

Senior Community Service Employment (Title V) Program Standard Assurances

- A. The AAA agrees to administer the Senior Community Service Employment Program (SCSEP or Title V). The AAA agrees to comply with United States Department of Labor's (USDOL) regulations, and New York State Office for the Aging's (NYSOFA) policies and procedures governing SCSEP. The AAA assures and certifies that it will:
- 1) provide community service assignments only for eligible individuals and, to the extent possible, recruit necessary technical, administrative and supervisory personnel from among eligible individuals;
 - 2) provide community service assignments for eligible individuals in the county in which they reside;
 - 3) assign eligible individuals in services related to publicly owned and operated facilities and projects, or projects sponsored by organizations, other than political parties, exempt from taxation under the provisions of section 501(c)(3) of the Internal Revenue Code of 1954, except projects involving the construction, operation, or maintenance of any facility used or to be used as a place for sectarian religious instruction or worship;
 - 4) assure that no otherwise Title V qualified older person with a disability or perceived to have a disability shall, solely by reason of this disability, be excluded from participation in, be denied benefits of, or be subjected to discrimination under any program or activity receiving federal financial assistance. A person with a disability is defined as any person who has a physical or mental impairment which substantially limits one or more major life activities, has a record of such impairment, or is regarded as having such impairment. This includes alcoholism and drug addiction;
 - 5) not deny community service assignments to any person with a disability if reasonable accommodations can be made for that person's disability;
 - 6) contribute to the general welfare of the community in a manner that will:
 - a) result in an increase in employment opportunities over those opportunities which would otherwise be available,
 - b) not result in the displacement of currently employed workers (including partial displacement, such as a reduction in the hours of non-overtime work or wages or employment benefits), and
 - c) not impair existing contracts for service or result in the substitution of federal funds in connection with work that would otherwise be performed;
 - 7) not employ or continue to employ any participant to perform work which is the same

or substantially the same as that performed by any other person who is on layoff;

- 8) utilize methods of recruitment and selection (including notifying the state employment security agency when vacancies occur) which will assure that the maximum number of eligible individuals will have an opportunity to participate in the project;
- 9) conduct training as may be necessary to make the most effective use of the skills and talents of participants, provide for the reasonable expense of individuals being trained, including reasonable compensation for time spent in training; and, wherever possible, obtain all training for participants at reduced or no cost to Title V from such sources as the host agency, Workforce Investment Act (WIA) and the Carl D. Perkins Vocational and Applied Technology Education Act.;
- 10) assure that safe and healthy conditions of work will be provided;
- 11) establish and administer the grant with the advice of persons competent in the field of service in which employment is being provided, and of persons who are knowledgeable with regard to the needs of older persons;
- 12) authorize pay for reasonable transportation costs of participants which may be incurred under the grant in accordance with 20 CFR Section 641.545;
- 13) assure that to the extent feasible, the needs of minority, limited English speaking, and Native American Indian eligible individuals are served, and individuals who have the greatest economic need, at least in proportion to their numbers in the geographic jurisdiction of the project and take into consideration their rates of poverty and unemployment based on the best available information;
- 14) authorize funds to be used, to the extent feasible, to include individuals participating in the project under the State Unemployment Insurance Plan;
- 15) coordinate activities with the local WIA system and the Carl D. Perkins Act programs to insure that project trainees can benefit from such cooperative activities as dual eligibility, shared assessments, training and referral;
- 16) develop and uniformly apply a durational limit policy including: notice to current and incoming participants in writing of the individual durational limit policy and that such policy will be uniformly applied to every participant; development and implementation of an individual transition plan in a timely manner to provide for the best possible outcome for each participant affected by a durational limit; and, when an individual's participation will be terminated due to a term limit, sending the participant written notice of the termination at least 30 days before the termination date and providing the participant with a copy of the grievance procedures.

- B. If the federal-state guidelines are amended or revised, the AAA will comply with them or notify NYSOFA within thirty (30) days after promulgation of the amendments or revisions that it cannot so conform so that NYSOFA may take appropriate action, including grant termination, if necessary.
- C. The AAA has complaint resolution procedures for trainees or applicants including those who are determined ineligible or against whom adverse actions are taken. Such procedures comply with federal requirements and include:
- 1) An opportunity for the participant or applicant to respond either verbally or in writing to an action of the AAA, including filing a grievance;
 - 2) An opportunity for an informal conference;
 - 3) A prompt determination of the issue;
 - 4) If an issue cannot be resolved to the satisfaction of the participant or applicant, the participant or applicant will be notified that they may request a review of the process by NYSOFA and/or the U.S. Department of Labor; and
 - 5) If the complaint alleges discrimination in violation of Title VI of the Civil Rights Act of 1964, the Rehabilitation Act of 1973 or the Workforce Investment Act, such complaint may be directed or mailed to the Civil Rights Center of the U.S. Department of Labor and AAA will use the complaint processing procedures that meet the requirements of 29 CFR 37.70 through 37.80 to resolve the complaint.
- D. AAA agrees that it will:
- 1) comply with the minimum wage and maximum hours provisions of the Federal Fair Labor Standards Act as they apply to hospital and educational employees of state and local governments; and,
 - 2) it will otherwise compensate participants at a rate which is at least commensurate with the highest applicable minimum wage which is either the minimum wage applicable under the Federal Fair Labor Standards Act of 1938; the New York State minimum wage for the most nearly comparable covered employment, notwithstanding any exceptions which may otherwise apply; or the prevailing rate of pay for persons employed in similar public occupations by the same employer.
- E. The AAA agrees that it will establish safeguards to prohibit employees from using their positions for a purpose that is or gives the appearance of being motivated by a desire for private gain for themselves or others, particularly those with whom they have family, business, or other ties;
- F. The AAA agrees that it will give the United States Department of Labor, the Comptroller General, the Office of the State Comptroller and NYSOFA, through any authorized

representative, the access to and the right to examine all records, books, papers or documents related to SCSEP; and

G. The AAA agrees that it will comply with the federal regulations governing grant administration for SCSEP as set forth in 20 CFR Part 641, 29 CFR Parts 95 through 99.

H. Eligibility Criteria and Enrollment Priorities:

- 1) The AAA through SCSEP will provide useful part-time community service assignments for **unemployed** low income persons who are 55 years old or older while promoting transition to unsubsidized employment.
- 2) To be eligible for SCSEP the individual must be no less than 55 years of age, a resident of New York State, unemployed at the time of application and whose family income does not exceed 125% of the Federal Poverty Level.
- 3) The AAA shall recertify the income eligibility of each trainee at least once each project year between July 1 and June 30 according to the schedule in this project agreement.

I. The AAA or, the AAA's contractor, will recruit and select eligible individuals in sufficient numbers to fill all authorized slots. Enrollment priorities for filling all positions shall be to individuals with the following characteristics:

- 1) have a severe disability;
- 2) are frail;
- 3) are age 65 or older;
- 4) meet the eligibility requirements related to age for, but do not receive, benefits under Title II of the Social Security Act.;
- 5) live in an area with persistent unemployment and are individuals with severely limited employment prospects;
- 6) have limited English proficiency;
- 7) have low literacy skills;
- 8) are veterans who meet the criteria of the Jobs for Veterans Act;
- 9) have low employment prospects;
- 10) have failed to find employment after utilizing services provided under Title I of the Workforce Investment Act of 1998;
- 11) are homeless or at risk for homelessness;
- 12) reside in a rural area; or,
- 13) have a disability.

J. The AAA will offer SCSEP participants the opportunity to take a physical examination within 60 days of enrollment and annually in accordance with 29 CFR §641.565.

- 1) The AAA shall provide orientation to the SCSEP participant as soon as practicable after determination of eligibility. The orientation shall include information on term

- limits, project objectives, community service assignments, training, supportive services, rights and duties of the trainee, permitted and prohibited political activities, plans for transition to unsubsidized employment and a discussion of safe working conditions at the host agency.
- 2) The AAA shall provide orientation to those individuals who will supervise SCSEP participants at the host agencies.
- K. The AAA shall assess each new participant to determine the most suitable community service assignment for the individual and to identify appropriate employment, training and community service objectives for each individual. The assessment shall be made in partnership with the new participant in accordance with 29 CFR §641.535. Assessments shall be done at least two times during a twelve month period to determine the SCSEP participant's potential for transition to unsubsidized employment. Assessments shall be documented and made a part of the participant's permanent record. Assessments and service strategies or individual employment plans of a participant, prepared under the Workforce Investment Act of 1998 may be substituted for one prepared by the AAA.
- L. The AAA shall use the assessment or reassessment as a basis for developing or amending an Individual Employment Plan (IEP). The IEP shall be developed in partnership with the SCSEP participant to reflect the needs, interests and desires of the participant (29 CFR §641.535). The AAA shall review the IEP at least twice in a 12-month period.
- M. The AAA shall employ reasonable means to place each SCSEP participant into unsubsidized employment. Whenever AAA fails to achieve the performance measures established by NYSOFA, the AAA will develop and submit to NYSOFA a plan of action AAA will implement to achieve the performance measures.
- N. The AAA will complete and document a follow up for SCSEP participants who are placed in unsubsidized employment at least once within three (3) months of unsubsidized placement.
- O. The AAA shall ensure that all SCSEP participants, including those hired by contractors, receive all the fringe benefits as may be required by law and will ensure compliance with NYSOFA's wage and fringe benefits policy (see 12-PI-05).
- P. The AAA shall ensure that all reporting requirements are completed in accordance with NYSOFA requirements.
- Q. Term Limits:
- 1) The AAA will limit participation in SCSEP to no longer than forty eight (48) months unless NYSOFA grants an extension for the participant that is frail and/or over the age of 75 years.
 - 2) The AAA will maintain twenty-seven (27) months as an average amount of time all trainees are in SCSEP.