

NEW YORK STATE OFFICE FOR THE AGING

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Andrew M. Cuomo, Governor

An Equal Opportunity Employer

Greg Olsen, Acting Director

PROGRAM INSTRUCTION	Number	17-PI-11
	Supersedes	N/A
	Expiration Date	N/A

DATE: April 13, 2017

TO: Area Agency on Aging (AAA) Directors

SUBJECT: Durational Limit Policy for the Senior Community Service Employment Program (SCSEP)

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ACTION REQUESTED: All AAAs that administer the Senior Community Service Employment Program (SCSEP) must adhere to the durational limit policy and procedure for SCSEP participants outlined below. This PI pertains to all AAAs that administer SCSEP through NYSOFA funded slots, whether it is done directly or through a contract. If SCSEP is administered through a contract, it will be the responsibility of the AAA to direct the contractor to comply with the policy and procedure contained in this PI. If the AAA or their contractor administers SCSEP through National grantee funded slots, please refer to that National grantee’s program guidance for durational limits.

RESPONSE DUE DATE: All AAAs that administer SCSEP through NYSOFA funded slots must comply with the policy and procedure of this PI immediately. Compliance with this PI will be verified during SCSEP monitoring visits.

PURPOSE: To inform all AAAs that administer the Senior Community Service Employment Program (SCSEP) of NYSOFA’s policy and procedure for durational limits for SCSEP participants in NYSOFA funded slots.

BACKGROUND: SCSEP was authorized by Congress in Title V of the Older Americans Act of 1965 to provide subsidized, part-time, community service training for unemployed, low-income persons aged 55 or older, particularly persons who have low employment prospects. Even though SCSEP is an OAA program, it is funded and

administered through the United States Department of Labor, Employment and Training Administration (USDOL/ETA). There are 29 SCSEP programs in NYS that are overseen by NYSOFA and operated by AAAs directly or through a contract with other local entities.

Generally, participation in SCSEP is time limited. The purpose of SCSEP is to provide participants the necessary training to become job ready so that they are able to transition into unsubsidized employment, resulting in new individuals being able to enroll in the program. As stated in 20 CFR §641.570, SCSEP participants are limited to a total of 48 months in the program, whether or not consecutive. If a participant is placed on an authorized break or exits the program for any reason, time spent enrolled in the program prior to the authorized break or exit will count towards the 48 month durational limit if they are re-enrolled. Additionally, if a participant was enrolled in a SCSEP slot administered by a National grantee or by another State grantee, time spent enrolled in the program will count towards the 48 month durational limit as well.

The 48 months is calculated from either July 1, 2007¹ or the date of the individual's enrollment in the program, whichever is later. If a participant was enrolled in the program but exited prior to July 1, 2007, that time does not count towards the 48 month durational limit.

The average participation cap for all NYSOFA funded SCSEP slots is 27 months. This is an aggregate of all NYSOFA sub-recipients and not applied on an individual sub-recipient basis. However, in order to meet this statewide goal, NYSOFA requires that each individual sub-recipient strive to have an average participation cap for all participants of 27 months.

USDOL does allow the option for programs to offer durational limit waivers to participants under certain circumstances. NYSOFA has chosen to offer two optional durational limit waivers for participants that qualify as either frail or are 75 or older, which allow them to remain enrolled in the program beyond the 48 months. For a participant to qualify as frail they must be 55 years of age or older and determined to be functionally impaired, as certified by a health professional, because the individual:

1. Is unable to perform at least two activities of daily living without substantial human assistance, including verbal reminding, physical cueing, or supervision;
- OR
2. Due to a cognitive or other mental impairment, requires substantial supervision because the individual behaves in a manner that poses a serious health or safety hazard to the individual or to another individual.

The following procedure for SCSEP durational limits must be uniformly applied to each

¹ When the Older Americans Act was reauthorized in 2006, an amendment was made that instituted the 48 month durational limit stipulation. July 1, 2007 was the start of the first program year after the amendment.

and every participant in a NYSOFA funded slot served by the sub-recipient.

Procedure

A. Participant Notification

1. At the time of enrollment, the sub-recipient must inform the participant of the 48 month durational limit and the possible extension available through the durational limit waivers (see Section D. Durational Limit Waivers).
2. The sub-recipient must inform all participants who are within 12 months of reaching their durational limit of how they are impacted by the policy and when transition planning will begin.
3. Any participant who does not qualify for an extension through a durational limit waiver under this durational limit policy, must be exited from the program on his or her durational limit date. The sub-recipient must provide participants with a 30-day written notice of their termination and a copy of the sub-recipient's SCSEP grievance policy. A copy of the termination letter will be retained in the participant's file.
 - a. If a written 30-day notice is given to a participant less than 30 days before they will reach their durational limit, the participant is entitled to remain on the program until the 30 day notice date. In this case SCSEP funds CANNOT be used to pay for the participant's wages. The sub-recipient agency will have to use another funding source to pay the participant any wages accrued after the durational limit date until the date of the 30 day notice.

B. Transition Planning

1. Sub-recipients are required to provide transition planning and assistance to all participants who are exiting the program. For those who are likely to obtain employment, this may entail a new host agency assignment, enhanced training, and intensive job search assistance. For those unlikely to obtain employment prior to exit, the sub-recipient must provide assistance with identifying and obtaining other transition services that will support self-sufficiency and help maintain the participant's quality of life.
2. Transition planning should start no less than 6 months prior to the participant reaching their durational limit.
3. Actions taken or planned for transition must be reflected in the participant's Individual Employment Plan (IEP).

C. Authorized Break in Participation

1. Participants are allowed to take an authorized break in participation from the program, such as a formal leave of absence necessitated by personal circumstances or a break because a suitable community service assignment is not available. Any authorized break in participation must be entered into the SPARQ system in order not to count toward the individual durational limit.
2. When a participant returns to the program, the participant must be made active in the SPARQ system and the date that participation resumed must be entered.

D. Durational Limit Waivers

1. If a participant is close to reaching their durational limit, and the participant is age 75 or older or frail, the sub-recipient must offer the participant the ability to remain on the program through a durational limit waiver.
2. If the waiver is being implemented because the participant is 75 or older, the sub-recipient must obtain proof of age (e.g. driver's license, birth certificate, etc.) and retain a copy in the participant's file.
3. If the waiver is being implemented because the participant is frail, the sub-recipient must have a health professional complete the attached certification form that verifies the functional impairment that meets the definition of frail stated on page 2.
4. Durational limit waivers are effective for 12 months. If the sub-recipient and the participant wish to extend the waiver beyond 12 months, the waiver will have to be renewed.
 - a. If the waiver was implemented because the participant is frail, a new certification from a health professional will need to be obtained each time the waiver is extended.
5. All durational limit waiver requests, including renewals/extensions, must be made to the Title V ASR at NYSOFA. Sub-recipients must submit to NYSOFA proof of age (for waiver requests for 75 or older) or certification of frail form (for waiver requests for frail). After documentation is received, NYSOFA will notify the sub-recipient if the waiver request is granted.

E. SPARQ

1. The durational limit waiver factors must be entered into SPARQ and updated annually or if there is a significant change. The waiver factors include:

- Severe disability
- Frail
- Old enough for but not receiving SS Title II
- Severely limited employment prospects in area of persistent unemployment
- Limited English Proficiency (LEP)
- Low literacy skills
- 75 or over

While SPARQ lists all of the USDOL durational limit waiver options, 75 or older and frail are the only allowable waiver factors for NYSOFA funded slots. All waiver factors should be entered and updated as they also identify most-in-need participants for USDOL’s performance measures.

- a. SPARQ will automatically enter the date on which the waiver factor was first entered and this field may be overwritten as necessary. For each program year thereafter, sub-recipients must enter the date the factor was updated in order to receive credit in the most-in-need measure or to use the factor to support a waiver request for the participant.
2. Sub-recipients should run the Waiver Durational Limit (WDL) report in SPARQ at least quarterly (found in the SPARQ Reporting section under Management Reports → Participant → Waiver of Durational Limits). This report will identify all participants due to reach their durational limit sometime in the next 12 months and will ensure that these participants have had their waiver factors updated within the program year.

PROGRAMS AFFECTED:

<input type="checkbox"/> Title III-B	<input type="checkbox"/> Title III-C-1	<input type="checkbox"/> Title III-C-2
<input type="checkbox"/> Title III-D	<input type="checkbox"/> Title III-E	<input type="checkbox"/> CSE
<input type="checkbox"/> WIN	<input type="checkbox"/> Energy	
<input type="checkbox"/> EISEP	<input type="checkbox"/> NSIP	<input checked="" type="checkbox"/> Title V
<input type="checkbox"/> HIICAP	<input type="checkbox"/> LTCOP	
<input type="checkbox"/> NY Connects	<input type="checkbox"/> Other:	

ATTACHMENTS: Certification of Frail by a Health Professional

CONTACT PERSON: Dan Hogan
Daniel.Hogan@aging.ny.gov

TELEPHONE: (518) 474-7252

Certification of Frail by a Health Professional

Date of Assessment: _____

I, _____, have determined that _____, is
(Doctor's name) *(Patient's name)*

diagnosed with _____.
(Medical Condition)

The patient is unable to perform at least two activities of daily living without substantial human assistance, including verbal reminding, physical cueing, or supervision;

OR

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

Check all that apply:

- Eating
- Bathing
- Dressing
- Mobility
- Toileting
- Transferring
- Maintaining continence

Additional information as needed:

Signature of Doctor/Medical Professional

Date

Doctor/Medical Professional Name, Printed

License Number