

**Appendix C:**  
**CDA Title V/SCSEP**  
**Termination and Approved Break in Participation Policies**

**PM 11-20**

Title V/Senior Community Service Employment Program, Participant Termination Policy

**PM 14-15- Attachment 1**

SCSEP, TV Authorized Break in Participation Policy

**CALIFORNIA DEPARTMENT OF AGING**

1300 NATIONAL DRIVE, SUITE 200

SACRAMENTO, CA 95834-1992

Internet Home Page: [www.aging.ca.gov](http://www.aging.ca.gov)

TDD Only 1-800-735-2929

FAX Only (916) 928-2267

Phone Number (916) 419-7500

**Note: This is an accessible version of PM: 11-20**

# PROGRAM MEMO

**TO:** Area Agency on Aging Directors**NO:** PM 11-20**DATE ISSUED:** December 2, 2011**EXPIRES:** Until Superseded**PROGRAMS AFFECTED:** Title V**REFERENCES:** Code of Federal Regulations, Title 20, Part 641 Senior Community Service Employment Program: Final Rule (September 1, 2010)**SUPERSEDES:** N/A**REASON FOR PROGRAM MEMO:** Change in Law or Regulation**SUBJECT:** Title V/Senior Community Service Employment Program, Participant Termination Policy

**Background** The U.S. Department of Labor (DOL) recently approved the Participant Termination Policy that the California Department of Aging (CDA) wrote for participants in the Senior Community Service Employment Program (SCSEP). DOL requires California Area Agencies on Aging (AAAs) with SCSEP projects to implement this policy immediately and make it known to all existing and incoming program participants.

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**Purpose** This Program Memo transmits CDA's new SCSEP Participant Termination Policy to AAAs and explains AAAs' responsibilities under this policy.

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**Regulatory Requirement** The Code of Federal Regulations, Title 20, Part 641.580(d), SCSEP Final Rule, dated September 1, 2010, requires CDA to develop a statewide participant termination policy as follows:

Grantees [CDA] must include their policies concerning for-cause terminations in the grant application and obtain the Department's [U.S. Department of Labor Employment and Training Administration] approval.

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**Action  
Required**

Effective immediately, AAA and SCSEP staff must:

- Provide current SCSEP participants with a copy of the Participant Termination Policy.
- Amend SCSEP participant orientation materials to include the Participant Termination Policy.
- Document participants' receipt of the Participant Termination Policy in participant files.
- Revise all documents containing information about participant terminations to be consistent with the new policy.

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**Questions**

Please address questions to your assigned SCSEP Analyst.

Phil Carr, [pcarr@aging.ca.gov](mailto:pcarr@aging.ca.gov) or 916-928-2294: PSA 09,15,18,20,21,23,25, & 30

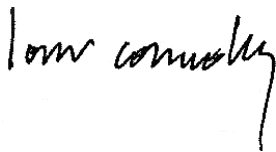
Peggy Stadler, [pstadler@aging.ca.gov](mailto:pstadler@aging.ca.gov) or 916-928-2292: PSA 05,08,10,11,14,19, & 22

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**Attachment**

California Department of Aging, Senior Community Service Employment Program  
Participant Termination Policy

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Lora Connolly  
Acting Director

## Participant Termination Policy

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**Purpose** To establish a Participant Termination Policy in compliance with U.S. Department of Labor (DOL), Employee and Training Administration regulations, 20 CFR 641.580.

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**Scope** This Participant Termination Policy covers the following:

- Participant voluntary separation
  - Participant involuntary termination
  - Prohibitions
  - Notification requirements
  - Voluntary Separation Procedure
  - Involuntary Termination Procedure
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**Participant Voluntary Separation** A participant may voluntarily separate/exit from SCSEP for any of the following reasons:

- Unsubsidized employment
  - Relocation outside of the Planning and Service Area
  - Retirement
  - Health reasons
  - Institutionalization
  - Family reasons
  - Incapacitation or death
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## Participant Termination Policy, continued

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### Participant Involuntary Termination

A participant may be involuntarily terminated/exited from SCSEP either for reasons specified in regulation (20 CFR 641.580) or “For Cause” as determined by CDA. This policy must be applied fairly and consistently.

**Participants may be involuntarily terminated from the local SCSEP Project (Project) for the following reasons specified in the regulations:**

#### **The Participant:**

- Provided false information to the Project [20 CFR 641.580(a)].
- Exceeded their durational limit (48 months on program)
- [20 CFR 641.570(a)].
- Refused to accept three job offers or referrals to unsubsidized employment consistent with the participant’s Individual Employment Plan (IEP) and there are no extenuating circumstances that would hinder the participant from moving to unsubsidized employment [20 CFR 641.580(e)].
- Failed to report unsubsidized employment (20 CFR 641.110 and 20 CFR 641.500).

**OR**

#### **The Project:**

- Found the participant ineligible for enrollment during recertification [20 CFR 641.505 and 20 CFR 641.580(b)].
- Incorrectly determined the participant to be eligible for the program [20 CFR 641.5809(c)].

**Participants may be terminated involuntarily from the Project for the following “for cause” reasons:**

- Falsification of official records such as timesheets
- Physical violence or intentional destruction of property
- Obscene, abusive, harassing, or threatening language or behavior
- Sexual harassment
- Imminent threat to health or safety posed by participant

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## Participant Termination Policy, continued

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### Participant Involuntary Termination (continued)

- Non-compliance with substance abuse policy
- Gross misconduct such as violating the Drug and Alcohol Policy or intentionally endangering the lives of themselves or others
- Violence, including but not limited to physical or extreme verbal violence at the training site
- Violation of vacation, sick leave, or approved break policy, including failure to return from an approved break by the required date without due notice or good cause
- Frequent **unexcused** tardiness or absences (Tardy more than six times or absent more than three times in a six-month period)
- Unauthorized possession of property belonging to the project or host agency work site
- Unauthorized release of confidential information obtained from project office or host agency
- Insubordination – intentional refusal to carry out the direct instruction of a supervisor, provided there were no extenuating circumstances
- Refusal to comply with the IEP without good cause (except for violations of work referral).

IEP for cause terminations include refusal to:

- Accept training opportunities outlined in IEP.
- Accept a new community service assignment to enhance skill development in support of IEP goals.
- Accept supportive services that will enhance the participant's ability to participate in a community service assignment consistent with IEP.
- Participate in project-offered services such as job search or resume writing.
- Cooperate with the recertification, assessment, and IEP processes.

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### Prohibitions

Projects may not terminate participants from the program solely on the basis of their age. Also, Projects may not impose an upper age limit for participation in SCSEP [20 CFR 641.580(i)].

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California Department of Aging (CDA)  
Senior Community Service Employment Program (SCSEP)  
**Participant Termination Policy, continued**

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**Notification Requirement**

Projects **must provide** each participant at the time of enrollment with a **written copy** of the termination policy and grievance procedures and **must verbally review** those policies with each participant [20 CFR 641.580(g)].

Projects must give a 30-day notice to participants prior to **involuntary termination**. The notice shall explain in detail why the participant has been terminated.

**For cause** terminations require 30-day notice which should:

- Include sufficient information explaining why the participant is being terminated
- Provide the participant with an opportunity to conform their behavior to the rule
- Allow for progressive discipline steps and corrective action steps

Involuntary termination and for cause termination notices **must inform** the participant of the grievance procedure (CDA PM 11-06), and the termination must be subject to the applicable grievance procedures described in 20 CFR 641.910.

***The regulations do not permit any other reasons for involuntary termination.***

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**Voluntary Separation Procedure**

Participant notification requirement:

- A 30-day notice is **not** required to be given to a participant who voluntarily separates/exits from SCSEP

Participant documentation requirement:

- Participant signs and dates the SCSEP Exit Form

If it is not possible for the participant to sign the SCSEP Exit Form, then note the reason in the Exit Comments box or in a case note (caseworker must sign and date).

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California Department of Aging (CDA)  
Senior Community Service Employment Program (SCSEP)  
**Participant Termination Policy, continued**

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**Involuntary  
Termination  
Procedures**

**1) If Participant:**

Knowingly provided false information [20 CFR 641.580(a)]

**Then procedures are:**

- Participant must receive a 30-day notice explaining the reason for the termination.
- Participant is exited from program at the end of the 30 day notice.

**Other requirements:**

- Participant is provided a copy of CDA's grievance policy along with 30-day notice.

**2) If Participant:**

Is no longer eligible for enrollment [20 CFR 641.505 and 20 CFR 641.580(b)]

**Then procedures are:**

- Participant must receive a 30-day notice explaining the reason for the termination.
- Participant is exited from program at the end of the 30 day notice.

**Other requirements:**

- Participant is provided a copy of CDA's grievance policy along with 30-day notice.
- Project should refer participant to other potential sources of assistance, such as the One-Stop delivery system.

**3) If Participant:**

Is found to be ineligible because project incorrectly determined eligibility [20 CFR 641.580(c)]

**Then procedures are:**

- Participant must receive a 30-day notice explaining the reason for the termination.
- Participant is exited from program at the end of the 30 day notice.

**Other requirements:**

- Participant is provided a copy of CDA's grievance policy along with 30-day notice.
- Project should refer participant to other potential sources of assistance, such as the One-Stop delivery system.



California Department of Aging (CDA)  
Senior Community Service Employment Program (SCSEP)  
**Participant Termination Policy, continued**

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**Involuntary  
Termination  
Procedures**  
(continued)

- 4) If Participant:**  
Has reached the durational limit (20 CFR 641.570)
- Then procedures are:**
- Participant must receive a 30-day notice explaining the reason for the termination.
  - Participant is exited from program at the end of the 30 day notice.
- Other requirements:**
- Projects are required to follow CDA PM 10-19, Durational Limits and Transition Planning Policy.
  - Participant is provided a copy of CDA's grievance policy along with 30-day notice.
  - Project may refer participant to other potential sources of assistance, such as the One-Stop delivery system.
- 5) If Participant:**  
Has reached the durational limit (20 CFR 641.570)
- Then procedures are:**
- Participant must receive a 30-day notice explaining the reason for the termination.
  - Participant is exited from program at the end of the 30 days notice.
- Other requirements:**
- Projects are required to follow CDA PM 10-19, Durational Limits and Transition Planning Policy.
  - Participant is provided a copy of CDA's grievance policy along with 30-day notice.
  - Project may refer participant to other potential sources of assistance, such as the One-Stop delivery system.
- 6) If Participant:**  
Refused to accept three job offers or referrals consistent with the participant's IEP [20 CFR 641.580(e)]
- Then procedures are:**
- Participant must receive a 30-day notice explaining the reason for the termination.
  - Participant is exited from program at the end of the 30 day notice.

California Department of Aging (CDA)  
Senior Community Service Employment Program (SCSEP)  
**Participant Termination Policy, continued**

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**Involuntary  
Termination  
Procedures**  
(continued)

**Other requirements:**

- Participant is provided a copy of CDA's grievance policy along with 30-day notice.
- Project may refer participant to other potential sources of assistance, such as the One-Stop delivery system.

**7) If Participant:**

Did not report starting unsubsidized employment to the program (20 CFR 641.110 and 20 CFR 641.500)

**Then procedures are:**

- Participant must receive a 30-day notice explaining the reason for the termination.
- Participant is exited from program at the end of the 30 days notice.

**Other requirements:**

Participant is provided a copy of CDA's grievance policy along with 30-day notice.

**8) If Participant:**

Was terminated for cause or for an IEP for cause action [20 CFR 641.580(d)]

**Then procedures are:**

- Participant must receive a 30-day notice explaining the reason for the termination.
- Participant is exited from program at the end of the 30 day notice.

**Other requirements:**

•Participant is provided a copy of CDA's grievance policy along with 30-day notice.

## Authorized Break in Participation Policy

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**Purpose** The purpose of this policy is to establish an Authorized Break in Participation Policy for the California Department of Aging (CDA) that is in compliance with U.S. Department of Labor (DOL), Employee and Training Administration regulations (20 CFR 641.570(d)).

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**Information about Policy** An Authorized Break in Participation temporarily suspends a Senior Community Service Employment Program (SCSEP) participant's training activities for a period of three to 60 consecutive days.

There are two categories of an Authorized Break in Participation:

- Voluntary Leave
- Administrative Leave

Authorized Breaks in Participation:

- Are unpaid.
- Do not apply to the SCSEP participant's individual durational limit.
- Must be approved or declined in advance by the local SCSEP Project Coordinator.

All participants must be provided with a copy of this policy and sign a receipt of acceptance during their initial SCSEP Orientation.

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**Voluntary Leave Policy** Voluntary Leave may be granted for up to 60 days for the following reasons:

- Illness
- Injuries
- Estate Settlement
- Marriage
- Family Care
- Bereavement
- Hospitalization

If a participant is on Voluntary Leave due to illness, a signed doctor's statement of the participant's status and/or limitations must be provided upon the participant's return to their Community Service Assignment (CSA). In addition, the local SCSEP Project Coordinator may require a doctor's statement when a participant is absent for more than five consecutive days because of illness.

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## Authorized Break in Participation Policy, *Continued*

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### **Administrative Leave Policy**

Administrative Leave pertains to participants who have been placed on leave for the following reasons:

- Workers' Compensation
- Administrative review
- A Host Agency closure when there are no other Host Agency placements available at the time of closure.

### Workers' Compensation

Participants who are on a Workers' Compensation leave must be placed on an Administrative Authorized Break in Participation until they provide a medical release.

The medical release should describe the participant's current status and/or any work limitations concerning the participant. The local SCSEP Project Coordinator must ensure the host agency can reasonably accommodate any limitations contained in the medical release. If the host agency is not able to reasonably accommodate the restrictions, or there is no longer a placement for the participant, the participant may be placed in another CSA or terminated.

The participant's refusal to return to training after being released from Workers' Compensation Leave shall result in the participant's termination from the program.

### Administrative Review

A participant under Administrative Review can remain on an Authorized Break in Participation until the review has been resolved. After the final determination of the Administrative Review, the participant can be placed back into the CSA rotation or terminated.

### Host Agency Closure

If a participant's Host Agency permanently closes, and there is no suitable CSA nor will there be one within a reasonable period, the participant must be terminated. Participants cannot be placed into an Authorized Break in Participation and left in suspension indefinitely as room must be made for other applicants to take advantage of the SCSEP services.

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## Authorized Break in Participation Policy, *Continued*

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### Administrative Requirements

Local SCSEP Project Coordinators have the authority to approve or decline a documented request for an Authorized Break in Participation.

Participants on any type of Authorized Break in Participation are not permitted to participate in any trainings, workshops, and/or meetings.

Upon returning from an Authorized Break in Participation, a participant may be placed in a vacant CSA position that supports his/her Individual Employment Plan (IEP). If there are no vacant positions, the participant will be terminated and placed on the waiting list for a priority placement until an appropriate CSA becomes available.

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### SPARQ Reporting Requirements

SCSEP Performance and Results Quarterly (SPARQ) reporting requirements apply to both Voluntary and Administrative Leave.

Enter all Authorized Breaks in Participation into SPARQ under the Assignments/Exits section; include case notes in the comment box.

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### Yearly Recertification

If the yearly re-certification is due while a participant is on an Authorized Break in Participation, the re-certification must be completed immediately upon the participant's return to the program.

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### Extensions

Any Authorized Break in Participation lasting over 60 days may result in the participant losing his or her SCSEP placement.

The California Department of Aging (CDA) will consider an extension of an Authorized Break in Participation past 60 days with a maximum of 90 days. To request an extension the SCSEP Project must submit a Request for Extension letter to the SCSEP State Director. The request letter **must** include the following elements:

- Participant Name and Identification number
  - Original Break Start and End Date
  - Extension Request Start and End Date
  - Reason for Extension (no detailed medical information)
  - Signature of Participant
  - Signature of Host Agency Supervisor
  - Signature of local SCSEP Coordinator
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## Authorized Break in Participation Policy, *Continued*

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### **Termination**

All terminations must be in accordance with the CDA's Termination Policy PM 11-20 and Grievance Policy PM 11-06. Please refer to the SCSEP Data Collection Handbook – Revision 6 (4/29/10) regarding termination for Authorized Break in Participation.

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