SCSEP GRANTEE 48-MONTH INDIVIDUAL PARTICIPANT DURATIONAL LIMITS

The 2006 Older Americans Act (OAA) amendments established a 48-month statutory time limit for participation in SCSEP for the first time. In preparation for this significant programmatic change, the Program Year (PY) 2010 allocation and guidance TEGL 28-09 issued in May 2010 required grantees to propose what their durational limit policy would be. At that time, the individual durational limit was a new statutory requirement that held potential political sensitivity, and Department of Labor approval was required before grantees could proceed to implement individual durational limit (IDL) policies including notifying participants and implementing transition plans.

Background: National Programs, Tools and Technical Assistance reviews all new and revised IDL policies to determine whether they are approvable or need revision. The statute gives each grantee the option to choose whether they will allow extensions for individual participants; DOL cannot require them to allow any extensions. On July 1, 2011, the first participants reached that time limit, since the clock started ticking on July 1, 2007. The regulations provide that once DOL has approved the grantee's policy, it must be applied equitably to all the grantee's participants.

The statutorily defined participant factors have severe disability; is frail; 75 years of age; meets Social Security age requirements but does not receive SS benefits; lives in an area of persistent unemployment and has severely limited employment prospects; has limited English proficiency; has low literacy skills and is formerly incarcerated.

There are three options under the statute and regulations for each grantee's individual durational limit policy:

- Option 1 - 48-month limit for each participant with no extensions allowed by the grantee for any participant.
- Option 2 - 48 months with an extension for each and every individual with one or more of the eight statutory waiver factors listed above.
- Option 3 - 48 months with an extension for each and every individual with more than one of the statutory waiver factors or a specific set of factors. (e.g., only those participants with severe disabilities or limited English proficiency). [Note: this is a variation of Option 2].

Grantees awarded after a competition should automatically follow the IDL policy option that is least restrictive to the participant (Option 3) until a formal policy is submitted.

Technical Assistance: Technical Assistance regarding IDL policies will be provided as needed by the Federal Project Office, National Office Liaison or by scseptechnicalassistance@dol.gov.

GPMS Updates and Tracking: The GPMS is updated for each grantee on every person who is potentially affected by durational limits. Option 1 (no extensions). The GPMS will be programmed to electronically accept and track participants who meet the grantee's approved policy.

A Note on Grantees' Rationale for Option 1: Despite the challenges of finding jobs for SCSEP participants, several grantees have chosen not to offer individual extensions to participants (Option 1). Grantees have requested this option because it allows more SCSEP participants to access the program and there is high demand for SCSEP services. This option also removes any risk of perceived or real discrimination in the granting of waivers to individuals.

A Note on Grantees' Rationale for Options 2 and 3: Grantees requests these options to allow more time to address SCSEP participants' barriers and transition from the program. Options are also used to provide industry-specific additional training. Many grantees offer 12-month, one-time only extensions.

DOL Approval Procedure: FPO's and national office staff will review grantee IDL policy submissions. FPO will communicate needed revisions to the grantee as needed, of each grantee's proposed policy in accordance with the TEGL guidance and the statutory and regulatory requirements. Policies are reviewed to ensure they are clear, unambiguous, and non-discriminatory. DOL approvals for each grantee individually will be drafted by the NOL and submitted to the Grant Officer for signature based on FPO and NOL concurrence and will be part of the official grant file. NOL (or SCSEP PA) will forward the signed letter in PDF format to FPO to move to the grantee. Once the grantee has received DOL approval for its durational limit policy, it must then inform all participants of the policy and begin appropriate transitional activities with each participant who would be exited. Lead NOL will update excel spreadsheet and forward, with noted changes to GPMS helpdesk.

DOL Policy Requirements: Applicants must describe the individual participant durational limit that will apply to their participants for the upcoming program year:

- 48 months without the possibility of waiver (Option 1),
- 48 months with the possibility of waiver (Option 2 or Option 3)

Applicants whose policy is for 48 months with the possibility of waiver should describe the criteria for determining which participants will qualify for a waiver. Applicants must also indicate whether the waiver will be limited to one time for 12 months or renewable. Applicants must also explain how they will inform participants of the

durational policy and of the possibility of a waiver, if applicable, under the grantee's durational policy. In addition, applicants must provide a detailed description of the transitional services and planning process for participants who will not achieve unsubsidized employment prior to reaching their durational limit. Applicants should list specific action steps that will be taken to ensure participants receive timely and coordinated transition planning to the most appropriate services and identify other relevant community partners and services, including WIOA and workforce partners.

When a participant will be terminated due to reaching his or her time limit, the participant must be sent a written notice of termination at least 30 days before termination date (this should be included in transition activity timeline).

Grievance Policy: Grantee's SCSEP grievance procedure is in effect for any participants who wish to appeal terminations, including durational limit terminations, and a copy should be provided to each participant whenever the participant is informed of any durational limit termination. The SCSEP national program office retains a current list of grantees and their IDL policy options and shares this information with GPMS contractor to ensure accuracy of individual durational limits program wide.

Next Steps: Grantees may submit revisions to their current IDL policies at any time. However, in cases where the new policy is more restrictive, the policy would be effective no less than 120 days. Less restrictive policies may be effective immediately.

If you need additional assistance, email scseptechnicalassistance@dol.gov