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**Upper Cumberland
Local Workforce Development Board
POLICIES AND PROCEDURES**

Title: SCSEP APPROVED BREAK AND TERMINATION POLICY
Date of Adoption: 9-25-18

PURPOSE: To define Upper Cumberland Local Workforce Development Board (UCLWDB) policy for approved breaks, voluntary and involuntary terminations “for cause or otherwise” from the Senior Community Service Employment Program (SCSEP).

POLICY: The goal of SCSEP is to transition participants from subsidized community-service activities of training and skills development to unsubsidized employment. SCSEP is authorized through the Older Americans Act.

Approved Breaks- The sub-grantee informs participants during orientation that the community-service position is not a job but rather a training opportunity to obtain marketable skills for eventual placement in unsubsidized employment. Breaks in participation are necessary at times in SCSEP whether it be for health, personal, or between Host Agency assignments, and in no way effects their durational limit of 48-months in the program.

Approved leave without pay of up to 30-days will be granted to a participant. A participant may need to leave due to illness, attend to a personal matter, care for a family member, or wait for a new Host Agency assignment. A leave of absence will not be granted to a participant who wants “time off” from training for no reason. An approved break in schedule is to be documented in the participant’s file case notes and in the USDOL SPARQ database. When the participant requests a leave of absence for an illness or surgery, a letter must be obtained from a doctor indicating the length of time off necessary for recovery and an anticipated date for returning to work. The letter must include any restrictions or instructions for the participant. For other requests, the reason should be documented in the case notes and USDOL SPARQ database. If the request is health related, the participant must be re-evaluated periodically to determine whether a break will exceed 30-days. In the event the participant cannot return to their assignment after 30-days, a termination letter will be sent to the participant exiting them from the program. Participants that exit the program for health reasons can re-enroll in the program after they have recovered and provided a release from their doctor.

No UCLWDB participant may be terminated except in accordance with Tennessee Department of Labor and Workforce Development's SCSEP's Termination Policy. All participants have the right to appeal under TDLWD'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 as follows:

Voluntary Termination- If a participant decides to voluntarily resign, one-week 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 the UCLWDB SCSEP Director 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.

Involuntary Termination- The UCLWDB Program Director will make terminations fairly and equitably and in accordance with the involuntary terminations listed here. Participants will not be terminated on account of age, as there is no age limit for the SCSEP program. With the exception of serious violations, participants will be given counseling and the 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. UCLWDB participants will receive both a copy and a verbal explanation of the Involuntary Termination Policy during orientation. This policy is based on *Older American Act Amendments of 2006 and the SCSEP Final Rule effective on September 1, 2010*.

The following are reasons a participant may be involuntarily terminated from the SCSEP program:

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. Incorrect Determination of a Participant as Eligible- A participant, through no fault of their own, is found to be ineligible for participation in SCSEP. This termination may occur either after the enrollment or after the annual recertification. A participant may be enrolled or deemed eligible, for continuous enrollment based on an error in determining program eligibility, such as the inaccurate recording and/or calculation 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, disability status,

employment status, 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/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. Transitional assessment will be provided to all participants who are approaching their four-year limit on participation and who are still not job ready. Participants have the 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 inform the program representative immediately upon becoming employed. A participant who is discovered to be employed while enrolled, without notifying the program of their 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 reason(s) for termination and a 30-day notice of the pending termination date. Behaviors that may lead to termination for discipline should be documented and included in the project records:
 - a. Income eligibility determined at recertification
 - b. Unwillingness to perform assigned duties without a good case
 - c. Refusal to accept different community service assignments that are consistent with the IEP without good cause
 - d. Frequent tardiness or unauthorized absences, including reporting to the assignment late or not reporting to the assignment and not informing the supervisor. Generally, instances of absence without good cause or without proper notice may warrant termination.
 - e. Falsification of time sheets or other official records (those proving false information must be referred to the AJC or appropriate partner)
 - f. Insubordination, defined as intentionally refusing to carry out the direction or instructions of the host agency or SCSEP staff member, provided there were no extenuating circumstances and the directions or instructions were reasonable.
 - g. Non-compliance with the drug and alcohol policy, which prohibits participants from consuming, selling, purchasing, manufacturing, distributing, possessing, or using any illegal or non-prescribed drug; from being under the influence of alcohol and/or drugs while performing their host agency assignment or while carrying out objectives required by the IEP.
 - h. Using obscene, abusive, harassing or threatening language or behavior.
 - i. Theft, meaning illegal taking or withholding of the property of another without permission

- j. Intentional disclosure of confidential or private information obtained from the host agency, grantee, or local project.
- k. Physical violence or intentional destruction of property
- l. Causing an imminent threat to the health or safety of self or others. Legal prescribed medications are excluded if they do not affect the participant's ability to preform his/her duties or to protect the health or safety of self or others.
- m. Workplace harassment or discrimination on the basis of sex, race, color, religion, national origin, age, marital status, or disability.
- n. Exceeding approved leave without pay by failing to return from an approved break by the required date without due notice or good cause.
- o. For-cause termination that requires immediate removal from the host agency and leave without pay pending termination.

When a participant's violation of a TDLWD and UCLWDB 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:

- a. Gross misconduct, such as violating the TDLWD's Drug and Alcohol Policy or intentionally endangering the lives of oneself or others;
- b. Violence, including physical or extreme violence at the training site;
- c. 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 preform 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 that participant citing a specific instance 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/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 part of an IEP

- a. Job searching and submitting required documentation;
- b. Attending a job interview;
- c. Accepting an initial or alternative training assignment;
- d. Registering at the local AJC for employment;
- e. Improving personal habit or appearances;
- f. Participating in workshops, training, etc;
- g. Pursuing a GED; and
- h. Working on putting support services in place

Participant Corrective Action and Warning: A participant will be given an opportunity to correct his/her behavior or conduct, or his/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 a positive effort 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 cause" terminations or refuses to comply with the IEP requirements, the participant will be given a verbal warning and counseled to correct his/her actions by the UCLWDB SCSEP Project Director. Absent extenuating circumstances, the participant will be informed in writing by the UCLWDB SCSEP Project Director of the requirement to correct his/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 cause" terminations or refused to comply with the IEP requirements, the UCLWDB SCSEP Project Director will meet with the participant and provide a written warning along with providing counseling that he/she has 30 days to correct his/her behavior or conduct. Absent extenuating circumstances, the UCLWDB SCSEP Project Director will send the participant a written warning that he/she has 30 days from the date of the letter to correct his/her behavior or conduct. In the case of an IEP violation, the participants 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 task will result in termination.

Step 3-Dismissal

When a participant does not improve his/her actions, or for a third time displays behavior or conduct in the reasons "for cause" terminations, a letter will be sent by the UCLWDB SCSEP Director notifying the participant that he/she will be exited 30 days from the date of the letter.

ATTACHMENTS: None

EFFECTIVE DATE: October 1, 2018

DURATION: Indefinite

CONTACT: For questions regarding this policy, contact Becky Hull, Executive Director, Upper Cumberland Local Workforce Development Board at bhull@ucworkforce.org



Board Chairperson, UCLWDB