



Montana Department of LABOR & INDUSTRY

1
2 **Division: Workforce Services Division**
3 **Category: Programs**
4 **Original Effective Date: 3/30/2017**
5 **Last Revised: 07/01/2020**
6 **Policy No.: 11-17**

7 8 **Senior Community Services Employment Program (SCSEP) Policy**

9 **Background:** The Senior Community Service Employment Program (SCSEP) program, authorized by
10 Title V of the Older Americans Act, is the federally-sponsored employment and training program targeted
11 specifically to low-income, older individuals who want to enter or re-enter the workforce. Under WIOA, the SCSEP
12 is a required partner and is part of the One-Stop delivery system.

13 The Montana Department of Labor and Industry (MDLI) has been designated to administer SCSEP. MDLI as the
14 SCSEP grantee, contracts for operation of the program. The contract subgrantee is selected through the
15 Request for Proposal process.

16 MDLI Workforce Services Division (WSD) is designated as the technical assistance and oversight entity for
17 SCSEP.

18 **Scope:** This policy applies to all subgrantees operating SCSEP, SCSEP program managers, SCSEP fiscal
19 officers, and the SCSEP monitoring team. This policy is effective July 1, 2020.

20 **Policy:**

21 **SCSEP Eligibility Requirements:**

- 22 • To the extent possible, the SCSEP subgrantee will focus on SCSEP eligible minorities and be familiar
23 with the ethnic, racial, and cultural mix of the older adult populations within their areas to ensure
24 recruitment efforts include potential clients of all backgrounds. The number of minority clients enrolled
25 will be in proportion to the population.
- 26 • SCSEP eligibility requirements. Criteria for determining SCSEP eligibility includes:
 - 27 ○ Age – an individual must be 55 years of age or older on the date eligibility is determined. There
28 is no maximum age limit for participation in SCSEP.
 - 29 ○ Income – Individual or family income must not exceed 125 percent of the federal poverty level.
30 An individual with a disability may be treated as a family of one for the income calculation. The
31 U.S. Department of Health and Human Services issues the income limits annually.
 - 32 ○ Place of Residence – An individual must reside in the state and county in which the subgrantee
33 is authorized to operate SCSEP. The residence must be a permanent dwelling place. Prior to
34 enrollment, there is no requirement to the length of residence.
 - 35 ○ Employment Status – Individuals must be unemployed at the time of eligibility determination
36 and recertification.
- 37 • SCSEP priority of service – Priority must be given to individual who has one or more of the following
38 characteristics:

- 39 ○ Is 65 years of age or older;
- 40 ○ Has a disability;
- 41 ○ Has limited English proficiency or low literacy skills;
- 42 ○ Resides in a rural area;
- 43 ○ Is a veteran; or the spouse of a veteran who died of a service connected disability; is a member
- 44 of the armed forces on active duty missing in action more than 90 days; captured in the line of
- 45 duty by a hostile force; forcibly detained by a foreign government, or who meet program
- 46 eligibility requirements under Section 2 of the Jobs for Veterans Act, Public Law 107-288
- 47 (2002);
- 48 ○ Has low employment prospects;
- 49 ○ Has failed to find employment after utilizing services provided through their local One-Stop
- 50 Center or Job Service Montana office; or
- 51 ○ Is homeless or at risk for homelessness.
- 52 ● If the provider meets with clients and attends relevant community meetings in their recruitment and
- 53 outreach efforts and provides service to all eligible individuals, there is no need to apply the priorities
- 54 and preferences.

55 Income Eligibility:

- 56 ● For purposes of eligibility determinations income may be the income received during the 12-month
- 57 period that ends on the date of application or the annualized income for the 6-month period that ends
- 58 on the date of application. The method of calculating income that results in a more favorable outcome
- 59 for the individual must be used.
- 60 ● Included Income:
 - 61 ○ Earning, wages, commissions, bonuses, tips and self-employment income;
 - 62 ○ Benefits received under Title II of the Social Security Act, of which 75 percent will be counted as
 - 63 includable income;
 - 64 ○ Survivor benefits;
 - 65 ○ Pension or retirement income;
 - 66 ○ Interest income;
 - 67 ○ Dividends;
 - 68 ○ Rents, rental income, royalties, estates and trust;
 - 69 ○ Educational assistance;
 - 70 ○ Alimony;
 - 71 ○ Financial assistance from outside the household; and
 - 72 ○ Other income.
- 73 ● Excluded Income:
 - 74 ○ Unemployment compensation;
 - 75 ○ Benefit received under title XVI of the Social Security Act Supplement Security Income for the
 - 76 Aged, Blind and Disabled (SSDI);
 - 77 ○ Payment made to or on behalf of veterans or former members of the Armed Forces under the
 - 78 laws administered by the Secretary of Veterans Affairs;
 - 79 ○ 25 percent of a benefit received under title II of the Social Security Act;
 - 80 ○ Supplemental Security Income;
 - 81 ○ Public assistance;
 - 82 ○ Income from other employment and training programs;
 - 83 ○ Disability benefits;
 - 84 ○ All forms of child support;
 - 85 ○ Workers' compensation;
 - 86 ○ The first \$2,000 of certain per capita fund distribution that are made to Indians pursuant to the
 - 87 Indian Claims Act;

- 88 ○ Any other income exception required by applicable federal law e.g., stipends from programs
- 89 funded by the Senior Corps of National and Community Service;
- 90 ○ Capital gains received (or loss incurred) from the sale of property;
- 91 ○ Withdrawals of bank deposits;
- 92 ○ Money borrowed;
- 93 ○ Tax refunds;
- 94 ○ Gifts; and
- 95 ○ Lump-sum inheritances, insurance payments, gambling and lotter earnings.
- 96 ● 2020 Health and Human Services poverty guidelines adapted for Montana SCSEP 01/17/2020.
- 97 Updated annually.

| Size of Family Unit | Annual | 6 Months |
|---------------------|----------|----------|
| 1 | \$15,950 | \$7,975 |
| 2 | \$21,550 | \$10,775 |
| 3 | \$27,150 | \$13,575 |
| 4 | \$32,188 | \$16,094 |
| 5 | \$38,350 | \$19,175 |
| 6 | \$43,950 | \$21,975 |
| 7 | \$49,550 | \$24,775 |
| 8 | \$55,150 | \$27,575 |

- 98 ● For each additional person, add \$5,600.

99 **Eligibility Determination:**

- 100 ● Determination/Participation Application – The client application form documents eligibility and provides
- 101 information on the applicant’s age, income, place of residence, and current status of employment. To
- 102 properly determine eligibility, the applicant’s personal information must be accurately recorded on the
- 103 client application form and all supporting documents provided must be reviewed.
- 104 ○ Subgrantee staff will ensure the applicant understands that by signing the client application
- 105 form, he or she is affirming that all the information provided on the form is true; and if any of the
- 106 information is found to be false after enrollment, he or she may be terminated immediately.
- 107 ● Confidentiality and/or Sharing of Information on Application – The client application form contains
- 108 personal information and, potentially, information on an applicant’s medical condition; therefore, it
- 109 must be kept in a secure confidential location.
- 110 ● Ineligible Applicants – If an applicant is determined to be ineligible for participation in SCSEP, the
- 111 individual will be referred to a Job Service Montana office or other employment and training partners for
- 112 services.

113 **Documenting Eligibility:**

- 114 ● Subgrantee staff is responsible for documenting eligibility information and for recording that information
- 115 on the client eligibility form. Examples of acceptable documentation for each eligibility requirement
- 116 include:
- 117 ○ Age – Birth certificate, Social Security award letter, driver’s license, and/or passport.
- 118 ○ Income for self and family members – Social Security award letter, earning statements, pension
- 119 statements, prior year income tax return, and/or bank statements showing interest.
- 120 ○ Residence – Utility bill, voter’s registration card, and/or driver’s license. A physical address is
- 121 required, not a post office box.
- 122 ○ Unemployment status – Verify by Unemployment Insurance (UI) records when possible;
- 123 reviewing bank records for payroll deposits, phone calls to former employers, and/or
- 124 certification from another agency that has reviewed the documentation.

- 125 ○ Documenting a family of one – A signed self-certification is acceptable. If no other
126 documentation exists, the Family Size Certification form may be used. When this method is
127 used, case notes must reflect efforts to secure the appropriate documentation. In the event the
128 applicant or client lives with other family members and the individual cannot produce any
129 supporting official documentation, the family certification form may be used. If the applicant or
130 client would like to qualify as a family of one because of his/her disability, the disability must be
131 documented. This documentation may include medical documents, letter from Vocational
132 Rehabilitation Services, a disability-parking permit issued by the State; or for Social Security
133 Disability Income (SSDI), the Social Security Administration’s benefits letter. If an individual does
134 not want to qualify as a family of one, no declaration or documentation of disability is required.
- 135 ● US citizenship is not a requirement for eligibility; however, the Immigration and Naturalization Service
136 requires an Employment Eligibility Verification form (I-9) for every person hired after November 6, 1986.
137 This form must be completed prior to enrollment.

138 **Recertification of Eligibility:**

- 139 ● Verification of eligibility must be completed every 12 months after initial determination of eligibility.

140 **Definition of Family:**

- 141 ● For determining income level for eligibility in SCSEP, a family includes a householder and one or more
142 living in the same household who are related to the householder by birth, marriage or adoption. This
143 includes but is not limited to a husband, wife, dependent children, and parent or guardian.
- 144 ● An applicant or client claimed as a dependent on the federal income tax return of another family
145 member with whom he/she resides, is defined as a family of two or more.
- 146 ● People related by birth, marriage or adoption and residing together are considered members of one
147 family, including sub family members.
- 148 ● Subfamily and related subfamily are both defined as a family within a family; or a married couple with or
149 without children; or one parent with one or more of his/her own never-married children who are less
150 than 18 years old. Example of a subfamily: A married couple do not maintain their own household and
151 live in the home of someone else. Example of related sub-family: An adult daughter and her child live
152 with her parents. Please note: If the adult daughter and her child maintain their own household, they
153 are family in their own right.
- 154 ● Unrelated subfamily is defined as a married couple with or without children or a single parent with one
155 or more of his/her own never-married children under 18 years old living in a household. Unrelated
156 subfamily members are not related to the householder. An unrelated subfamily may include such
157 people as guests, partners, roommates, or resident employees and their spouse and/or children. An
158 unrelated subfamily is not included in the determination of income eligibility for SCSEP.

159 **Orientation:**

- 160 ● When selected for participation, the client must be given an orientation to the SCSEP including
161 information on goals and objectives, community service assignments, training opportunities, supportive
162 services, the opportunity for a free physical examination, client rights and responsibilities, permitted
163 and prohibited activities, grievance procedures, and data privacy.
- 164 ● Clients will receive both a copy and a verbal explanation of the involuntary termination policy during
165 orientation.
- 166 ● Clients must be unemployed to qualify for enrollment in SCSEP. Subgrantee staff must inform all clients
167 that they may not be employed while participating in the program and they must notify the program
168 representative immediately upon becoming employed.

169 **Assessment and Individual Employment Plan (IEP):**

- 170 ● When selected for participation, the client must be given an initial assessment and an IEP must be
171 developed that outlines the client’s goals, educational and training needs. The assessment will include:
172 ○ work history,

- 173 ○ skills,
- 174 ○ interests,
- 175 ○ talents,
- 176 ○ physical capabilities,
- 177 ○ aptitudes,
- 178 ○ need for supportive services,
- 179 ○ occupational preferences,
- 180 ○ training needs,
- 181 ○ potential for performing community service assignment(s), and
- 182 ○ potential for transition to unsubsidized employment.
- 183 ● The client will be assessed no less than two times during a twelve-month period, including the initial
- 184 assessment. The IEP will be updated as necessary to reflect information gathered during subsequent
- 185 client meetings or assessments.

186 Permissible Training Activities and Community Service Assignment:

- 187 ● When an individual is selected for participation in the SCSEP, the IEP clarifies the client's goals and
- 188 needs. Training consistent with the IEP enables the client to successfully perform the community service
- 189 assignment, increase skills and job placement potential, improve quality of life, and obtain unsubsidized
- 190 employment.
- 191 ● The subgrantee is encouraged to obtain training through local resources at no cost or little cost to the
- 192 program. Clients may be paid wages while in training. There are no limits on the number of hours an
- 193 individual may engage in training other than needs reflected in the IEP.
- 194 ● Community Service Job Training is provided through the host agency/workplace. Community service job
- 195 training requires a detailed training plan and realistic timeline for learning needed skills. Training at the
- 196 workplace is often more practical than classroom training. Additional classroom training, seminars, on-
- 197 the-job experience (OJE), and training through other employment and training programs is permissible. A
- 198 SCSEP client must be assigned to a worksite prior to receiving training. Community service assignment
- 199 specifications:
 - 200 ○ Host agency agreement is required. Agreement must specify the nature of the community
 - 201 service assignment, the hours the client will train, and the circumstances and the number of
 - 202 clients the host agency will train.
 - 203 ○ An IEP detailing skills to be learned and a timeline to achieve the goal is required.
 - 204 ○ Rotating worksite assignments is encouraged.
- 205 ● General Training is designed to enhanced or refresh a client's basic skills. It includes skill training,
- 206 classroom training, lectures, seminars and individual instruction. General training may be combined
- 207 with community service training, specialized training, OJE, or other general training options such as self-
- 208 development training available from sources other than Title V of the OAA during hours other than hours
- 209 of community service assignment. General training specifications:
 - 210 ○ Must be an eligible SCSEP client.
 - 211 ○ Must be assigned to a community service worksite prior to receiving training.
 - 212 ○ Must be consistent with the IEP that details skill to be attained and timelines for achieving that
 - 213 goal.
 - 214 ○ Cost must be at little or no cost to the program.
- 215 ● Specialized Training is designed to prepare a client for a specific job or industry. This may be provided
- 216 through a workforce partner, the subgrantee, a customized training class, and educational institution, or
- 217 other training provider. Specialized training may be combined with community service training, general
- 218 training, lectures, seminars, individual instruction, or OJE. Specialized training specifications:
 - 219 ○ Must be an eligible SCSEP client.
 - 220 ○ Must be consistent with the IEP.
 - 221 ○ Cost must be at little or no cost to the program.

- 222 ○ Contract must be negotiated with provider detailing training curriculum, specific skills to be
- 223 learned, deliverable timelines and payment and responsibilities.
- 224 ● On-the-job-experience (OJE) – Note: On-the-job experience (OJE) is only permissible if the grantee
- 225 requests and receives approval through the optional special request. If permitted, it is to be utilized
- 226 when the unsubsidized job goal requires specific skills not attainable through the community service
- 227 worksite. OJE may be utilized after a client has completed at least two weeks at a community service
- 228 assignment. A provider may negotiate with a potential employer, public or private, an OJE agreement
- 229 that specifies no more than 40 hours a week for up to 12 weeks of training. The OJE agreement must
- 230 also stipulate that if the OJE has been satisfactory, the client will remain on the business’s payroll as a
- 231 permanent employee. An OJE can only be used once in a 12-month period with any single client. An OJE
- 232 may be combined with other training such as community service, classroom training, seminars, lectures,
- 233 individual instruction, and specialized training options such as self-development training. OJE
- 234 specifications:
 - 235 ○ The OJE agreement or contract must not be with a current host agency providing a worksite for
 - 236 an SCSEP client. A host agency is a public agency or a private nonprofit organization, which
 - 237 provides a training worksite and supervision for one or more clients.
 - 238 ○ The contract must detail the skills to be learned, timelines, and benchmarks to be achieved.
 - 239 ○ An agreement or contract and timesheets relating to the OJE must show hours worked each
 - 240 week and the number of weeks to be worked.
 - 241 ○ Total hours worked cannot exceed 40, including any work at a host agency.
 - 242 ○ Subgrantee may reimburse up to 100 percent of wages for OJEs that do not exceed 4 weeks.
 - 243 ○ Subgrantee may reimburse up to 50 percent of wages for OJEs that exceed 4 weeks.
 - 244 ○ The agreement or contract must stipulate the amount the business is to be reimbursed and the
 - 245 hourly rate of pay.
 - 246 ○ In lieu of a reimbursement agreement with the business, the subgrantee may opt to pay the
 - 247 client 100 percent of the wages earned on the OJE not to exceed 12-weeks total duration.
 - 248 ○ The contract must stipulate whether the subgrantee or the business is to be responsible for
 - 249 workers’ compensation claims that may result from the client’s OJE training.
 - 250 ○ The contract must stipulate that there will be significant follow-up to resolve potential unsafe
 - 251 conditions or issues that arise with the business or client.

252 **Wages and Benefits:** No less than seventy-five (75) percent of the total funds granted to the state must be
 253 spent on client wages and benefits.

- 254 ● Wages: Subgrantees may pay clients the highest applicable minimum wage for time spent in
- 255 orientation, training required by the subgrantee, and work in community service assignments. This may
- 256 be federal, state, or local minimum wage; or the prevailing rate of pay for persons employed in similar
- 257 public occupations by the same employer.
- 258 ● Benefits: Subgrantees must ensure that benefits are offered to all clients.
 - 259 ○ Required benefits: Subgrantees must offer clients the opportunity to receive annual physical
 - 260 examinations. Physical examinations are a benefit and NOT an eligibility requirement. When a
 - 261 client refuses to accept this offer, the subgrantee must document the refusal within 60 days
 - 262 after the community service assignment start date.
 - 263 ○ Allowable benefits: Subgrantees may provide for annual and sick leave, holidays, health
 - 264 insurance, social security, and any other benefits.
- 265 ● The subgrantee collaborates with Job Service Montana offices to provide additional training and
- 266 employment services to clients. Job Service Montana services include:
 - 267 ○ Orientation to workforce services,
 - 268 ○ Job counseling,
 - 269 ○ Employment referrals,
 - 270 ○ Referrals to educational or vocational training, and other referral services,
 - 271 ○ Labor market information,

- 272 ○ Workshops on resumes and interviewing, and
- 273 ○ Resource room resources, including computers, fax, landline telephone, and copy machines.

274 Supportive Services:

- 275 ● Some clients may require some supportive services to help them successfully complete their worksite
276 assignment and obtain unsubsidized employment. Subgrantees may provide or arrange for supportive
277 services after assignment to a community service worksite.
- 278 ● The subgrantee must assess all clients' needs for supportive services and make every effort to assist
279 clients in obtaining needed supportive services. The subgrantee must document supportive service
280 needs in the IEP for each client.
- 281 ● Supportive service request documentation must be maintained in the client file and must contain the
282 following information:
 - 283 ○ A brief description of the expenditure;
 - 284 ○ The amount requested; and
 - 285 ○ The dated signatures of the case manager and the client. An email or fax will be accepted as
286 signature.
- 287 ● All supportive services must be requested and approved by the subgrantee prior to the client receiving
288 or obtaining goods or services. Backdated expenditures will not be allowed.
- 289 ● Supportive services may include but are not limited to payment of the reasonable costs of:
 - 290 ○ Transportation,
 - 291 ○ Health care and medical services,
 - 292 ○ Job-related or personal counseling,
 - 293 ○ Incidentals such as work shoes, badges, uniforms or other work clothing, eyeglasses, and tools,
 - 294 ○ Dependent care,
 - 295 ○ Housing, including temporary shelter,
 - 296 ○ Needs-related payments, and
 - 297 ○ Follow-up services: Subgrantees are encouraged to provide follow-up services throughout the
298 first 12 months after placement in unsubsidized employment to determine if clients have the
299 necessary supportive services to remain on the job. During that time period, subgrantees should
300 document at least six attempts to contact clients receiving follow-up services.
- 301 ● The subgrantee should attempt to provide for payment of these supportive services from other
302 community resources or at little cost to the program.

303 Individual Durational Limit:

- 304 ● Each client is subject to an individual durational limit of 48 months. An extension of 12 months may be
305 granted to the client with at least one of the statutory waiver factors listed below:
 - 306 ○ 75 years of age or older,
 - 307 ○ Meets Social Security age requirements but does not receive Social Security benefits, or
 - 308 ○ Lives in an area of persistent unemployment and has severely limited employment prospects.
- 309 ● The subgrantee will:
 - 310 ○ Inform all clients in writing of the grantee's Individual Durational Limit Policy;
 - 311 ○ Apply the individual durational limit policy uniformly to each client served;
 - 312 ○ Ensure a transition plan is in place for each client plan affected by a durational limit and
313 implement the transition plan in a timely manner to ensure the best possible outcome for each
314 client;
 - 315 ○ Provide written notice of termination at least 30 days in advance of the termination date when a
316 client will be terminated due reaching his or her time limit; and
 - 317 ○ Provide the grievance procedure for any client who wishes to appeal terminations, including
318 durational limit terminations. A copy of the grievance will be given to each client whenever a
319 client is informed of a durational limit termination.

320 **Client Corrective Action and Warning:**

- 321 • A client will be given an opportunity to correct his or her behavior, conduct or failure to comply with the
322 IEP requirements; except in cases involving serious harm or imminent threat to health, safety, property,
323 etc. At any point in the correction action process, if a client makes positive efforts or the client’s lack of
324 action is justified, corrective action will be discontinued. The following steps for corrective action will be
325 taken:
- 326 ○ Step 1: Formal Warning
 - 327 ■ If a client displays behavior or conduct outlined in the reasons for “for cause”
328 terminations or refuses to comply with the IEP requirements, the client will be given a
329 verbal warning and counseled to correct actions or behavior. Absent extenuating
330 circumstances, the client will be informed in writing by the subgrantee director of the
331 requirement to correct the behavior or conduct. The sub-grantee director will provide a
332 copy of the first formal warning to WSD.
 - 333 ○ Step 2: Second Formal Warning
 - 334 ■ When a client once again displays behaviors or conduct outlined in the reasons for “for
335 cause” terminations or refuses to comply with the IEP requirements, the client will be
336 verbally warned and counseled to correct actions. Absent extenuating circumstances,
337 the subgrantee director will send the client a written warning that he or she has 30 days
338 from the date of the letter to correct the behavior or conduct. In the case of an IEP
339 violation, the client may be directed to complete specific IEP related tasks. The written
340 warning will include a statement that failure to make improvement or complete the IEP
341 related tasks will result in termination. The subgrantee director will provide a copy of the
342 second formal warning to WSD.
 - 343 ○ Step 3: Notice of Termination
 - 344 ■ When a client does not make improvement in actions, or for a third time displays
345 behavior or conduct outlined in the reasons for “for cause” terminations, a letter will be
346 sent notifying the client that he or she will be exited 30 days from the date of the letter.

347 **Termination:**

- 348 • The following termination policy will be followed fairly and equitably when involuntarily terminating
349 clients. Clients will not be terminated based on age. Except as noted below in the case of serious
350 violation, clients will receive progressive discipline and an opportunity for corrective action before a form
351 termination notice is issued. All inappropriate behavior or poor performance must be documented. In
352 the case of a serious offense, clients will receive a 3-day termination letter notifying them of the date of
353 exit, the reason for the termination and the right to appeal under the SCSEP grievance procedure.
354 Subgrantee staff will review the termination policy with clients at least once each year during
355 recertification. There are 6 reasons a client may be involuntarily terminated from SCSEP:
- 356 ○ Knowingly providing false information in the eligibility process.
 - 357 ■ Intentionally providing inaccurate information to qualify for SCSEP. If this occurs, the
358 client will be placed on Leave Without Pay immediately, and a 30-day notification of
359 termination will be sent to the client. The subgrantee will inform WSD of the intent to
360 place the client on Leave Without Pay and provide a copy of the 30-day notification of
361 termination letter.
 - 362 ○ Incorrectly identified as eligible at or after enrollment or the annual recertification.
 - 363 ■ A client will be terminated if found ineligible for participation or continued enrollment in
364 SCSEP through no fault of their own or an inadvertent error in the determination
365 process. When this occurs, the client will be notified regarding the error and immediately
366 sent a 30-day termination letter. The client will be able to continue participating in the
367 program until the date of exit as noted in the letter. The subgrantee will refer the client
368 to other potential sources of assistance, such as those provided by Job Service

- 369 Montana. The subgrantee will inform WSD of the basis for termination and provide a
370 copy of the 30-day notification of termination letter.
- 371 ○ Determined to be no longer eligible at recertification,
 - 372 ■ During recertification, a client may be determined no longer eligible due to a change in
373 eligibility criteria such as income, family of one due to a change in disability status,
374 employment status, and number of household members. The client will be notified and
375 immediately sent a 30-day notification of termination letter. The client will be able to
376 continue participating in the program until the date of exit as noted in the letter. The
377 subgrantee will inform WSD of the basis for termination and provide a copy of the 30-
378 day notification of termination letter.
 - 379 ○ Reaching the maximum 48-month participation limit,
 - 380 ■ A client will be terminated when he or she meets the 48-month maximum participation
381 date and does not qualify for an extension under documented waiver factor based on
382 the Individual Durational Limit section of this policy. A waiver qualifies the client for a
383 temporary 12twelve-month extension. If the client does not qualify for a temporary
384 extension, he or she will be sent a 30-day notification of termination letter 30 days
385 before the 48-month maximum participation date. The client will be able to continue
386 participating in the program until the date of exit as noted in the letter. Prior to
387 termination the subgrantee will inform WSD whenever a client reaches the maximum
388 participation date and if the client has a qualified documented waver and subsequent
389 temporary extension or does not qualify for a temporary extension of the change
390 regarding the client's eligibility. The subgrantee shall also provide a copy of the 30-day
391 notification of termination to WSD.
 - 392 ○ Becoming employed during enrollment, or
 - 393 ■ A client who is discovered to be employed while enrolled without having notified the
394 program of the employment will be terminated from the program. If this occurs, the
395 client will be placed on Leave Without Pay immediately, and a 30-day notification of
396 termination will be sent to the client. The subgrantee will inform WSD of the cause for
397 termination and provide a copy of the 30-day notification of termination letter prior to
398 termination.
 - 399 ○ For cause, including refusing to accept three job offers or referrals to unsubsidized employment
400 based on the IEP (with no extenuating circumstances hindering the client from moving to
401 unsubsidized employment).
 - 402 ■ For cause terminations generally require that clients commit willful misconduct before
403 WSD or subgrantee will consider termination to be the appropriate action.
 - 404 ■ IEP related reasons to warrant termination for cause may include but are not limited to:
 - 405 ● Refusing to search for a job;
 - 406 ● Sabotaging a job interview, for example, a client tells the interviewer that they
407 are not interested in the job or that they are not qualified;
 - 408 ● Refusing to participate fully in training opportunities
 - 409 ● Refusing to transfer to a new community service training assignment;
 - 410 ● Refusing to register at Job Service Montana;
 - 411 ● Refusing to take advantage of WIOA opportunities;
 - 412 ● Refusing to accept or lack of follow through in obtaining supportive services that
413 will enhance the client's ability to participate in a community service assignment
414 consistent with the IEP;
 - 415 ● Refusing to cooperate with other IEP related referrals;
 - 416 ● Refusal to cooperate with the assessment or IEP process, e.g., refusing to
417 participate in completing the assessment and training development plan.

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- The subgrantee may refer the client to other potential sources of assistance such as those provided by Job Service Montana. The subgrantee will inform WSD of the cause for termination and provide a copy of the 30-day notification of termination letter.
- Non-IEP related reasons to warrant termination for cause may include but are not limited to:
 - Refusal to cooperate in recertifying eligibility by not supplying required documents or refusing to attend or be available for recertification appointment;
 - Failure or refusal to perform assigned duties, e.g., refusing without good cause to do assignments that are part of the training description and required to increase skill and knowledge;
 - Falsification of official records, such as timesheets;
 - Intentional disclosure of confidential or private information obtained from the host agency, grantee, subgrantee, or local project;
 - Frequent tardiness or unauthorized absences, including reporting to the assignment late or not reporting to the assignment and not informing the supervisor;
 - Insubordination, defined as intentionally refusing to carry out the direction or instructions of a host agency supervisor or subgrantee staff member, provided there were no extenuating circumstances and the direction or instructions were reasonable;
 - Workplace harassment or discrimination; on the basis of race, color, sex, pregnancy, childbirth or medical conditions related to pregnancy or childbirth, political or religious affiliation or ideas, culture, creed, social origin or condition, genetic information, sexual orientation, gender identity or expression, national origin, ancestry, age, disability, military service or veteran status, or marital status.
 - Obscene, abusive, harassing or threatening language or behavior;
 - Physical violence or intentional destruction of property;
 - Theft;
 - Causing an imminent threat to health or safety of self or others;
 - Non-compliance with drug and alcohol-free policy, prohibiting clients from consuming, selling, purchasing, manufacturing, distributing, possessing or using any illegal or no-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. Legally-prescribed medications are excluded if they do not affect the client's ability to perform his or her duties or protect the safety of the client or others; and
 - Exceeding the approved Leave Without Pay by failing to return from an approved break by the required date without due notice or good cause.
- For cause termination that requires immediate removal from host agency and leave without pay pending termination.
 - When a client's violation of the WSD or subgrantee policies is of a serious nature, immediate action to remove the client from the host agency may be required. In this case, the client will be placed on leave without pay and a written 30-day notice of termination sent. Examples of circumstances warranting immediate removal from the host agency and leave without pay include but are not limited to:
 - Gross misconduct such as violating the WSD and/or subgrantee drug and alcohol policy or intentionally endangering the lives of themselves or others; or

- 468 • Violence, including but not limited to physical or extreme verbal violence at the
- 469 training site.
- 470 ▪ In the case of for cause termination the subgrantee will notify WSD immediately of an
- 471 action taken to remove the client from the host agency and place be placed on leave
- 472 without pay and provide a copy of the written 30-day notice of termination.

473 **Performance Accountability:**

- 474 • There are seven core performance measures. Although the final Quarterly Progress Report (QPR) will be
- 475 used to determine if providers have met performance goals, performance will be monitored throughout
- 476 the program year using all quarterly reports. Performance measures include:
 - 477 ○ hours of community service employment,
 - 478 ○ the percentage of clients in unsubsidized employment during the second quarter after exit,
 - 479 ○ the percentage of clients in unsubsidized employment during the fourth quarter after exit,
 - 480 ○ median earnings of clients who are in unsubsidized employment during the second quarter after
 - 481 exit,
 - 482 ○ indicators of effectiveness in serving employers, host agencies, and clients,
 - 483 ○ the number of eligible persons served,
 - 484 ○ the number of most in-need individuals served as described in OAA section 518(a) (3)(B)(ii) or
 - 485 (b)(2),
- 486 • Hours of community service employment is defined as the total number of hours of community service
- 487 provided by SCSEP clients divided by the number of hours of community service funded by the grantee's
- 488 grant. Paid training hours are excluded from this measure.
- 489 • The percentage of clients who are in unsubsidized employment during the second quarter after exit is
- 490 defined by the formula: The number of clients who exited during the reporting period who are employed
- 491 in unsubsidized employment during the second quarter after the exit quarter, divided by the number of
- 492 clients who exited during the reporting period multiplied by 100.
- 493 • The percentage of clients who are in unsubsidized employment during the fourth quarter after exit is
- 494 defined by the formula: The number of clients who exited during the reporting period who are employed
- 495 in unsubsidized employment during the fourth quarter after the exit quarter, divided by the number of
- 496 clients who exit during the reporting period, multiplied by 100.
- 497 • The median earnings of project clients who are in unsubsidized employment during the second quarter
- 498 after exit is defined by the formula: For all clients who exited and are in unsubsidized employment
- 499 during the second quarter after the exit quarter, the wage that is at the midpoint (of all the wages)
- 500 between the highest and lowest wage earned in the second quarter after the exit quarter.
- 501 • The number of eligible individuals served is defined as the total number of clients served divided by the
- 502 grantee's authorized number of positions after adjusting for differences in minimum wage among the
- 503 States and areas.
- 504 • Most-in-need is defined by counting the total number of the following characteristics for all clients and
- 505 dividing by the number of clients served. Clients are characterized as most in need if they:
 - 506 ○ Have a severe disability;
 - 507 ○ Are frail;
 - 508 ○ Are age 75 or older;
 - 509 ○ Meet the age requirements for Social Security but do not receive Social Security benefits;
 - 510 ○ Live in an area with persistent unemployment and are individuals with severely limited
 - 511 employment prospects;
 - 512 ○ Have limited English proficiency;
 - 513 ○ Have low literacy skills;
 - 514 ○ Have a disability;
 - 515 ○ Reside in a rural area;
 - 516 ○ Are veterans;
 - 517 ○ Have low employment prospects;

- 518 ○ Have failed to find employment after utilizing services provided under title I of WIOA; or
- 519 ○ Are homeless or at risk for homelessness.
- 520 ● Satisfaction of the clients, businesses, and their host agencies with their experiences and the services
- 521 provided is defined as the results of customer satisfaction surveys administered to each of these three
- 522 customer groups. U.S. Department of Labor (USDOL) will prescribe the content of the surveys.
- 523 ● Providers will be expected to meet at least 80 percent of their negotiated performance level for each
- 524 performance standard and for all measures in the aggregate. Adjustments to the performance
- 525 standards will be allowed based on the following five criteria:
- 526 ○ High unemployment, poverty, or welfare and Temporary Assistance for Needy Families (TANF)
- 527 program in the service area relative to other areas of the state.
- 528 ○ Significant economic downturn in the service area.
- 529 ○ Significant numbers of clients with one or more barriers to employment relative to other areas of
- 530 the state.
- 531 ○ Changes in federal, state, or local minimum wage requirements.
- 532 ○ Limited economies of scale for the provision of community service employment and other
- 533 authorized activities in the areas served.

534 Subgrantee Sanctions:

- 535 ● Each subgrantee's performance will be assessed by WSD no later than 30 days after the end of each
- 536 program year. If the aggregate score for all SCSEP measures is between 80 and 100 percent,
- 537 performance goals are considered met. An aggregate score of 100 percent exceeds performance
- 538 standards.
- 539 ● If a provider fails to meet the performance standard for one or more individual measures, but meets the
- 540 overall performance goal, technical assistance will be provided relative to the failed standard(s).
- 541 ● Program providers that fall below 80 percent of their aggregate negotiated performance standard are
- 542 subject to the following sanctions:
- 543 ○ The provider will submit a corrective action plan no later than 30 days after the end of the
- 544 program year. The state will provide technical assistance.
- 545 ○ Failure to meet the aggregate performance standard for a second consecutive year will result in
- 546 loss of slots equivalent to 25 percent of the subgrantee's current year funds for the first full
- 547 program year following the determination. The slots are redistributed among other subgrantees
- 548 who have met their performance measure goals, with consideration given to equitable
- 549 distribution.
- 550 ○ Failure to meet the aggregate performance standard for a third consecutive year will result in a
- 551 competition to award the remaining grant to a new subgrantee for the first full year following the
- 552 determination.

553 Data Collection and Reporting:

- 554 ● SCSEP grantees are required to submit individual client records that contain information about clients,
- 555 host worksites, and placement with unsubsidized businesses.
- 556 ● The subgrantee is required to enter the information into the internet based SCSEP Performance and
- 557 Results Quarterly (SPARQ) performance report system. SPARQ stores electronic records at the USDOL
- 558 and allows grantees to maintain their records via the internet.
- 559 ● Timely data entry affects performance reporting. The subgrantee will enter data into SPARQ within 10
- 560 working days.
- 561 ● Data from the forms will be transmitted to USDOL for aggregation and the production of the QPR. The
- 562 subgrantee is not required to submit a quarterly data report but is required to submit a quarterly
- 563 narrative.

564 Union Organizing, Nepotism, Maintenance of Effort (MOE):

- 565 ● SCSEP funds will not in any way be used to assist, promote, or deter union organizing.

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- Nepotism is an unfair practice that occurs when hiring or delivery of program services is based on personal connections. SCSEP recipients must ensure that no recipient or sub-recipient hires and no host agency serves as a worksite for a person who works in a SCSEP community service assignment if a member of that person’s immediate family is engaged in a decision-making capacity, compensated or not, for that project, sub-project, recipient, sub-recipient, or host agency. The SCSEP grantee may request that USDOL exempt worksites on Native American reservations and in rural areas from this requirement; if adequate justification can be documented: for example, no persons are eligible and available for participation in the program.
 - Grantees and subgrantees must ensure that no one in a SCSEP administrative decision-making position hires a family member for a position that is funded with SCSEP funds. In addition, providers must ensure that no host agency serves as a worksite for a client if a member of that person’s immediate family is engaged in a decision-making capacity for that host agency.
 - For purposes of this section, “immediate family” is defined as wife, husband, son, daughter, mother, farther, brother, sister, son-in-law, daughter-in-law, mother-in-law, father-in-law, brother-in-law, sister-in-law, aunt, uncle, niece, nephew, stepparent, stepchild, grandparent, or grandchild.
 - A community service agreement for a client under Title V of the Older American Act (OAA) is permissible only when the following specific maintenance of effort requirements are met. Each project funded under Title V:
 - Must not reduce the number of employment opportunities or vacancies that would otherwise be available to individuals not participating in the program;
 - Must not displace currently employed workers; including partial displacement, such as a reduction in the hours of non-overtime work, wages, or employment benefits;
 - Must not impair existing contracts or result in the substitution of federal funds for other funds in connection with work that would otherwise be performed; and
 - Must not employ or continue to employ an eligible individual to perform the same work or substantially the same work as that performed by any other individual who is on layoff.

592 **Administrative Requirements:**

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- The State SCSEP staff will provide technical assistance to subgrantees.

594 **Monitoring and Evaluation:**

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- A formal monitoring will be conducted annually by MDLI.

596 **References:**

- 597
- 598
- 599
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- 602
- [Older American Act \(OAA\) Title V](#)
 - [Jobs for Veterans Act sec 2, Public Law 107-288, \(2002\)](#)
 - [20 CFR 641, SCSEP](#)
 - [SCSEP Data Collection Handbook](#)
 - [OWB 04-04](#)