Act Amendments of 2006 and the SCSEP Final Rule, effective on September 1, 2010.

### **1. Termination Due to Knowingly Providing False Information in the Eligibility Process**

A participant may be terminated for fraudulent actions, such as intentionally providing inaccurate information to qualify for SCSEP. If this occurs, the participant will be placed on "Leave without Pay" immediately, and a 30-day notification of termination will be sent to the participant.

### **2. Termination Due to Being Incorrectly Determined Eligible**

A participant, through no fault of that participant, will be terminated if found ineligible for participation in the SCSEP. This termination may occur either after the enrollment or after the annual recertification. A participant may be enrolled or deemed eligible for continued enrollment based on an error in determining program eligibility, such as the inaccurate recording and/or calculations of income. When this occurs, the participant will be notified regarding the error and immediately sent a 30-day notification-of-termination letter. The participant will be able to continue participating in the program until the date of exit noted in the letter.

### **3. Termination Due to No Longer Being Eligible**

Annually, or more frequently if there is a substantial change in the participant's circumstances, each participant is recertified to determine if he or she continues to be eligible for the program. During the recertification, a participant may be determined ineligible, due to a change in eligibility criteria, such as income, family of one due to a change in disability status, employment status, and number of household members. The participant will be notified and immediately sent a 30-day notification-of-termination letter. The participant will be able to continue participating in the program until the date of exit noted in the letter.

### **4. Termination Due to 48 Month Participation Limitation**

A participant will be terminated when he or she meets the federally-guided 48-month maximum-participation date without the possibility of extension. The participant will be notified by letter 90 and 30 days before exit (Effective August 15, 2012).

Transitional Assessment will be provided to all participants who are approaching their four-year time limit on participation, and who are still not job ready. The Transition

Assessment is intended to help develop a post-SCSEP survival plan by the time the participant completes his or her duration in the program.

Participants have an option to decline the Transition Assessment process. If they decline, project staff must document this decision with detailed case notes.

## **5. Termination Due to Becoming Employed During Enrollment**

To qualify for enrollment in SCSEP, a participant must be unemployed; all participants are informed that they may not be employed while participating in the program and that they must notify the program representative immediately upon becoming employed. A participant, who is discovered to be employed, while enrolled without having notified the program of the employment, will be terminated from the program. If this occurs, the participant will be placed on "Leave without Pay" immediately, and a 30-day notification of termination will be sent to the participant.

## **6. Termination for Cause**

Any participant terminated "for cause" will receive an immediate written notice stating the reason(s) for termination and a 30-day notice of the pending-termination date. Behaviors that may lead to termination or discipline should be documented and included in the project records. Reasons for termination include:

1. Income ineligibility determined at recertification;
2. Unwillingness to perform assigned duties without good cause
3. Refusal to accept a different community service assignment that is consistent with the IEP without good cause;
4. Frequent tardiness or unauthorized absences, including reporting to the assignment late or not reporting to the assignment and not informing the supervisor. Generally, three instances of absence without good cause or without proper notice may warrant termination;
5. Falsification of time sheets or other official records (those providing false information must be referred to One-Stop career centers or appropriate partner);
6. Insubordination, defined as intentionally refusing to carry out the direction or instructions of a Host Agency supervisor or SCSEP staff member, provided there were no extenuating circumstances and the directions or instructions were reasonable;
7. Non-compliance with the drug and alcohol free policy, which prohibits participants from consuming, selling, purchasing, manufacturing, distributing, possessing, or using any illegal or non-prescribed drug or from being under the influence of alcohol and/or drugs while performing their Host Agency assignment or while carrying out objectives required by the IEP;
8. Using obscene, abusive, harassing, or threatening language or behavior;

9. Theft, meaning illegal taking or withholding of the property of another without permission;
10. Intentional disclosure of confidential or private information obtained from the host agency, grantee, or local project, for example informing others of information that is supposed to be kept private or confidential;
11. Physical violence or intentional destruction of property, for example, being violent and threatening to or carrying out threats that physically harm individuals or property;
12. Causing an imminent threat to health or safety of self or others. Legally prescribed medications are excluded if they do not affect the participant's ability to perform his or her duties or to protect the safety of the participant or others;
13. Workplace harassment or discrimination on the basis of sex, race, color, religion, national origin, age, marital status, or disability;
14. Exceeding approved leave without pay by failing to return from an approved break by the required date without due notice or good cause; and
15. **For-Cause Terminations that Require Immediate Removal from the Host Agency and Leave without Pay Pending Termination**

When a participant's violation of a Tennessee Department of Labor and Workforce (TDLWD) policy is of a serious nature, immediate action to remove the participant from the host agency may be required. In this case, the participant will be placed on leave without pay, and a written 30-day notice of termination will be sent to the participant. Examples of circumstances warranting immediate removal from the host agency and "Leave without Pay" include:

1. Gross misconduct such as violating TDLWD's Drug and Alcohol Policy or intentionally endangering the lives of oneself or others;
2. Violence, including physical or extreme verbal violence at the training site.

## **7. Individual Employment Plan Terminations**

Failure to participate in the IEP process may be cause for corrective action and, as a last resort, termination. Repeated refusal (three instances) to perform specific actions as agreed to in the IEP may result in termination. Prior to an IEP-related termination, the participant will be given a chance to correct the offending action. Written notice shall be given to the citing a specific incident in which the participant did not fulfill his/her responsibility. The notice must list the specific event, cite the jointly-signed-agreement provision and provide time for corrective action.

Participants may be terminated for refusing to accept three job offers or referrals appropriately related to his or her IEP without good cause. The participant will be notified and immediately sent a 30-day notification-of-termination letter. The

participant will be able to continue participating in the program until the date of exit noted in the letter.

The following is a list of action steps that could be a part of an IEP:

1. Job searching and submitting required documentation;
2. Attending a job interview;
3. Accepting an initial or alternative training assignment;
4. Registering at the local job service or employment security office;
5. Improving personal habits or appearance;
6. Participating in workshops, training, etc.;
7. Pursuing a GED; and
8. Working on putting supportive services in place.

### **Participant Corrective Action and Warning**

A participant will be given an opportunity to correct his or her behavior or conduct, or his or her failure to comply with IEP requirements, except in cases involving serious harm or imminent threat to health, safety, property, etc. At any point, if a participant makes positive efforts or the participant's lack of action is justified, corrective action will be discontinued. The following steps for corrective action will be taken:

**Step 1: First Formal Warning** If a participant displays behavior or conduct outlined in the reasons for "for-cause" terminations or refuses to comply with the IEP requirements, the participant will be given a verbal warning and counseled to correct his or her actions by the Local SCSEP Project Director/ Coordinator. Absent extenuating circumstances, the participant will be informed in writing by the Local SCSEP Project Director/ Coordinator of the requirement to correct his or her behavior or conduct.

**Step 2: Second Formal Warning** When a participant for a second time displays behaviors or conduct outlined in the reasons for "for-cause" terminations or refuses to comply with the IEP requirements, the participant will be verbally warned and counseled to correct his or her actions by the Local SCSEP Project Director/ Coordinator. Absent extenuating circumstances, the Local SCSEP Project Director/ Coordinator will send the participant a written warning that he or she has 30 days from the date of the letter to correct his or her behavior or conduct. In the case of an IEP violation, the participant may be directed to complete a specific IEP-related task. The written warning will include a statement that failure to make improvements or complete the IEP-related tasks will result in termination.

**Step 3:** When a participant does not improve his or her actions or for a third time displays behavior or conduct outlined in the reasons for "for-cause" terminations, a letter will be sent by the local SCSEP Project

Director/Coordinator notifying the participant that he or she will be exited 30days from the date of the letter.

## **GENERAL INFORMATION**

### Release of Confidential Participant Information

No information shall be released about a participant outside of sub-grantee agency or funding agency without explicit, written permission of the participant.

### Political Patronage/Political Activities

No sub grantee may select, reject, promote, or terminate a participant **based on the participant's political affiliation or beliefs**. The selection or advancement of participants as a reward for political service or as a form of political patronage, whether or not the political service or patronage is partisan in nature, is prohibited. Further, the selection of training sites **shall never be based on political Affiliation**.

### **Prohibited Activities for Participants**

Participants may **not**:

- (a) Engage in partisan or nonpartisan political activities during hours for which they are paid with SCSEP funds
- (b) Engage in partisan political activities in which the participant represents himself or herself as a spokesperson of the SCSEP
- (c) Be employed or out-stationed in the office of a member of Congress, a State or local legislator, or on any staff of a legislative committee
- (d) Be employed or out-stationed in the immediate office of any elected chief executive officer(s) of a State or unit of general government, except in the following cases:
  - (1) Participants may be assigned to training sites at local government agencies provided that the participants' assignments are nonpolitical; and
  - (2) The participants' assignments are strictly program activities and are in no way political functions

**NOTE:** Documentation attesting to the nonpolitical nature of the positions must be submitted to the State for approval prior to assigning participants to such positions.

- (e) Be placed in training site positions involving political activities in the office of Other elected executive official's, except in the following situations:
  - (1) When the elected official's office handles nonpolitical activities, a participant may be assigned to a nonpolitical training assignment; and

- (2) When sub grantees develop safeguards to ensure that participants placed in these positions are not, at any time, involved in political duties

### **Drug-Free Workplace**

All sub-recipient agencies are required to use their agency specific Drug-Free policy. Under Section 5153 of the Drug-Free Workplace Act of 1988, **Federal grant recipients are required** to certify that they provide a drug-free workplace by taking certain specific actions. **Drug-Free Workplace Awareness Program** contains the following restrictions and requirements that must be adhered to:

- (a) **Policy** -\_The use, consumption, sale, purchase, transfer, or possession of any illegal drug or the illegal use, consumption, sale, purchase, transfer, or possession of any controlled substance by a sub grantee’s staff member or an SCSEP participant while on training sites or SCSEP office premises, or during SCSEP-sponsored training sessions is **absolutely prohibited**.
- (b) **Enforcement** - SCSEP sub grantees are **responsible** for the enforcement of this policy
- (c) **Disciplinary Action** -\_A participant who violates this policy is subject to **disciplinary action, up to and including termination**. Appropriate action must be taken by the sub grantee for the specific violation.
- (d) **Public Notice** -\_Sub grantees **must publish** a statement notifying employees that the use, distribution, and possession of controlled or illegal substances is prohibited in the workplace and clearly specify the actions that will be taken if an individual violates the restriction. Sub grantees **should inform** participants about the dangers of drug abuse in the workplace, about their policy of maintaining a drug-free workplace, and about any available drug counseling, rehabilitation, or other assistance programs in the local community where help can be sought for drug problems
- (f) **Training Sites** -\_Training sites **are required to immediately notify** the SCSEP sub grantee of any violation of this policy in their workplaces. When a training site knowingly permits the violation of this policy or fails to ensure a workplace free from alcohol, drugs, and substance abuse, it risks the immediate loss of the services of its SCSEP participants.

### **GRIEVANCE PROCEDURES**

#### **Senior Community Service Employment Program Policy**

#### **Senior Community Service Employment Program (SCSEP) Grievance Policy**

**Purpose:** To inform sub-grantees and SCSEP Participants of the state of Tennessee Senior Community Service Employment Program's Grievance Policy and procedure for documentation

**Reference:** SCSEP Policy (Termination Policy)

**Background:** Any termination, as described in §641.580, paragraphs (a) through (e), must be consistent with administrative guidelines issued by the Department and the termination notice must inform the participant of the grantee's grievance procedure, and the termination must be subject to the applicable grievance procedures described in §641.910 and 29 CFR 37.70 through 80.

## **Policy and Procedures**

All complaints pertaining to Tennessee Department of Labor and Workforce Development's SCSEP will be reviewed and addressed as required. All participants will be provided a copy and informed of the grievance procedures during the orientation, and all termination notices will inform participants of the procedures. Grievance procedures, for resolving complaints arising between the grantee, employees of the grantee, sub-grantees, and applicants or participants, will follow the steps provided below.

### **STEP I. Discuss the Issue (Informal)**

Participants should informally discuss with the sub-grantee project director about the problem or grievance; this may be done either by verbal communication or in writing within 5 business days of the occurrence of the problem. The project director will work with the participant to provide a solution or explanation within 10 additional business days. If a resolution is not reached, the participant is informed of his/her right to file a formal complaint.

### **STEP II. No Resolution (Addressing the Formal Grievance Procedure)**

If the participant feels that the informal resolution is not satisfactory, the participant should then contact the sub-grantee executive director or designated representative in writing describing the complaints or issues and naming all persons involved and any pertinent data and or location. The sub-grantee executive director or designated personnel will contact the participant within 5-business days after receiving the complaint in writing as a formal grievance; after the participant receives this contact, the participant will be given an opportunity to further discuss the problem either by telephone or in person. The executive director or personnel representative may decide to investigate resolve the grievance within 10 business days before providing a written response. The decision will be mailed to the complainant within 20-calendar days after the attempt to resolve the grievance unless additional time is required under the circumstances. Complainants that are not satisfied with the decision have the right to appeal in writing to the state office/Title V grantee within 5-business days after receiving a decision from the executive director or designated representative of the executive director.

### **STEP III. Appeals**

Complaints that are not resolved at the sub-grantee level can be appealed in writing to the Tennessee Department of Labor and Workforce Development EEO Officer at 220 French Landing Drive, Nashville, TN 37243. This must be done within 30 days after a decision has been rendered at the local level that is not accepted by the complainant.

*Process for Filing an Appeal of the Decision or Lack of Action*

The appeal should be concise (if possible, it should not exceed five pages, not including exhibits and attachments). The appeal should also be sent by certified mail (return receipt) to: The SCSEP State Coordinator Tennessee Department of Labor and Workforce Development 220 French Landing Dr., 4th Floor Nashville, TN 37243

The appeal request shall state the facts, laws, procedures, etc. that the grievant/complainant believes to be relevant for review. The appeal must be filed within 30-calendar days of receipt of the decision to act.

The request shall include the grievant/complainant's address where official notices will be mailed. When the process is complete, the grantee will keep the complaint and decision in its files. The United States Department of Labor will not review final determinations made by the Tennessee Department of Labor and Workforce Development except to determine whether the grievance procedure was followed. If, however, the complaint alleges violations of federal law other than discrimination and the violations are not resolved within 60 days of the TN Department of Labor and Workforce Development's receiving it, the complainant may file a complaint with the Chief, Division of Adult Services, Employment and Training Administration, U.S. Department of Labor, 200 Constitution Avenue, N.W., Washington, D.C. 20210. Allegations determined to be substantial and credible will be investigated and addressed.

Complaints Alleging a Violation of the Nondiscrimination Requirements of Title VI of Civil Rights Act of 1964, §504 of the Rehabilitation Act of 1974, § 188 of the WIOA Act of 2014 may be directed or mailed to the Director, Civil Rights Center, U.S. Department of Labor, Room N-4123, 200 Constitution Avenue, NW., Washington, 580 D.C. 20210

Complaints alleging violations of WIOA Sec. 188 may be filed initially at the grantee level. Workforce Services Policy provides uniform procedures for filing complaints alleging violations of the nondiscrimination and equal opportunity provisions of WIOA of 2014. The United States Department of Labor will not review final determinations made by the Tennessee Department of Labor and Workforce Development except to determine whether the grievance procedure was followed. If, however, the complaint alleges violations of federal law other than discrimination and the violations are not resolved within 60 days of the TN Department of Labor and Workforce Development's receiving it, the complainant may file a complaint with the Chief, Division of Adult Services, Employment and Training Administration, U.S. Department of Labor, 200 Constitution Avenue, N.W., Washington, D.C. 20210. Allegations determined to be substantial and credible will be investigated and addressed.

Complaints Alleging a Violation of the Nondiscrimination Requirements of Title VI of Civil Rights Act of 1964, §504 of the Rehabilitation Act of 1974, § 188 of the Workforce



Innovation Opportunity Act (WIOA) may be directed or mailed to the Director, Civil Rights Center,  
U.S. Department of Labor, Room N-4123, 200 Constitution Avenue, NW, Washington, 580  
D.C. 20210

Complaints alleging violations of WIOA Sec. 188 may be filed initially at the grantee level. Workforce Services Policy provides uniform procedures for filing complaints alleging violations of the nondiscrimination and equal opportunity provisions of WIOA of 2014.

### **Placement into Unsubsidized Employment**

The State requires sub-grantees to work diligently to help job-ready participants find jobs in the private and public sectors. Diligent action helps participants with career advancement and increases the number of individuals who may be enrolled and served by the program.

### **Counting Entered Employment**

The Common Measure entered employment requires that the former participant have earnings in the first quarter after exit to be counted as an unsubsidized employment placement.

For purposes of the data collection system and performance measures, a quarter always means a calendar quarter: July 1-September 30; October 1-December 31; January 1- March 31; and April 1- June 30. The Common Measures refer to the employment quarter as the quarter after the participant exits.

### **Entered Unsubsidized Employment Goal**

If the sub grantee does not reach at least 80 percent of the Entered Employment Goal during the annual program performance period, the sub grantee shall submit a plan for corrective action. The plan must clearly describe the steps that will be taken to ensure that the goal will be met in the future.

### **Methods to Achieve Entered Employment Goal**

Sub grantees may use the following methods to reach the placement goal:

- (a) Contacting or networking with private or public employers for the purpose of job development
- (b) Encouraging Host Agency to hire participants as regular employees
- (c) Providing assistance to participants seeking unsubsidized employment through job search skills training, job clubs, and job referrals, and by arranging job interviews
- (d) Coordinating with State employment agencies/Job Service offices, title 1 providers and other employment and training programs

- (e) Reaching out to the employment community through advisory councils, public service announcements, flyers, brochures, and hot lines.

### **Recording Unsubsidized Employment Placements**

An Unsubsidized employment placement must be reported on the Unsubsidized Employment Form and entered into SPARQ.

The sub grantee shall use the Unsubsidized Employment Form to record placement information. If a participant is placed after he or she is terminated, the placement may be counted by the project if the placement occurred within 90 days of the termination and if the placement can be attributed to assistance the individual received from SCSEP. For instance, if a former participant received job seeking skills training and then finds a job, the placement can be counted by the sub grantee.

However if the former participant cannot be confirmed as still employed after 30 calendar days, the placement should be reported as other terminations in the current quarter. If the former participant can be confirmed in the subsequent quarter as still employed after 30 calendar days, the placement may be counted on that quarterly report.

### **Unsubsidized Employment Employer Satisfaction Surveys and Follow Up**

Unsubsidized employment Employer Satisfaction Surveys and Follow ups are required to ensure the success of the placement to obtain information to measure achievement of the goals for retention, average earnings, and retention at 1 year.

### **SCSEP Follow-up Procedures**

Three required follow-ups are to be conducted. Results of the follow-ups are to be recorded in the SCSEP Performance and Results Quarterly System (SPARQ). Each follow-up must be completed in the program year in which the reporting quarter falls. Follow-up 1 captures Entered Employment, obtained the 1<sup>st</sup> day of the 1<sup>st</sup> quarter after exit quarter. Follow-up 2 captures Retention and Average Earnings, obtained the 1<sup>st</sup> day of the 2<sup>nd</sup> and 3<sup>rd</sup> quarter after the exit quarter. Follow-up 3 captures Retention at 1 year, obtained the 1<sup>st</sup> day of the 4<sup>th</sup> quarter after the exit quarter.

Regular follow-up can identify problems and give staff an opportunity to initiate actions to deal with them before a former participant is terminated or leaves a job.

Follow-up contacts may be made by telephone, mail, or personal visit. During the follow-up contact, the Program Manager or designee should:

- (a) Determine if both the former participant and the employer are satisfied with the placement.
- (b) Identify any current or potential problem that could result in a termination of the former participant; and

- (c) Offer job counseling or referrals to community agencies, when appropriate, to resolve any issues
- (d) The SCSEP Unsubsidized Employment Follow-up form and case notes should be used to document follow-up contacts.
- (e) Follow-up activities must be properly documented in the participants file.
- (f) Official records that establish that any wages were earned by the participant, including but not limited to:
  - (1.) Written statement of earnings from the employer; or pay stubs
  - (2.) Signed self-attestation ,if employer has not provided information on wages and reasonable effort (e.g. 3 unanswered calls or messages) were made by the sub grantee to obtain this information, Participant signed self-attestation will be acceptable but all efforts must be case noted in the client's file.

### **Re-enrollment after Placement**

Former participants who lose their unsubsidized positions through no fault of their own or due to illness, may be re-enrolled, provided that the re-enrollment occurs within one year of termination from the program and that they meet all required eligibility factors.

### **Right of Return**

The right of return is designed to afford participants a 30-day trial period in unsubsidized employment. It is limited to those participants who exit for unsubsidized employment but do not work for a total of 30 days within the first 90 days of exit. They are allowed to return to the program within 90 days without being subject to the priorities of service. Their exit is reversed, and they are treated as though they never left the program. You do not fill out a new Participant Form for them. You must assign a returning participant to a host agency, either the one the participant left or a new one. You must create a new host agency assignment even if you reassign the participant to the old host agency. If there is no slot available at the time the participant seeks to return, the participant should be placed on an approved break in participation and given the next available assignment.

### **Participant and Host Site Satisfaction Surveys**

The sub grantee will alert participants and host agencies that surveys will be sent to them in the mail by the Department of Labor Contractor. The DOL contractor will mail the surveys on behalf of the State of Tennessee during the first week in January. Participants and host agencies are much more likely to read and respond to the surveys if they are aware that the surveys are coming and that the sub-grantees are part of the survey

process. A DOL Subcontractor on behalf of the State of Tennessee grantee not the sub grantee, will mail the surveys.

To prepare participants and host agencies for the arrival of the surveys, sub-grantees should use any in-person or telephone interaction with participants and the host agency contact persons to convey the following information:

- (a) SCSEP staff will ask participants and host agencies to complete a short, confidential survey to tell about their experience with SCSEP
- (b) The survey will be sent by the US Department of Labor
- (c) SCSEP is very interested in the evaluation of services
- (d) The survey information will be used to improve services to customers
- (e) Host sites and participants should be encouraged to respond to the survey when they get it.

Pre-survey letters from the sub grantee to participants significantly increase survey returns if the participant receives a pre-survey letter shortly before they receive the survey form from the State. This is because participants, unlike host agencies, do not understand their connection with the State of Tennessee and tend to relate to SCSEP solely on the local level. The letter should not be modified substantively without checking with the State. Sub grantees should send this letter to their participants. The letter should be prepared as follows:

- (1.) Printed on sub grantee/local project letterhead stationary
- (2.) Customized with the name and address of the participant
- (3.) Signed in blue ink by the sub grantee
- (4.) A postage stamp affixed to the envelope
- (5.) The SCSEP staff's name in the return address field of the envelope

## **PARTICIPANT RECRUITMENT**

### **Recruitment and Outreach**

#### **1. Purpose**

The purpose of recruitment is to ensure that the maximum number of eligible older individuals will have an opportunity to participate in the SCSEP.

#### **2. Requirements**

The sub grantee shall make efforts to assure that the maximum number of eligible individuals have an opportunity to participate in SCSEP. These efforts must include outreach to minorities, American Indians, individuals with limited English proficiency and those with the greatest economic need, at least in proportion to their numbers in the area, taking into consideration, their rates of poverty and unemployment.

Priority service will be given to the following individuals:

- (a) Those 65 years of age or older
- (b) Are veterans (or, in some cases, spouses of veterans) as established in the Jobs for Veterans Act, 38 U.S.C 4215 (a) and the Senior Community Service Employment Program; Final Rule §641.520 (b)

Preference will be given to the following individuals:

- (c) Have a disability (See Z. 2)
- (d) Have limited English proficiency
- (e) Low literacy
- (f) Reside in a rural area;
- (g) Have low employment prospects;
- (h) Have failed to find employment after using services provided through the One-Stop delivery system; or
- (i) Are homeless or at risk for homelessness

**To ensure that these goals are achieved**, the sub grantees shall:

- (a) Use the One-Stop delivery system as one method in recruitment and selection of eligible individuals. Notify the State employment security agency/Job Service and/or One-Stop Career Center when SCSEP vacancies exist
- (b) Establish collaborative relationships with agencies providing services to older persons, to persons with low incomes, and to persons of various race/ethnic backgrounds
- (c) Place flyers, brochures, posters, and other advertisements in public places where older individuals tend to congregate
- (d) Use low or no cost media advertising such as public service announcements on radio and TV, community service announcements, and human interest articles in local newspapers
- (e) Make presentations to groups of older people or the general public to spread the word about opportunities available through the program; and
- (f) Develop a close working relationship with other employment and training programs such as State and local programs under the Workforce Innovation and Opportunity Act. (WIOA), vocational education programs, dislocated worker programs, and adult education programs

### **3. Monitoring of Recruitment Goals**

The State SCSEP Coordinator will monitor the achievement of recruitment goals during visits with the sub grantee. At no time should vacancies exist in the program when funding is available to provide training opportunities for older workers.

The U.S. Department of Labor requires that the State periodically monitor the performance of grant-supported activities to assure that project goals related to the recruitment of priority populations are being achieved and that all requirements of the Older Americans Act and its rules and regulations are being met.

### **RECORD MAINTENANCE**

#### Sub-Grantee general responsibility

SCSEP sub-grantees are required to maintain a permanent record for each participant. Each record must be kept current and contents confidential. Participants have the right to review any and all documentation contained within their SCSEP record. Participant files are maintained at the sub-Grantee site for three program years after the program year in which all follow-up activity for a participant is completed. Participant records shall be stored and accessed only by sub-grantee staff, state and federal monitors and other appropriate staff. If any participant information is stored in electronic format safeguards must be in place to prevent tampering. If a potential security breach occurs of any participant record(s), electronic or paper, that involves any personal identifying information; the State SCSEP Coordinator must be notified immediately who then shall notify the national SCSEP office at the Department of Labor.

All sub-grantees must enter information into the national data collection system, SPARQ, in accordance with the Department of Labor timelines and administrative guidance. All authorized users must comply with all SPARQ access and security rules.

Sub-Grantees must remain familiar with the latest instructions for data collection, participant record maintenance and fiscal reporting requirements as established by the Department of Labor.

Due to new interpretations about medical information, no medical information may be retained by a sub-grantee no matter if the participant offers it for their records. Examples of medical information include the annual physical that is paid for by the SCSEP.

Medical information used to support program eligibility; waiver or other programmatic requirements shall be stored separate from the participant's main file.

#### Required participant documentation

At a minimum, each participant's record should contain the following signed and original documents:

- Employment Eligibility Verification Form I-9
- Signed copy of W-4s and withholding allowance certificate
- All eligibility verification documents for initial enrollment, reenrollment and recertification's
- Completed Confidential Statement of Income, signed by both the participant and sub-grantee staff
- Signed copy of the Record of Offer of Physical Examination
- Signed copy of the Participant Orientation form
- Signed copies of self/third party attestations as necessary
- Signed Certification of Participant Rights and Responsibilities & Handbook Acknowledgement
- Initial Assessment, IEP and Training Assignment Description; ongoing assessments, IEPs and Training Assignment Descriptions
- Case notes (see appendix for case note content expectations)
- Records of grievances/appeals/complaints and outcomes as necessary
- Documentation of terminations and reasons for termination

### **HOST AGENCY – GENERAL GUIDANCE**

#### Definition of a Host Agency

According to the Department of Labor's rules 20 CFR Part 641 a host agency means a public agency or a private nonprofit organization exempt from taxation under § 501(c)(3) of the Internal Revenue Code of 1986 which provides a training work site and supervision for one or more participants. Political parties cannot be host agencies. A host agency may be a religious organization as long as the projects in which participants are being trained do not involve the construction, operation, or maintenance of any facility used or to be used as a place for \*\*\*sectarian religious instruction or worship.

#### Organizations Eligible to be a Host Agency

Sub-grantees may use Federal, State and local public agencies as a host agency for SCSEP participants. These public agencies may include:

1. Health departments, community mental health centers and community hospitals
2. Welfare departments, child and youth services and adult services
3. State employment offices, vocational counseling and rehabilitation and social services
4. Public schools and adult education programs
5. Recreation departments, community employment agencies and housing authorities
6. Police departments, juvenile courts and circuit courts
7. \*\*\*A religious organization may be considered as long as the projects in which participants are being trained do not involve the construction, operation, or maintenance of any facility used or to be used as a place for sectarian religious instruction or worship
8. Federal agencies in local communities, extension services and local tribal government agencies
9. Sub-recipients may use non-profit organizations as host agencies if they:
  - o Are recognized by the IRS as meeting the requirements of Section 501(c)(3) of the Internal Revenue Code of 1986 that exempts the organization from taxation
  - o Are not a political party

The sub-grantee must obtain a copy of the IRS letter that grants the prospective non-profit training organization 501(c)(3) status.

#### Host Agency Community Service and Training Agreement

Each agency interested in becoming a host agency must provide pertinent information on the agency and its funding sources by completing a Host Agency Community Service and Training Agreement.

The sub-grantee will review the Host Agency Community Service and Training Agreement to determine if the organization meets the eligibility factors and if the site is appropriate for training older adults. The sub-grantee should use the below criteria to ensure that a diverse and high quality mix of training opportunities is available to SCSEP participants.

#### Selection of Host Agency

Sub Grantees should recruit a number of host agencies to ensure a variety of skills training and training opportunities for participants. When host agencies are distributed among public agencies and non-profit organizations, the community benefits more fully from the diverse backgrounds and skills participants bring to a project.

#### Recruitment of Host Agencies

The following factors must be considered in the recruitment and selection of host agencies:



- (1) Commitment to the goals and objectives of the SCSEP: Is the response to SCSEP goals positive or mixed?
- (2) Eligibility status of the agency/organization: Does it meet the 501(c)(3) requirements or is it a Federal, State or local government agency?
- (3) Types of organizations available in the community for good project balance: Will the organizations selected concentrate training opportunities in only one or two service sectors? If so, consider additional organizations that provide other types of services.
- (4) Types of jobs the host agency can provide for program participants: Are the jobs meaningful? Do they offer opportunities for participants to enhance their occupational and interpersonal skills in order to be transitioned into unsubsidized employment?
- (5) Training capacity and capacity of the host agency staff: Will participants receive adequate supervision, encouragement and is the type of training what is needed for them to be competitive in the local job market?
- (6) Potential for permanent employment of the participant at the host agency. Will the Host agency consider the participant for an unsubsidized placement?

#### Locating Potential Host Agencies:

There are several ways to locate Host Agencies:

- <http://www.zapdata.com/> contains employer data
- National Center for Charitable Statistics at <http://nccs.urban.org/>
- The local United Way office will have information about local non-profit agencies
- <http://www.melissadata.com/>
- <http://rileyguide.com/>
- <http://rileyguide.com/>

#### Responsibilities of the Host Agency

SCSEP sub-grantees should discuss these responsibilities thoroughly with the host agency before completing the Host Agency Community Service and Training Agreement.

- (a) Participate in the development of the training assignment description with the sub-grantee and participant.
- (b) Consider participants for any open positions for which they qualify and hire them when funds become available.
- (c) Encourage and assist participants with their ongoing job searches.
- (d) Actively support the participant's Individual Employment Plan (IEP) goals.
- (e) Provide orientation to the host agency, its activities, and review the participant's day-to-day responsibilities.
- (f) The sub-grantee should provide a copy of the Training Assignment Description to the participant and the host agency supervisor before the assignment begins or by the first day of training.
- (g) Provide supervision and training as outlined in the Training Assignment Description.
- (h) Permit the participant to attend required meetings and trainings provided by the sub-recipient.

- (i) Make no changes in the participant's work schedule, tasks, supervisor, place of work, or status without notifying and receiving approval from the sub-grantee coordinator.
- (j) Report to the sub-grantee coordinator any difficulties that cannot be satisfactorily resolved or which could hinder completion of the training plan.
- (k) Assist the monitoring and evaluation processes by conferring with the sub-grantee staff during site visits or telephone contact.
- (l) Furnish any tools, equipment or supplies required by the participant to perform work assignments.
- (m) Provide the sub-grantee with time and attendance records.
- (n) Provide safe, sanitary, and drug free working conditions and any necessary employee liability coverage to the extent required by law.
- (o) Report all on-the-job accidents involving participant to the sub-grantee staff or designee within 24 hours of the incident.
- (p) Ensure that the participants work no more than the total number of hours authorized by the sub-grantee. Volunteer or over time hours are prohibited. If hours in excess of authorized hours are worked, whether requested by the agency or volunteered by the participant, the host agency shall be solely responsible for wages as required by the Fair Labor Standards Act. Any wages paid to the participant that are not authorized, paid or reimbursed by the sub grantee constitutes employment and places the participant at risk of termination from the program.
- (q) Meet Maintenance of Effort: A participant shall not displace any current employee or volunteer or accept an assignment in order to perform the task of an employee on layoff or replace a federally funded position (other than SCSEP). Violations of maintenance of effort violations may trigger disallowance of costs to the SCSEP.
- (r) Not allow participants to be involved in any activity that could be construed as political in nature or that will benefit any private profit making firm
- (s) Support transfers to other Host Agencies that will provide participants with new opportunities to upgrade skills and achieve their goals.

#### Host Agency Community Service and Training Agreement

The purpose of the Host Agency Community Service and Training Agreement is to clarify the responsibilities of the host agency and the sub-grantee. The agreement describes how the two organizations will work together to support the goals and objectives of the SCSEP project.

#### Requirements

1. All participating host agencies must complete and sign a Host Agency Community Service and Training Agreement. The agency's Executive Director or a person in corresponding positions must sign the agreement. The original is retained by the sub-grantee and the host agency is given a copy for its files.
2. The Host Agency Community Service and Training Agreement must be renewed at the start of the host agency's fiscal year.

#### Reassignment (Transfer) Policy

Periodically, the SCSEP participant may be required to transfer training assignments due to any one or combination of factors, which include, but are not limited to:

- (1) Fulfillment of IEP goals, the establishment of new goals or modifications of existing goals.
- (2) Host agency changes that require modification or elimination of training opportunities. This may happen when the Participant Training Assignment Description (TAD) or the Host Agency Community Service and Training Agreement between the SCSEP and the host agency are modified or terminated. Changes in the TAD and the host agency placement may not always allow for 30-day notice to the SCSEP participant.
- (3) Changes in SCSEP funding or the non-profit status of the host agency.
- (4) General performance of the participant and/or problems with the host agency
- (5) Re-evaluation of the participant's skills and aptitudes that indicate that a change in the training assignment is needed.
- (6) When a host agency change occurs, a new SCSEP Community Service Assignment needs to be complete as well as a new Participant TAD.

Notice of reassignment will be provided to the participant and will include changes to the IEP. As such, the participant should fully participate in the IEP changes and be fully aware of impact to host agencies. Notification of pending changes will be provided to both the host agency and the participant. Changes in program funding or the status of a host agency may require immediate reassignment.

#### Location of Host Agency

The sub-recipient must assign participants to host agencies in or near the communities where they reside. If no host agencies are available in the local community, opportunities may be sought in contiguous communities, including across state lines where employment centers exist. These sites must be within a reasonable distance from the participant's residence.

#### Responsibilities of Host Agency for Safe Workplaces

To provide a safe place for each participant to work, the host agency must:

- Promptly correct any unsafe working area or unhealthy condition to which a participant is exposed.
- Immediately report any accident or injury that involves a SCSEP Participant to the sub-grantee coordinator.
- Include all SCSEP participants in any safety training given to regular staff members, especially training on how to use safety equipment, first aid kits and fire extinguishers.
- Cooperate in an annual safety monitoring visit by the sub-grantee agency. Any problems observed during this inspection will be noted in the report, and the training agency will be given directives for correcting the findings and time frames for completing these corrections. Failure to handle these corrections within the prescribed time frames may result in termination of the Host Agency

Community Service and Training Agreement and reassignment of all participants.

### Host Agency Monitoring Tool

The effectiveness of the host agency should be assessed annually. The host agency evaluation needs to assess the amount and quality of supervision and training that the participant receives and the efforts the site makes for participant employment. As well as the host agency's commitment to participants and the SCSEP project goals. This assessment shall be completed annually by the sub-grantee and copy of the monitoring tool maintained in the individual host agency record.

### Host Agency Participant Rotation

Participant growth and employment is the primary focus of the host agency training assignment. The probability that a participant will be placed in an unsubsidized position decreases, however, as a participant remains in a host agency beyond an appropriate time period.

Host agency monitoring visits should identify participants who can increase their chances for unsubsidized employment through a new training assignment. A host agency transfer or rotation of duties can provide the participant with opportunities to learn new skills and can create new possibilities for unsubsidized employment.

### Implementing a Host Agency Transfer

When a host agency transfer is approved, the following procedures apply:

- Sub-grantee coordinator must identify new host agencies that are within a reasonable driving distance of the participant's home. The new host agency must offer increased opportunities for skill training and unsubsidized employment.
- Sub-Grantee coordinator will schedule a conference with the participant to determine the most suitable host agency and a tentative date for the transfer.
- Sub-Grantee coordinator shall notify the participant's existing host agency and the new host agency of the transfer date.

Documentation of the transfer should be made by completion of a new SCSEP Community Service Assignment form and should be filed in the participant's record.

- Sub-recipient coordinator and the new host agency supervisor should provide the participant with an orientation to the new work training assignment.
- To facilitate a smooth transition from one host agency to another, additional support services or referrals to other community agencies should be provided if needed.

### Non-Federal Matching Contribution

The Older Americans Act Title V, 502c (1) and (2) limits the Federal share funding to any grantee (SCSEP) to 90 percent. The remaining 10% can be met by voluntary contributions from the host agency to the sub-grantee agency in the form of cash or in-kind. This non-federal contribution is vitally important to continuing the grant.

#### In-Kind:

Host agencies should be encouraged to provide an in-kind non-federal contribution for the SCSEP criteria for the valuation of a non-federal contribution and can be found at 29 CFR 29.23 or 29 CFR 97.24 as appropriate. The amount claimed for in-kind activities and services may include:

1. Supervision of participants - is a common non-federal contribution. Supervisory costs should be prorated based on the *actual* time the SCSEP participant is supervised.
2. The value of the supervisors' time can be used one time. The supervisor who works 40 hours a week may not claim 200 hours of in-kind supervision for one week because he/she supervises 5 participants. The 40 hours should be prorated among the participants.
3. This in-kind value must be entered monthly on the SCSEP Workforce Services-Monthly Expenditure report under Cumulative Recipient Share.

#### Cash Non-Federal Matching Contribution:

1. Any non-federal cash contribution must be used to support the SCSEP project.
2. Allowable costs are those referred to at 20 CFR 641.809(c) that can be classified into the program's three cost categories which are Administration, Enrollee Wages and Fringe Benefits, and Other Program Costs (OPC). For instance, entertainment cost is not allowable.
3. These amounts are to be entered in the monthly Workforce Services-Monthly Expenditure report.
4. Cash contributions to the project from the sub grantee or from third-party sources must be documented in the same manner as the projects Federal cash expenditures.

#### Participant Supportive Services Funding

All funding for participant supportive services identified by the host agency or sub-grantee staff must be pre-approved by the SCSEP sub-grantee coordinator for each project.

The need for supportive services should be identified in the original Individual Employment Plan (IEP) and/or assessment and the plans should be updated once the need for a specific supportive service is identified.

Supportive services may include, but are not limited to: Counseling in areas such as health, nutrition, Medicare benefits, etc., dental, work shoes, badges, eyeglasses, transportation to training or the worksite may be paid for if no other source of payment is available; and/or

periodic meetings on topics of general interest related to the enrollee obtaining unsubsidized employment.

Supportive services to enhance a participant's placement in a job may be provided for the 12 months post job placement.

### Transportation and Mileage Costs

#### **Unallowable Travel Costs**

Sub grantees do **not** reimburse a participant for the cost of traveling between home and the work-training site.

#### **Allowable Travel Costs**

Sub grantees are authorized to provide transportation assistance:

1. When the participant is assigned **administrative duties for the sub grantee and travel is required** to fulfill these duties; or
2. When a **participant cannot attend meetings because public transportation is unavailable or inadequate.**

In situation (1) above the participant must be reimbursed for job-related travel in his or her privately -owned vehicle at the same rate received by other members of the sub grantee's administrative staff. The reimbursement may **not** exceed the current federally or state authorized rate per mile.

Mileage reimbursement claims for participants in administrative positions must be documented in the same manner that they are documented for administrative staff members. If participants in administrative positions are required to carry additional liability coverage over and above the minimum liability coverage required by applicable State laws to conform to Federal contract requirements, they should be reimbursed for the additional premium cost. Documentation of the additional cost should be obtained by the sub grantee.

### Supervisor at the Host Agency

Supervision of SCSEP participants is a fundamental responsibility of the host agency. The host agency must provide the participant with adequate orientation and instruction, on the job responsibilities, and a safe work environment.

Supervision shall be provided on a daily basis. Further SCSEP participants shall receive supervision and training at the same rate (more frequently if necessary) as regular employees who perform comparable jobs. Ensuring adequate and effective supervision is one of the sub-recipient monitoring responsibilities.

## HOST AGENCY FISCAL REQUIREMENTS:

### Time Sheets

SCSEP participant time sheets are to be submitted every two weeks to the sub grantee project coordinator. Sub grantees are to ensure that only host agency staff that have signatory rights sign off on participant timesheets.

### Work Schedules

It is encouraged that the host agency and the participant develop the most appropriate schedule to meet the needs of both parties. This schedule needs to be agreed upon at the onset of the work assignment, and provided to the SCSEP sub-grantee staff. If changes occur, other than a modification during a one-month period to accommodate a unique work situation or a participant's personal needs, a new work schedule will need to be submitted to the SCSEP sub-grantee staff modifying the current plan. This helps in planning site visits/monitoring and is important in case of an accident claim. This policy is not intended to hamper the accommodation of changes needed for medical appointments, family illness or other participant needs.

### Overtime

Overtime is not an allowable cost.

### Volunteering at Host Agency Assignments Prohibited

Participants are prohibited from volunteering beyond their assigned hours at their host agencies.

### Safety Factors

The host agency's safety procedures should be reviewed with the participant at the beginning of the training experience. Enrollees are encouraged to report unsafe conditions to their supervisors and to the sub-grantee SCSEP staff.

### Unsubsidized Employment While at a Host Agency

Under the current regulations, SCSEP participants must be unemployed at the time of enrollment and if they become employed either full-time or part-time while enrolled, they are required to exit the program.

### Workers' Compensation

Sub grantees shall provide workers' compensation coverage for participants.

### Social Security

The Social Security Amendments of 1983, Public Law 98021, provide that all nonprofit organizations must participate in the Social Security Program.

## Retirement Programs

SCSEP funding cannot be used to pay into a retirement system

## Host Agency Records Maintained by a Sub-grantee

Sub-grantees are responsible for the ongoing monitoring of the host agencies. The sub-grantee shall maintain the following documents for each host agency in an easily accessible location.

1. Host Agency Application
2. Signed Host Agency agreement
3. Current 501 (c) (3) documentation
4. Authorized signatory form
5. MOE
6. Currently observed Federal Holidays
7. Annual safety evaluation documentation
8. Copy of annual monitoring reports
9. Documentation of potential training opportunities
10. Orientation checklist

## **Maintenance of Effort Requirements**

Employment of participants funded under this project should be only in addition to employment that would otherwise be funded by the sub grantee or training site without SCSEP assistance. All activities funded under this project:

- (a) Should result in an increase of employment opportunities in addition to those that would otherwise be available. Must not reduce the number of employment opportunities or vacancies that would otherwise be available to individuals not participating in the program
- (b) Shall not result in the displacement of currently employed workers, including partial displacements such as reductions in hours of non-overtime work, wages, or employment benefits
- (c) Shall not employ or continue to employ any participant to perform work the same or substantially the same as that performed by any other person who is on layoff
- (d) Shall not impair existing contracts for services or result in substitution of Federal funds for other funds in connection with work that would otherwise be performed; and
- (f) Shall not substitute SCSEP jobs for existing Federal or state assisted jobs. The training site supervisor **must sign the Host Agency Agreement** asserting that the training position provides a new or expanded service and is not in violation of the Maintenance of Effort policy established by the U.S. Department of Labor.



## **On-the-Job Experience (OJE) Guidelines**

### On-the-Job Experience (OJE)

An OJE will increase the probability of a participant returning to the workforce successfully and an OJE will enhance the training the participant receives. These are developed with both the private business and non-profit work sites that have not previously been a host agency for the sub-grantee.

On-the-Job Experience (OJE) is a SCSEP training option, to attract employers to SCSEP and its participants, and to give participants a competitive advantage. While community service assignments offer the participant an opportunity to learn needed skills in a practical environment, in some instances a participant's unsubsidized employment goal may require specific skills that are not attainable through the regular community service assignment. This policy seeks to provide focus for "on-the-job experience" (OJE), which can provide more specific skills than those learned through community service assignments.

OJE is designed for participants who require special skills that are not attainable through the regular community service assignment. Typically, OJE participants need the "OJE boost" to secure an unsubsidized employment position and would not in all likelihood be able to attain specific skills to meet their IEP job goals without the OJE opportunity. OJE's provide both the participant and the employer a trial run and can ease the participant's transition to unsubsidized employment.

*Sub grantees must obtain approval from Tennessee SCSEP Coordinator prior to using OJE.*

When making a decision on whether to exercise the OJE training option, consideration must be given to the following: limitations on how OJE can be used, requirements for the OJE contract, and options for OJE payment. These are each discussed below.

#### On-the-Job Experience (OJE) Limitations

Department of Labor's (DOL) Older Worker Bulletin 04-04 on Permissible Training Activities outlines the limitations that DOL has placed on projects using OJE. These limitations include:

Participants must be on the program and must have completed at least two (2) weeks at a community service assignment before they can participate in OJE.

A participant may not be placed in OJE training if the participant is not assigned to a host agency. Typically, participants are on the program for a much longer time period before participating in OJE. DOL's requirement; however, is a minimum of two weeks.

OJE training must be based on the participant's Individual Employment Plan (IEP).

A particular participant may only participate in OJE once in a 12 month period. If the OJE placement does not work out, the participant can stay on the program in a SCSEP community service assignment, but may not participate in another OJE for a year.

A participant may not work more than forty (40) hours per week. If the participant has an OJE assignment in addition to a SCSEP community service assignment, which are permissible, total combined hours may not exceed forty (40) hours per week. There is

flexibility to combine the two, depending on the participant’s needs. Hours of community service may be reduced as OJE employment hours increase.

A particular employer may only contract to participate in five (5) OJEs for the same job category in a 12 month period. Sub grantees cannot use OJE to fill the same type of job over and over again with one employer. However, if an employer has multiple types of jobs, it is permissible to place up to five OJE participants in each of those job categories each year.

An OJE employer, which can be a public or private employer, cannot be an active host agency training site. There is no specific time elapse as long as there are no participants active at the former host agency when the sub grantee contracts for OJE. There is an understanding that the sub grantee and the organization are acting in good faith and that the organization will not immediately revert to being a host agency once the OJE is over. That would be a circumvention of the rules.

OJE Policy 2

Tennessee SCSEP imposes strict time limits on how long an OJE assignment can last. In no case, can OJE exceed twelve weeks in duration. In some cases, depending on the payment arrangement, OJE is restricted to four weeks. Sub grantees have three options on how they can structure an OJE:

Option 1	Option 2	Option 3
Sub grantee pays 100% of OJE wages directly to participant for up to 12 weeks	Sub grantee reimburses employer for up to 50% of wages for up to 12 weeks	Sub grantee reimburses employer for up to 100% of the wages for up to 4 weeks

- (1) If a participant assigned to OJE stays on the sub grantee’s payroll, the OJE contract is limited to no longer than 12 weeks.
- (2) If an OJE employer is reimbursed at a rate greater than 50% (i.e., 51% to 100%), the OJE contract is limited to a maximum of four weeks.
- (3) If an OJE employer is reimbursed at a rate equal to or less than 50%, the OJE contract is limited to no longer than 12 weeks.
- (4) The four week and twelve week limits are the maximum lengths of time an OJE training assignment can last.

Sub grantees can negotiate with employers over how many weeks (up to 12 weeks) the OJE will last and the rate of subsidy.

Sub grantees must negotiate with each OJE employer on duration of OJE and, when applicable, amount of reimbursement, based on the participant’s skill level and job requirements. Because each OJE is tailored to the needs of the participant and the requirements of the employer, the hours participants work and the number of weeks worked will vary (within the DOL-specified limits). Sub grantees should always attempt to negotiate a reasonable OJE duration that results in subsidizing employment only for the projected training period required for the participant. In many cases, the participant is

trained and the employer makes a final decision to hire the participant in two or three weeks.

The status of sub grantee expenditures must be considered in decisions to use OJE and duration of OJE.

### **OJE Contract Requirements**

DOL's Older Worker Bulletin 04-04 on Permissible Training Activities outlines OJE contract requirements. These requirements include:

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The OJE contract must stipulate that the employer will hire or retain the participant in a permanent job at the end of the OJE training period if the participant has performed satisfactorily.

The OJE contract must detail the following items:

The specific skills to be learned by the participant (specified in the OJE training plan).

The training timelines and the benchmarks to be achieved.

The hours that the participant will work per week.

The number of weeks the participant will work for this employer.

The OJE contract must stipulate the amount the employer is to be reimbursed or participant is to be paid. The wage can be negotiated with the employer. OJE participants may be paid the prevailing wage, instead of the minimum wage, for the occupation in which they are training.

The OJE contract must stipulate that there will be significant follow-up to resolve potential unsafe conditions or other issues that arise with the employer or the participant.

The OJE contract must detail responsibility for workers compensation coverage. If the participant remains on the program's payroll, the program would be responsible for workers compensation. If the participant is on the employer's payroll (program reimburses the employer rather than paying the participant), sub grantees must negotiate with the employer regarding who pays workers compensation and who will be responsible for any resulting workers comp claims; the decision must be included in the OJE contract with the employer.

### **The Two OJE Payment Options**

There are two different methods of paying participants who are assigned to OJE training: Sub grantees can keep the participant on the program's payroll while he/she is in an OJE position with a private employer. Sub grantees can have the employer place the participant on its payroll, and the sub grantee would then reimburse the employer a

negotiated percentage of the wages while the participant is in an OJE position. These are two mutually exclusive payment models that cannot be combined.

Direct payment model	Reimbursement model
The grantee pays the participant's wages directly while he/she is at the OJE assignment.	Employer pays the participant's wages directly and is reimbursed by the grantee.

Each method has advantages and disadvantages. They are (not all-inclusive):

Participant on Sub grantee Payroll for OJE

Advantages:

Easier to sell to an employer – less risk for employer – sub grantee handles the paperwork  
 Opportunity for “tryout employment” – may not take long for the employer to determine if the participant is going to work out – can be done for short time periods – 1 or 2 weeks  
 Sub grantee may have more control over the hours & salary. Disadvantages:

Not as much up-front commitment from the employer – easier for the employer to terminate the OJE – easier for the participant to give up on the OJE and stay with SCSEP community service assignment

Paying 100% of salary can be a major drain on program's budget

Participant on Employer's Payroll and Employer Reimbursed by Sub grantee

Advantages:

Employer has a “buy-in” in this “hire up front” type of arrangement -- employer and participant have a stronger commitment to make it work

Less of a strain on sub grantee's budget if employer is reimbursed at rate of 50% or less of participant's wages –can result in spending less program funds

Disadvantages:

May be harder to sell to employer because of commitment attached to the “hire up front” type of arrangement

More payroll paperwork for employer to document reimbursements

Additional OJE Guidelines

During the OJE training assignment, the sub grantee must ensure frequent follow-up to address any issues or problems. If the OJE training assignment is not working out or the employer has made a decision not to hire, the OJE training must be ended.

OJE is to be recorded in the Training Information and Training Provider Information sections of the Community Service Assignment Form (see topics 43 – 47 of Data Collection Handbook).

Recording OJE Hours – If the participant is kept on the sub grantee’s payroll and paid by the sub grantee for OJE, hours must be listed as hours paid on the SPARQ CSA form (field 21.) If the sub grantee reimburses the employer, OJE hours are not included on the CSA form as this is outside the participant payroll system (see topic 52 of Data Collections Handbook). When the sub grantee reimburses the employer for OJE wages, another form of payment such as a purchase order must be used. Hours of paid training are a data validation element.

OJE is not considered unsubsidized employment. OJE is a type of training and the participant remains enrolled in the program during an OJE; the participant does not exit. A placement does not occur until an OJE had ended, the participant has exited the program, and the employer has officially hired the participant.

The start date on the Unsubsidized Employment form should be the first day on the employer’s payroll after the OJE has ended and the participant has exited.

#### Access to Records

The employer agrees that at any time during normal business hours, and as often as deemed necessary, the Sub-grantee, State of Tennessee or the U. S. Department of Labor may inspect and monitor any records or activities pertaining to this contract. Such inspection shall be made to determine if the contractor is in compliance with the terms and provisions of this contract and if the OJE participant is making sufficient progress.

#### Record Retention

As with all records, sub-grantee must ensure that OJE records are maintained for the statutory period of three years from the last date of the OJE Agreement or until audits are resolved, whichever is later.

Documentation of hours worked, wages paid, and training program must be available for the record retention period.

#### Required OJE Forms

The *On-the-Job Experience Employer Contract* is required to enter into an OJE agreement with a private/public employer.

The *OJE Training Schedule and Reimbursement Contract* is required to assign training location, schedule and determine duration of training and payment model during the participant’s OJE assignment.

The *On-the-Job Experience Training Plan* is required and must be used for all OJE training assignments.