

GPMS DATA COLLECTION HANDBOOK

MODULE I APPENDIX

SUMMARY: Intake, Eligibility, Recertification, Characteristics, Other Enrollment Information

Introduction. Each module of the GPMS Data Collection Handbook has an appendix containing a discussion of topics that are relevant to the headings and data fields within the module. The order and numbering of the topics follow those of the main text of the module. These topics provide more extended discussion of important issues for the GPMS data collection and reporting system and provide context for the individual data fields described in the main text. Topics generally address broad concepts, such as: what “exit” means, what types of income are includable or excludable, when follow-ups must be completed, and what services may be provided before assigning an applicant to community service. The topics also include all relevant information from the SCSEP regulations, TEGs, and other guidance.

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MODULE I APPENDIX

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I. INTAKE

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1. Participant Search, fields 1-1.2

1.a *Ineligible applicants: When is an application required?*

- Grantees are required to take an application from any individual who indicates a desire to apply – even if project staff persons believe that the individual is ineligible. However, sub-grantees and local projects may provide information about the program and its eligibility requirements without taking an application if the individual is only making an inquiry and does not ask to make application.
- If someone calls and inquires about the program, it is entirely appropriate to inform the individual of the eligibility requirements and to ask if the individual thinks he or she is eligible and would like to proceed with an application. It is even appropriate to assist the individual with calculating his or her income to determine whether the individual's income meets the guidelines. You must, however, be willing to take an application at the individual's request even if your preliminary discussion suggests that the individual is ineligible.
- DOL strongly encourages grantees to begin entering applications into the GPMS as soon as they start collecting information from applicants. Various management reports and tasks and notifications enable grantees to track the progress of applications throughout the process. In addition to protecting applicants' rights, taking applications from ineligible applicants may help to document unmet needs and provide a basis for Congress to expand the program.

1.b *Entering N/A or “dummy” data into the data system*

- Do not enter anything into the data system except valid data. If you cannot obtain the information – or if you think the field should not have any data in it – just leave the field blank, unless, of course, it is a required field. In that case, you will need to obtain the correct data before you can move forward. This is very important to the integrity of the data system and to the ability to extract data. There are many situations where the national office needs to know if someone has a valid name, address, Social Security number, etc. (See Field 1 for information on obtaining proxy Social Security numbers for applicants without them.)
- Wherever feasible, enter the applicant's legal first and last names, but bear in mind that what you enter here will be used for the participant customer satisfaction survey and other important information sent to participants. Therefore, you may need to enter the name as you want it to appear on a mailing envelope.
- If you enter N/A or make up a value, the system will wind up selecting that record, and it will then be necessary to find some way to manually delete it when the invalid data are discovered. This happens extensively with the customer satisfaction survey samples when sub-grantees put N/A or some other invalid value into critical fields, like contact person name or address.
- The GPMS will prevent you from entering invalid values into most fields.

1.c *Social Security Number*

- The GPMS requires a Social Security Number (SSN) for all records, including applicants and those on the waiting list, because the SSN is used initially to determine whether there is already an existing record for the individual. When the SSN is first entered into the system, it is masked and encrypted in the GPMS database. The GPMS then generates a Participant

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Identification Number (PID) that is used to uniquely identify the individual. The SSN itself is never retransmitted or displayed in any way in the GPMS. This limited and totally protected use of SSNs is in accordance with DOL's security policy.

- The Social Security number will also be used to obtain UI wage records for determining the three employment outcome measures once these records become available for all grantees. The GPMS will not allow a record without a Social Security number to be saved. The GPMS will also reject records that contain the same Social Security number as that used for a currently active participant. This will prevent the entry of duplicate participants and incorrect Social Security numbers.
- If the applicant does not have a Social Security number, do not make one up. Instead, contact SCSEP Help (<https://scsephelp.zendesk.com>) and it will provide a proxy number that you may use.
- If you make an error in entering an SSN and need to fix it, contact SCSEP Help contact (<https://scsephelp.zendesk.com>).
- All data saved or uploaded to the GPMS are encrypted while being transmitted over the Internet. The DOL server also stores Personally Identifiable Information (PII), including first name, middle initial, address and Social Security number, in an encrypted format to ensure confidentiality.

1.d Dual enrollments

- A dual enrollment occurs when the same participant is enrolled with two grantees (or sub-grantees) at the same time. Dual enrollments are prohibited because they distort performance, resulting in some grantees getting credit for enrollments or placements that they do not deserve. They also create the possibility that participants will receive more hours of community service than they should, or that grantees will exceed the permissible limits on training dollars.
- Because dual enrollments are not permitted in SCSEP, the GPMS will not permit users to create an enrollment for a participant who is currently active in the system. There may be a situation in which you know that a prior enrollment has ended but the termination of the prior enrollment by another grantee has not yet been entered into the GPMS. In this case, you should contact the other grantee to have the prior exit entered into the system. This will permit you to enter the new enrollment.

2. Employment Status, field 4.10

2.a Why must applicants be unemployed at time of eligibility determination?

- Section 502(a)(1) of the Older Americans Act defines the purpose of SCSEP as: To foster individual economic self-sufficiency and promote useful opportunities in community service activities (which shall include community service employment) for unemployed low-income persons who are age 55 or older, particularly persons who have poor employment prospects, and to increase the number of persons who may enjoy the benefits of unsubsidized employment in both the public and private sectors.
- Employed and recently laid off applicants are presumed to be job-ready and thus ineligible for SCSEP. SCSEP is solely for those applicants who need community service assignments in order to become job-ready. Job-ready applicants should be referred to the American Job Center.

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2.b What constitutes employment?

- A participant must be unemployed at the time of enrollment and must remain unemployed while enrolled. The no-employment rule does not apply to casual, non-recurring labor; however, regularly working part-time, no matter how little, is not permitted.
- The 2006 amendments to the OAA codify the definition of unemployed and make clear that someone who has occasional, irregular work is not employed for SCSEP eligibility purposes. For example, if a participant occasionally tends to a neighbor's garden or occasionally babysits for a friend's child and receives payment, that would not constitute disqualifying employment unless the participant were regularly engaged in the business of landscaping or providing childcare and received a regular income. Working at the polls on election day would be occasional employment resulting in non-regular income.
- If the work is regularly occurring, even if it is only once every few weeks or months, the employment is not permitted while the participant is enrolled. The duration of the work could be a factor if it extends over more than a few days and interferes with the participant's community service assignment. DOL has not established hard and fast rules because each case must be decided on its facts. For example, ushering for pay in the evening, outside of CSA hours, for a few days on a totally irregular basis would not be considered disqualifying employment. However, doing so several times each week would be part-time work that is not permitted.
- It is not considered employment for purposes of SCSEP eligibility if a participant engages in sideline activity that can easily be done in off hours and that is only distinguishable from a pure hobby by the fact that it generates occasional income. An example would be making jewelry and selling it online. However, the line between a sideline activity and full-blown self-employment is not always easy to distinguish. It is a question of degree, both as to the amount of time and labor devoted and to the regularity of the income generated. At some point well short of competing with Etsy or Amazon, the participant would be considered employed and no longer eligible for SCSEP.
- Determining when someone is self-employed and engaging in disqualifying employment is often a judgment call. It is not generally the case that engaging in personal activity that generates income, such as managing personally owned rental property or other investments, is disqualifying employment. In addition, many people have hobbies, for example, making crafts, at which they may make some money on occasion. In the old days, people might sell their crafts at fairs or similar public events; today they use the Internet. We would generally not consider such activity to be disqualifying self-employment unless it consumed a significant amount of the participant's time or generated substantial, regular income. On the other hand, someone could set up an importing business and spend all day promoting or fulfilling sales on the Internet. That would be disqualifying self-employment.
- Furthermore, even for regularly performed labor, such as maintenance of an apartment complex in exchange for free rent, as long as the applicant receives no cash for the work, the arrangement does not constitute employment for purposes of SCSEP eligibility. If the applicant becomes a participant, he or she may continue this arrangement while enrolled, assuming it does not interfere with the community service or job search activity. In addition, the in-kind payment received (the value of his rent) is not considered includable income under TEGL 12-06.

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- On the other hand, the receipt of a “stipend” from a non-profit organization for performing regular duties in a social services program is employment, and the “stipend” constitutes wages. Calling wages a stipend does not change their nature; nor does it matter that the work is performed for a non-profit or government organization. Regular employment by a social service program renders an applicant employed and thus ineligible. Active service in the Armed Forces, including the National Guard, is also employment (although the pay received is not includable in income for eligibility purposes.)
- Whenever a participant has done any work within the last year or two of enrolling, whether it constitutes employment or not, there may be a question whether the applicant is job-ready. A recent work history creates a presumption that the applicant is job-ready and thus does not need community service. This presumption may not apply if the participant has had only very limited work experience or if the applicant’s personal circumstances render him or her no longer job-ready. Job-ready applicants should be determined ineligible and referred to an American Job Center.
- All earnings from employment, both casual employment and regular, consistent employment, are counted unless excluded by TEGL 12-06. If the activity from casual employment, investment, or sideline activity is not disqualifying employment, then a self-attestation regarding the amount of net profit realized, supplemented with the participant’s tax return and other official or business records when available, is adequate documentation for income eligibility or recertification determinations.

2.c National Guard as employment

- Active service in the Armed Forces, including the National Guard, is considered employment. Although National Guard service is usually part-time, it meets the SCSEP definition of employment because it is more than occasional work and results in regular payment. Therefore, current active members of the Guard are not eligible for enrollment in SCSEP.
- However, once a member of the Armed Forces, including the National Guard, is no longer active and has become a veteran, the income from active duty and the amounts received for educational assistance cannot be included in income when determining eligibility for federally-funded employment and training programs, including SCSEP. See TEGL 10-09, Attachment A, Section 1(a).

2.d Programs funded by Corporation for National and Community Service

- Participation in the Foster Grandparent Program (FGP), the Senior Companion Program (SCP), the Senior Demonstration Programs (SDP), and the Retired and Senior Volunteer Program (RSVP) is not considered employment. These programs are all funded by the Senior Corps of the Corporation for National and Community Services. The authorizing legislation, the Domestic Volunteer Service Act, establishes these programs and VISTA as volunteer service, not employment, and further provides that the stipend paid to participants in these programs should not be considered income from employment. Therefore, you do not consider participants in these programs to be employed; and you do not include any stipend paid by these programs when determining income for purposes of SCSEP eligibility.

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2.e Employment vs. investment income

- In situations where the participant is receiving income from leasing commercial or residential property, the key is deciding whether there is employment at all before determining whether the income is constant. In many circumstances, the participant may be receiving payment for the use of his or her property, and any labor the participant performs would be incidental and part of a sideline activity.
- It is often hard to distinguish between active self-employment and passive income from the lease of an asset. Usually, any leasing requires some degree of administrative and manual work. For example, if the participant had an apartment on her property that she leased out, she would have to clean it between rentals, maintain the books, pay the utilities, arrange for repairs, and maybe paint it occasionally. That occasional labor would not be considered self-employment, but the rent for an apartment would be quite regular and frequent.
- However, it can often be a close call. Someone who regularly invested in real estate and managed her own buildings would be considered self-employed and not just a passive lessor. Sometimes the degree of activity involved is the deciding factor. These cases really turn on the particular facts, so it is important to understand the situation fully before you try to apply the general rule.

2.f Owning a farm

- Applicants must not be employed at the time of enrollment, but they are allowed to manage their own property, including investments and productive real estate. The question is whether the payments received and deductions claimed, e.g., cooperative distributions (1009-PATR), agricultural program payouts, custom hire income, depreciation, supplies and taxes, establish that the applicant is actively engaged in the business of farming as a self-employed individual or whether the payments are also available to the applicant as the owner of farm that he or she manages as an investment.
- The applicant has the burden of establishing the nature of these payments and deductions, but the grantee has the responsibility for determining the ultimate question of whether the payments and deductions are compatible with the claim that the applicant is not engaged as a self-employed farmer. If the applicant furnishes the grantee with the relevant information, the grantee will have to do the research necessary to determine the answer to this question. In this case, that research will probably require the grantee to consult with government or academic experts in state or federal agricultural programs.

2.g Employment vs. volunteering and exploring self-employment

- Nothing prohibits a participant from engaging in volunteer activities, investment activities, or efforts to explore self-employment. As long as the participant is not actively engaged in employment, for an employer or in self-employment, the participant remains eligible for SCSEP.
- Self-employment generally becomes disqualifying when the participant holds himself or herself out as engaged in a business or earns money from the activity. Work for a 501(c)(3) organization might not be self-employment since the participant could be a member, officer, volunteer, contractor, or employee of the organization. Generally, efforts to organize and raise money for a non-profit organization would be volunteer activities until such time as the participant received payment of some kind for the work. The fact that the participant hopes

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the organization would one day be able to pay him or her would not make the current activities disqualifying. On the other hand, if there was evidence that the 501(c)(3) organization was a sham used for funneling money to the participant, the participant's efforts might be considered disqualifying self-employment.

- A grantee should explore these issues in detail with the participant, including the obligation to inform the grantee if he or she receives any payment for the volunteer efforts. As always, you should document your discussion in case a question arises later.

2.h Work-study as employment

- Unless the work-study program is part of an employment and training program, e.g., it is designed to teach the participant skills that will be needed for the new vocation that the participant is training for at the college, it would be considered employment. Unrelated work in the student union or campus bookstore would usually not meet this requirement and thus would be considered employment. See [Topic II.2.o](#).

2.i Effect of temporary or on-call work on SCSEP eligibility

- There is a difference between applicants and participants with regard to temporary and on-call work. An applicant must be unemployed at the time of enrollment. An applicant who has been listed with a temp agency (or working on-call, e.g., as a substitute teacher) may establish that he or she is no longer actively seeking work with the agency or employer and thus is no longer employed. Assuming the applicant meets the other eligibility requirements, the applicant can be enrolled. However, the amount and type of temp work the applicant has done will be critical factors in determining whether the applicant is job-ready and thus eligible for enrollment.
- A recent work history creates a presumption that the applicant is job-ready and does not need community service. This presumption may not apply if the participant has had only very limited work experience or if the applicant's personal circumstances render him or her no longer job-ready. Job-ready applicants should be determined ineligible and referred to an American Job Center. See [Topic I.2.b](#), above.
- Once an applicant has been enrolled and is a participant, the individual cannot engage in any employment. (See Topics in the appendix to Module II.) Although occasional, irregular work does not render a participant employed (see [Topic I.2.b](#)) registering with a temp agency or signing up with an employer for on-call work is not compatible with being unemployed and not job-ready. Therefore, it is not permitted while the participant is enrolled.

2.j Temporary employment as Census enumerator

- Anyone who is or becomes employed, even in a temporary position, is not eligible for the program. You cannot enroll these participants while they are working or re-enroll them after their employment ends unless they still require community service training in order to become job-ready. If they have been employed more than 30 days, they would generally be presumed to be job-ready and would not be entitled to enrollment or re-enrollment. If you determine that they are not job-ready, you should fully document the reason in their case files.

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3. Mailing Address and Physical Address, fields 5.7 and 6

3.a *Change in county of residence*

- A grantee may only serve participants in counties where it has authorized positions under the Equitable Distribution (ED) requirements listed on SCSEPED.org. If the participant is moving to a county that the grantee is not authorized to serve, the grantee should contact the authorized grantee in that county to see if a transfer can be arranged. (If the original grantee is authorized to serve in the new county but that county is served by a different sub-grantee, the grantee has the ability to change the sub-grantee unilaterally.)
- If there is a transfer, the donor and recipient grantees may work out an arrangement that allows the participant to remain at the original host agency. For transfers initiated by the grantee, the recipient must provide the participant the right of first refusal, which includes the right to stay in the original host agency for at least 90 days after the transfer. A forthcoming module of the GPMS Data Collection Handbook will have contain additional information of transfers. See also the current transfer instructions on the [Community of Practice](#).

3.b *Participants who reside in counties with no authorized positions*

- Under the SCSEP statute, SCSEP funding is distributed equitably by county throughout the country based on the demographic make-up of the county and the overall level of available SCSEP funding. The equitable distribution (ED) rules mean that no grantee can enroll applicants who reside in counties that the grantee is not authorized to serve. The same rule applies if the applicant resides in a county that has no authorized positions. Because of the reduction in funding, there are now many counties with no authorized positions. Applicants who reside in those counties are not able to be enrolled by any grantee. Applicants who are not able to be enrolled should be referred to their local American Job Center (AJC) for job training and job search assistance. All AJCs are listed online at <http://www.servicelocator.org/>

3.c *State of residence if different from mailing address*

- Residence is defined as an individual's primary dwelling place or address as demonstrated by appropriate documentation. No minimum length of residence is required.
- A homeless individual is considered a resident of the state in which he or she is applying.
- Grantees may accept residents of other states if there is an approved multi-state agreement. Data validation is required for this element.
- Use field 6 if the applicant resides in a state other than the state of the mailing address.

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1. Eligibility, field 9

1.a Number in family, field 9.1

Consequence of status as family of one due to disability

- If the applicant/participant claims and documents status as a family of one due to disability, the income of any other family members is not includable for SCSEP eligibility purposes and is not required to be documented for the eligibility determination or for data validation. Since the applicant/participant is entitled by law to this status and the benefits it provides, the grantee's policy should not require the documentation of the income of other family members regardless of whether they contribute to the applicant/participant's household income.
- Family-of-one status does not automatically extend to other members of the applicant's family who are seeking enrollment in SCSEP. Each applicant must establish his or her own entitlement to this status.

1.b Documentation of family size

- The Data Validation Source Documentation Requirements permit three forms of documentation for family size: official documents or business records; detailed case notes; or signed attestation. The signed attestation must be from "a third-party who has knowledge of the participant's number in family and reflects the living situation at time of application." Participant self-attestation is prohibited.
- For documentation of family size, there is no requirement that the signed attestation be from a person of authority. A friend may sign the attestation. If you are using a detailed case note reflecting information received from a third-party rather than a signed attestation, you must document why there is no signed attestation. A person of authority could be a source that would justify not having a signed statement; a friend would ordinarily not be a sufficiently reliable source for a case note.

1.c Marriage license as documentation of family size

- A marriage license by itself is not sufficient to establish family size of two. The spouse's income will need to be verified as part of total family income, and that should enable you to determine that the applicant and spouse reside together. By itself, without the income verification, the marriage license could only establish that the applicant had been married at some time, not that the applicant resides with a spouse at the time of application.

1.d Common law spouse

- Under the eligibility TEGL, you only count the income of spouses living together. If a state or territory recognizes common law marriages itself (or recognizes common law marriages that are valid in other states) and the applicant meets the definition, then you count the income of the common law spouse who is living with the applicant.

1.e Adult child living with applicant; dependent child; grandchild

- Attachment II of TEGL 12-06 sets forth the rules for family size. The starting point is that family is defined as parent(s) and dependent children. The IRS defines dependent child as someone 1) under the age of 19, or 2) under the age of 24 if a full-time student, or 3)

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permanently and totally disabled. Other restrictions apply. See <https://irs.gov/faqs/filing-requirements-status-dependents/dependents>. An exception applies where the applicant is claimed as a dependent on the federal income tax return of a family member with whom she resides. See [Topics II.1.f](#) and [II.1.g](#) below.

- A child 19 or older can only count as a dependent if the child is under 24 and a full-time student or is permanently and totally disabled and satisfies the other requirements of the IRS definition.
- Dependents include a child of any age who is totally and permanently disabled. The IRS definition states that a child is permanently and totally disabled if both of the following apply: 1. He or she cannot engage in any substantial gainful activity because of a physical or mental condition; and 2. A doctor determines the condition has lasted or can be expected to last continuously for at least a year or can lead to death.
- The IRS four-part test requires that the dependent live with the applicant at least half the year. There are special rules for divorced parents, but in general, the custodial parent gets to claim the child unless there is a waiver in favor of the non-custodial parent. Grantees should examine the applicant's latest income tax return to determine if the applicant is claiming the dependent child exemption.
- If the child is not a minor and does not qualify as a dependent under the IRS rule, then the child is not part of the applicant's family, and the child's income is not includable. If the child is a dependent, then the child's income is includable as part of the family income.
- Grandchildren also qualify if they meet the other conditions of the IRS test. Under the SCSEP eligibility TEGl, legal guardianship would also satisfy the relationship test, but it is not required for the IRS test.
- Dependent parents of an applicant are not part of an applicant's family, and their income is not includable.

1.f Participant claimed as dependent by another person; length of penalty

- In cases where a participant or applicant has been claimed as a dependent on the tax return of another individual, the participant or applicant must be treated as a member of that individual's family for the next year. If the participant or applicant claims that circumstances have changed and that he or she is no longer a dependent, the participant or applicant will have to produce a new tax return to document that he or she is no longer a dependent.

1.g Counting family members when the applicant is claimed as a dependent

- According to the eligibility TEGl, if the applicant is claimed as a dependent on someone else's tax return, you must include in the applicant's family all individuals currently residing with the applicant who are related by blood, marriage or adoption.
- You need not include these family members if the applicant lives independently; pays all of his or her own expenses, including rent and utilities; does not share meals; and has separate living quarters, including a separate entrance. The mere fact that the applicant pays rent and is financially independent is not sufficient if the applicant does not have separate living quarters.

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1.h Spouse in nursing home

- If the spouse permanently resides in the nursing home and is not expected to resume living with the applicant, the applicant has a family size of one. If a spouse is temporarily in a nursing home and is planning to return to the applicant's household, the family size is two.

1.i Receipt of food stamps or other benefits as proof of family size

- You can use official documents to establish family size to the extent that the documents are relevant. A determination of a state or federal agency to award benefits to a SCSEP applicant is unlikely to be relevant to the issue of family size for SCSEP eligibility purposes unless the other agency uses the same definition of family that SCSEP uses. In most cases, you are more likely to be able to use the facts found by the other agency, e.g., that the applicant is married and lives with his or her spouse and no other persons, than the legal conclusion the agency drew. That is because most programs have their own definitions of family and includable income. Even when you can use the facts from another agency's determination, you may have to determine that those facts are still true at the time you make your eligibility determination.

2. Total Includable Family Income, fields 9.2 and 9.3

2.a Federal Poverty Guidelines (FPL)

- SCSEP eligibility is limited to applicants whose family income is less than 125% of the Federal Poverty Guidelines in effect at the time of enrollment. The Department of Health and Human Services (HHS) annually updates the guidelines in January and publishes them in the Federal Register. The effective date for SCSEP is the date published by HHS.
- The GPMS system determination of eligibility will find an applicant ineligible for SCSEP if the amount reported in field 9.3 exceeds the applicable Federal Policy Guidelines. The case worker can overrule that system determination if warranted, e.g., the system is not using the most up-to-date version of the FPL.

2.b Lookback dates for determining income of applicants

- The statute and regulations state that the look-back period for income eligibility ends on the date of application. That means that you look back 6 or 12 months from the calendar date of application to determine the amount of income received. If the application is completed on October 16, you would include all income received from April 16 to October 16 if you were using a 6-month look-back period.
- Even if you know that a participant will be receiving income, such as a pension check, within a few days of the application date and will become over-income, you generally cannot delay the determination and find the applicant ineligible. The statute is explicit about when the look-back period ends. The applicant is entitled to the benefit of the look-back period, just as a taxpayer is entitled to take advantage of any favorable provision in the tax code.
- However, this rule applies only to sources of income that have already been disclosed and included in the lookback calculation. If there is a new or additional source of income that would constitute a substantial change in circumstances, you would be required to do a recertification once the income was received. (See [Topic II.2.c.](#)) Therefore, under these limited conditions, you should delay the determination, count the new income, and find the applicant ineligible.

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- On the other hand, an ineligible applicant who has been determined over-income can reapply and have eligibility re-determined whenever a change in income would make the individual eligible under either the 12-month or 6-month lookback period.

2.c Exception to timing rules for atypical income

- DOL has recognized a limited exception to the date for determining income in cases where a fluke in timing results in the participant's receiving more income in the relevant period than that to which he or she is legally entitled. For example, if a seventh Social Security check within the 6-month period was received early and you can establish the exact legal entitlement with certainty, you may disregard the extra check. You must fully document the source and amount of the income and the basis for your income calculation.

2.d Calculating spouse's income for recently wed applicant

- You only count the spouse's income for the months during the look-back period when the applicant was married. You cannot attribute to the applicant income that he or she did not have for the prior months.
- An eligibility determination is valid for 12 months barring a substantial change in circumstance. Since the applicant's marriage was known and the spouse's income was counted at the time of determination, there would be no basis for re-determining the applicant in less than 12 months due to the spouse's known income. However, if the spouse's income over 12 months will render the applicant over-income at the first recertification, you should so advise the applicant at the time of enrollment so there is no misunderstanding later.

2.e Effect of public assistance on eligibility

- Under the eligibility TEGL, public assistance is excluded from income for purposes of SCSEP eligibility. However, the applicant must still meet the income limit with regard to all includable family income for the 12 months or annualized 6 months prior to the eligibility determination. Receipt of public assistance does not make an applicant automatically eligible.
- Furthermore, the determination of a state or local welfare agency to treat an applicant as a family of one is not determinative of family size for SCSEP purposes. Under the TEGL, if the applicant has family members who are included for income determination purposes, you will exclude public assistance benefits received by the applicant and the applicant's family members, but you must count the includable income of all other family members.

2.f Effect of garnishment of wages, taxes, and deductions for benefits

- You must consider the gross amount of any includable income source before taxes and deductions for benefits like health insurance, and without regard for any garnishment.
- For Social Security benefits other than disability, 75% of the benefit amount is includable.

2.g Exclusion from income: foster care and other types of child support payments

- The eligibility TEGL excludes from income all forms of child support, including payments made by the government for the care of children who are not the applicant's own children, such as foster care or adoptive grandparent's subsidies. The exclusion also applies to all Social Security payments that an applicant receives for the benefit of a child for whom he or

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she serves as legal guardian. All such payments are considered for the benefit of the children, not the applicant.

- If the payments are public assistance for the applicant's own children, they are also excluded. The eligibility TEGL explicitly excludes child support and welfare payments. If the payments are excluded, the applicant may still count the children as members of the applicant's family for purposes of establishing family size and income limits only if the dependent children meet the IRS definition of dependents.

2.h Exclusion for "difficulty of care" payments made under Medicaid

- The eligibility TEGL excludes "any other income exception required by applicable Federal law." DOL has said that this exclusion applies to "difficulty of care payments" made to a caretaker under a state Medicaid Home and Community-Based Services waiver program where the applicant is taking care of a parent in the applicant's home because such payments are excluded from gross income by IRS. Whether the exclusion would apply to similar state programs is a matter that IRS would need to determine based on the nature of the payments and the purpose and design of the program.
- DOL has also said that an applicant providing such services in his or her home would not be considered employed and can continue in the program as long as the services do not interfere with the Community Service Assignment.

2.i Exclusion from income: wages or stipends from employment and training programs, and programs under the Corporation for National and Community Services

- The eligibility TEGL excludes from family income any wages or stipends received from any employment and training program by the applicant or the applicant's family members. This exclusion applies to SCSEP regular program wages and OJE wages (even if paid by the employer), as well as to stipends paid by other government programs, such as the VA's "Compensated Work Therapy."
- This exclusion also applies to programs such as Trade Readjustment Allowances (TRA), which expired on 7/1/2022. TRA was provided to workers who lost their jobs due to foreign imports. A condition of receiving TRA benefits was that the claimant be enrolled in training provided by Trade Adjustment Assistance (TAA). The eligibility TEGL excludes from income for purposes of SCSEP eligibility all stipends from employment and training programs. Therefore, TRA benefits were excluded.
- It is highly unlikely, however, that a recipient of TRA benefits would be otherwise eligible for enrollment in SCSEP. TRA recipients typically have extensive work histories and thus are likely to be job-ready. To the extent that TRA recipients need retraining to become job-ready, such training is provided by TAA. Although there may be exceptions, most TRA recipients do not need and would not benefit from the type of training provided by community service.
- The Trade Adjustment Act that authorized TRA expired as of 7/1/2022.
- Participation in the Foster Grandparent Program (FGP), the Senior Companion Program (SCP), the Senior Demonstration Programs (SDP), and the Retired and Senior Volunteer Program (RSVP) is not considered employment. These programs are all funded by the Senior Corps of the Corporation for National and Community Services. The authorizing legislation, the Domestic Volunteer Service Act, establishes these programs and VISTA as

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volunteer service, not employment, and further provides that the stipend paid to participants in these programs should not be considered income from employment. Therefore, you do not consider participants in these programs to be employed; and you do not include any stipend paid by these programs when determining income for purposes of SCSEP eligibility.

- DOL has determined that AmeriCorps is to be treated the same as the Senior Corps programs. Enrollment in AmeriCorps does not constitute employment, and both the stipend and the educational assistance are to be excluded in the calculation of income for SCSEP eligibility purposes. However, DOL has also said that, in general, grantees should not be co-enrolling individuals while they are in AmeriCorps. These individuals are already receiving significant assistance, and SCSEP funds should be reserved for those who need community service to become job-ready. See [Topic IV.1.b](#).

2.j Exclusion from income: pay and educational benefits received by active members of the Armed Forces; active service as employment

- Active service in the Armed Forces, including the National Guard, is considered employment. Although National Guard service is usually part-time, it meets the SCSEP definition of employment because it is more than occasional work and results in regular payment. Therefore, current active members of the Guard are not eligible for enrollment in SCSEP.
- However, once a member of the Armed Forces, including the National Guard, is no longer active and has become a veteran, the income from active duty and the amounts received for educational assistance cannot be included in income when determining eligibility for federally-funded employment and training programs, including SCSEP. See TEGL 10-09, Attachment A, Section 1(a).
- This exclusion for certain pay and financial allowances earned while a veteran was on active duty includes dependency and indemnity compensation for service-connected deaths received by a dependent.

2.k Exclusion from income: Disaster Assistance Payments (DUA)

- DUA is only provided to individuals who do not qualify for regular unemployment insurance. Like the National Emergency Grant (NEG) benefits that have been provided to hurricane victims, DUA should be treated as an employment and training stipend and should be excluded from income for SCSEP eligibility purposes

2.l Exclusion from income: lump sum receipt of lottery winnings, awards from lawsuits, insurance payments, and inheritance

- Consistent with the Census and the CPS, the main rule for determining whether to include certain income for eligibility purposes is based on whether the income is received on a regular basis. If income such as lottery winnings, legal awards, insurance payments, or an inheritance is received in a lump sum as a one-time payment, then the payments are not considered income for SCSEP eligibility. However, if the income is collected from periodic payments and the applicant receives the income on a regular basis – annually, monthly, bi-weekly, every two months, etc. – then the payments are considered includable income for purposes of SCSEP eligibility.

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2.m *Exclusion for non-periodic distributions from an estate*

- An inheritance paid in installments as an estate is liquidated is not includable as income for SCSEP eligibility purposes because these income payments are not regularly received. See Section R of Attachment I to the TEGL. To be regular, they would have to be similar to recurring payments made by a trust. The payments are lump sum if they derive directly from the estate and are made as the assets are liquidated rather than on a schedule designed to provide ongoing maintenance or support for the applicant.

2.n *Exclusion for Railroad Retirement*

- When determining an applicant's includable income, it is not permissible to make deductions from Railroad Retirement. The only deduction for retirement income permitted by the statute and the eligibility TEGL is for Social Security.

2.o *Educational assistance; treatment of work-study*

- TEGL 12-06 Attachment I, section N, lists "Pell Grants, other government educational assistance; any scholarships or grants; or financial assistance students receive from employers, friends, or relatives not residing in the students' household" as includable income. In contrast, free tuition that is provided to everyone who meets certain qualifications is not the kind of cash educational assistance envisioned by the TEGL as constituting includable income.
- Educational assistance refers to scholarships and grants, as well as cash assistance provided directly to the applicant by friends or relatives outside the applicant's household. Attachment I, Section N. Page 3 of TEGL 12-06 specifically says that all loans (money borrowed for any purpose) are excluded.
- Note that there is an exception for veterans: All educational assistance is excluded. See [Topic II.2.j](#), above.
- Although income from employment and training programs is excluded, financial assistance for education is included. Unless a work-study program is part of an employment and training program, e.g., it is designed to teach the participant skills that will be needed for the new vocation that the participant is training for at the college, it would be considered employment. Unrelated work in the student union or campus bookstore would usually not meet this requirement and thus would be considered employment and the income would be included.

2.p *Exclusion for court-ordered alimony*

- DOL has determined that court-ordered alimony paid directly to an ex-spouse is not included in the income of an applicant who is paying the alimony. Since the TEGL requires that alimony received by the ex-spouse be included as income, including the same money as income for the applicant who is paying the alimony would be counting the alimony twice.

2.q *Garnishment*

- In general, court enforcement of the payment of a debt does not render that debt excludable. Whether income is excluded or included depends on how the income is classified in the TEGL. It is the nature of the payment that makes court-ordered alimony excludable.

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2.r Early withdrawal from IRA or other retirement account

- Whether a withdrawal is includable depends on the age of the participant/applicant at the time of the withdrawal and whether the withdrawal is partial or total. Regular withdrawals from IRAs are neither interest income nor capital gains. Rather, they are considered retirement income, which is includable. See Section 5 of TEGL 12-06 and Section J of Attachment I.
- However, early withdrawals before the age of 59½, for which participants usually pay a penalty, are not retirement income because a participant is not yet qualified to receive pension payments. Instead, they are treated like withdrawals from a savings account, which are excluded from SCSEP income. The same reasoning applies to a lump sum liquidation of an IRA account by persons 59½ or older.
- The TEGL specifically excludes from income capital gains distributions, withdrawals from savings accounts, and non-recurring lump sum payments of various kinds. Although the TEGL lists IRA distributions with includable pension payments, DOL has interpreted that TEGL provision to refer to continuing IRA payments and not one-time, lump sum distributions. Note that this determination applies only to complete liquidations of IRAs by those 59½ or older and to premature withdrawals from IRAs by individuals under 59½. Any other IRA distribution is covered by the TEGL and is includable as income.
- The same rules apply to other kinds of retirement accounts such as 401(k), 403(b), and Keogh accounts.

2.s Reimbursement for travel expenses

- Travel reimbursement within the IRS allowances is not taxable and should not be included in income for SCSEP eligibility purposes. Any amount in excess of the IRS allowance is taxable and would be included.

2.t Jury duty pay

- Grantees should check state statutes to determine what their obligations are, if any, regarding pay to participants on jury duty. Grantees are permitted to pay participants for jury duty as a fringe benefit. Such payments should not be recorded as paid hours on the Community Service Assignment form. Participants may be placed on approved break while on jury duty.
- If the participant receives jury duty pay from the state, grantees must subtract this pay from any SCSEP payment they choose to make. The bottom line is that participants may not “double-dip.” That is, consistent with state law, participants may receive the equivalent of their SCSEP wages while on jury duty, but no more than that.
- Any amount of jury duty pay participants receive from the state or the grantee is not includable as income for eligibility purposes during recertification.

2.u Rental income

- Income eligibility is governed by TEGL 12-06. Section M of Attachment I states that “net” income from rental property is includable for purposes of SCSEP eligibility. That means you follow IRS rules in deducting allowable expenses for maintaining and renting the property.

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2.v *In-kind value of rent; rent paid by third-party*

- The value of rent received as an in-kind payment for maintaining an apartment building is not considered includable income under TEGL 12-06.
- On the other hand, the regular payment of an applicant's or participant's rent by a third party is includable income. See Section Q of Attachment I of TEGL 12-06. An attestation from the landlord or from the third party making the payments would satisfy the DV documentation requirement.
- Needs-based public assistance, including subsidized housing, is excluded when determining income for SCSEP eligibility.

2.w *Severance pay*

- TEGL 12-06 does not directly address severance pay. DOL has determined that severance pay is, therefore, governed by Section R of Attachment I of the TEGL. If the severance is received in a lump sum at termination, it is not includable. If it is received in regular payments, e.g., as weekly continuation pay for a number of weeks, it is includable.

2.x *Disability pensions*

- The TEGL refers to pensions and disability payments. Pensions, which are usually paid based on some combination of age and years of service, are includable as income. Disability payments, which are usually paid as a result of an injury or medical condition and are not dependent on age or years of service, are excludable.
- The participant must document the exact nature of the payments before the grantee can determine whether to count them as income. That may require contacting the ex-employer for documentation.

2.y *Cancelled debt*

- DOL has determined that cancelled debt is not includable income within the intent of TEGL 12-06.

2.z *Exclusion from income: reverse mortgage payments; sale of property by land contract*

- Payments received by an applicant under a reverse mortgage are considered similar to capital gains or money borrowed and thus are excluded from income for purposes of SCSEP eligibility.
- A land contract is a form of owner financing of the sale of property whereby the owner loans the purchase price to the buyer and retains title to the property until the purchase price is paid in full; the buyer occupies the property while the contract remains in effect and then takes legal title when the full purchase price has been paid. This owner financing is done through a contract for deed rather than a mortgage. The money received under the contract as repayment of the loan is excludable income, but any additional amounts identified in the contract as interest would be includable. It does not matter how frequently the interest is paid.

2.aa *Exclusion from income: medical insurance reimbursement*

- If an applicant receives reimbursement for medical expenses, including health insurance premiums, co-payments, and deductibles, as part of an employer-provided pension plan,

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those payments are excluded from income for SCSEP eligibility purposes – provided that the applicant only receives the payment if he or she incurs the expenses. Any payments in excess of expenses incurred are includable as income, as are the pension payments themselves.

2.ab Inclusion of interest and dividend income; exception for IRA's

- The eligibility TEGL requires that you include all interest and interest income. Dividends paid on stocks (whether purchased or inherited) held in an investment account are included as income even if the dividends are automatically reinvested in the purchase of additional stock and are not taken as cash. The stocks themselves are assets and are not included; nor are capital gains from the sale of stocks or other assets.
- However, there is danger of counting this dividend and interest income twice when IRA's and other retirement accounts are involved. DOL has interpreted the eligibility TEGL to avoid double counting: For regular savings or investment accounts, interest and dividend income are included as income when credited to the account. For IRAs and other pensions, interest and dividend income are only included when taken as part of the distribution, i.e., when actually received by the beneficiary.
- This treatment is required because withdrawals from regular savings and investment accounts are not otherwise includable as income while all normal payments from IRAs and other pensions are includable.

2.ac Money raised by crowd funding

- Money raised for personal purposes through a crowd funding site such as indiegogo.com is considered a gift and is excluded from income.

2.ad Documentation of excludable income; continuing exclusion at recertification

- DOL has said that you must document all sources of income and indicate which sources were included in the income calculation, but you only need to document the amount of includable income. You do not need to document the amount of excludable income.
- For payments like VA survivor's benefits that are excluded under the eligibility TEGL, you only need to document the source of income. As long as you have confirmation that the spousal benefit remains in effect for the life of the recipient, i.e., is not converted into some other kind of benefit as is the case with SSDI when the recipient reaches normal retirement age, you do not need to separately document its continuation at each recertification. This confirmation could take the form of a description of the benefits from an official web site or an Informational pamphlet.

2.ae Treatment of Social Security Benefits Under TEGL 12-06

- TEGL 12-06 addresses three kinds of benefits under the Social Security Act:
 - 1) Supplemental Security Income (SSI) under title XVI is a means-tested benefit that has always been and remains totally excluded from family income.
 - 2) Social Security Disability Insurance (SSDI) under Title II is totally excluded under TEGL 12-06 (see first bullet under Excluded Income on p.3 of the TEGL and Section I of Attachment I), as are all other types of disability payments. Note that when a beneficiary reaches the age for regular retirement benefits, SSDI is converted to regular SS retirement

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benefits. At that point, the benefit loses its total exclusion and is entitled to only a 25% exclusion as set forth in 3) below.

- 3) Social Security retirement and survivors' benefits under Title II have an exclusion for 25% of the gross amount. There is no deduction for any Medicare premium paid by beneficiaries.
- The exclusions listed above apply to all family income (and not just the income of the individual applicant) that would otherwise be included when determining income for SCSEP eligibility purposes. All of these exclusions have been effective since January 1, 2007.
 - Medicare benefits, regardless of the age of the recipient, are not considered income for SCSEP eligibility purposes.

2.af Consequences for participant with a disability when SSDI converts to regular SS retirement

- All disability payments, regardless of source, are excluded from income for eligibility purposes. However, when a Social Security disability payment converts to regular Social Security, the income is treated under the normal rules for Social Security: You exclude 25% of the payments and include the remainder. (See [Topic II.2.ae.](#))
- An applicant or participant with a disability is entitled to be treated as a family of one for income eligibility purposes regardless of the source of income. This treatment is based on status, not income. In order to claim this special treatment, the participant must document the disability.
- Both disability and severe disability count as separate barriers to employment under the Most in Need measure. When used for this purpose, they must be documented. In addition, severe disability is a factor that may entitle a participant to a waiver of the durational limit for individual participants. It must be documented if used for this purpose as well.

2.ag Spouse of applicant who receives SSI benefits

- SSI is a needs-based program for those who are disabled, blind, or over 65. SSI benefits are excluded from income for SCSEP eligibility purposes whether received by an applicant or the applicant's spouse.
- Moreover, an applicant who receives SSI by reason of disability may choose to be treated as a family of one for purposes of SCSEP eligibility. That means that only the applicant's income is counted; the spouse's income is excluded regardless of the source of that income. On the other hand, if the applicant does not qualify as a family of one, the spouse's income must be included unless that income falls under its own exclusion.

2.ah Survivor of spouse formerly on SSDI

- Survivor's benefits are paid when the deceased spouse was eligible for either Social Security retirement or Social Security disability. Normally, survivor's benefits are treated like Social Security retirement, and only 25% is excluded from income for purposes of SCSEP eligibility. However, if the surviving spouse is also disabled and is receiving SSDI based on the deceased spouse's earnings (regardless of what kind of benefits the deceased spouse received), then all of the SSDI benefits are excluded.

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2.ai Survivor's benefits from VA

- A survivor's benefit based on a veteran's disability payment from the VA is excluded from income. The 2006 amendments to the OAA specifically exclude from the definition of income payments made "to or on behalf of" a veteran by the VA. The specific exclusion in Section G of Attachment I to TEGL 12-06 for VA payments to veterans or survivors is meant to implement the OAA provision. Section H of Attachment I, which includes survivors benefits as income, is not applicable to a surviving spouse's payments from the VA. This exclusion does *not* apply to pensions from the Department of Defense.

2.aj Effect of SCSEP Wages on SSI and SSDI

- Supplemental Security Income (SSI) is a needs-based program that provides a cash benefit and Medicaid to recipients. Any earnings reduce SSI benefits dollar-for-dollar after an initial disregard of the first \$30. In most states, the 2022 SSI benefit was \$841 for an individual and \$1,261 for a couple. (Some states also use state money to supplement this amount.) SCSEP wages will always reduce SSI, sometimes to zero. For example, a SCSEP participant working 20 hours per week at \$8.50 per hour would lose nearly all SSI benefits while a participant working at minimum wage would still retain over \$100 in cash benefits. Some applicants on SSI may choose to forego SCSEP once they know the effect on their federal benefit rate. However, some might choose to enroll because, as long as a recipient keeps some SSI cash benefit, the recipient remains eligible for Medicaid.
- All Social Security Disability Insurance (SSDI) beneficiaries under the age of regular retirement (currently age 65-67, depending on date of birth) are required to report any earnings to the Social Security Administration (SSA). (In addition, retirement beneficiaries between the ages of 62 and full retirement age must report their wages because they are subject to an earnings test on their wages.) Those at or above normal retirement age can work without any effect on their benefits. For everyone else, the rules can be complicated and the consequences, especially the loss of health coverage, can be very serious.
- Social Security Disability Insurance is not needs-based. It requires sufficient wage credits under Social Security to qualify. Beneficiaries of SSDI can jeopardize their benefit eligibility if they work. However, under the Ticket to Work program, a beneficiary can work for a significant time and still maintain both cash and medical benefits. The length of time a beneficiary may work and still receive full benefits varies depending upon his or her situation. The Ticket to Work can be used with multiple employers over the beneficiary's lifetime so it could be used first with SCSEP and then possibly with an unsubsidized employer. However, both the SCSEP employer and the unsubsidized employer must be recognized by SSA as an "Employment Network." Most SSDI beneficiaries have already received their Ticket to Work. If not, they can get one on demand from SSA by calling 1-800-772-1213.
- SSDI beneficiaries who do not receive the Federal Benefit Rate (FBR) based on their recorded earnings may also receive SSI to make up the difference. They are called concurrent beneficiaries. They also receive Medicare (after 24 months) under SSDI and Medicaid under SSI. Ticket to Work will not protect the SSI portion of their benefit. If SCSEP wages reduce their SSI to zero, they will also lose Medicaid.
- Information about the effect of work and earnings on both programs is available on the SSA Web site, www.socialsecurity.gov/work/.

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3. Applicant Certification, field 10.1

3.a Concerns about fraud

- If you believe that fraud has occurred, your options depend on the kind of fraud involved:
 - If the fraud involves an applicant's or participant's application or continued eligibility for the program, you should notify the sub-grantee. The regulations require the sub-grantee to investigate and to initiate the termination process if the facts warrant.
 - If you believe the fraud has harmed you personally, you should file a complaint under the grantee's grievance policy. If the complaint involves claims of discrimination, you also have the right to file with DOL's Civil Rights Center.
- If you have a whistleblower complaint alleging misuse of federal funds or other violations of federal law, you should file your complaint with DOL's Office of the Inspector General, with a copy to the Federal Project Officer and National Office Liaison assigned to the grantee.

4. Eligibility Determination, field 11.2

4.a Over-enrollment and conditional or temporary eligibility

- Responsible over-enrollment is a routine and expected practice in order to ensure that the normal delays in filling vacancies or participants on approved breaks in participation do not cause grantees to under-spend their grants. Since the first case management system was implemented, SCSEP has not had "temporary" positions. All participants are equal, and any durational limit must be applied equally to all participants in a grant. There is no legal authority for treating over-enrolled participants as temps who have less right to service than everyone else. When a grantee over-enrolls, it is expected to know what it is doing and to manage its grant so as to avoid any dislocation of participants.
- Unlike short-term grants (e.g., the Recovery Act grant), the regular grants do not permit a disclaimer about termination for lack of funding because there is continuing funding each year. Grantees routinely over-enroll. However, they must do so based on their ability to manage case flow. They must manage their regular grant to have sufficient exits occurring so that the over-enrolled participants are not in danger of being terminated prematurely.

4.b Grantee eligibility requirements

- Grantees cannot have eligibility requirements beyond those authorized in the statute. On a case-by-case basis, grantees can deny enrollment to someone who refuses to comply with program requirements. Grantees cannot use past behavior alone as a basis for denial nor can they impose blanket rules to disqualify applicants without making individualized determinations.
- The Department has previously determined that grantees cannot deny eligibility to someone who does not have a driver's license and an acceptable level of automobile insurance. It has also determined that a grantee cannot require a background check of all applicants as a condition of eligibility. See Topic II.5.d. Such issues may determine where participants are assigned, but they cannot be used to determine eligibility.
- US citizenship is not an eligibility requirement for SCSEP. Participants are not required to have Social Security Numbers. (See Topic I.1.b about issuance of proxy SSNs.) Grantees are not required to obtain I-9 forms from applicants or to retain them for documentation.
- Disability is not part of the eligibility criteria for SCSEP. Eligibility is determined solely by age, income, employment status, and residence. Under federal law, denying enrollment to

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someone on the basis of disability would be illegal. Furthermore, Congress has mandated that SCSEP give special consideration in initial enrollment and continued enrollment beyond the individual durational limit to individuals who have a disability or a severely disability, or who are frail. Grantees have an obligation to accommodate individuals who have documented disability and to find a suitable host agency assignment for them. If the participant is so disabled that he or she cannot perform any existing host agency assignment even with an accommodation, you might contact organizations that work with persons with disabilities to help identify a potential community service assignment.

4.c Psychological testing at enrollment or re-enrollment of participant believing to be acting erratically or disruptively

- It is neither appropriate nor lawful to request a psychological evaluation of an individual believed to be acting erratically or disruptively. The same legal limitations on disability-related inquiries and medical examinations apply to the re-enrollment process as to the original application process. Therefore, SCSEP may require a psychological evaluation or psychiatric examination of an applicant or former participant seeking re-enrollment only after he or she has been extended a conditional offer of (re-)enrollment, and only if all other similarly-situated participants are subjected to the same evaluation or examination at the same point in the process. (Note that in the limited circumstances in which an evaluation or examination is permitted, the program must pay for the evaluation or examination and cannot shift the cost to the former participant.)
- An applicant's erratic or disruptive behavior during the application process in and of itself may provide sufficient basis for declining to enroll the individual. For those seeking re-enrollment, it is entirely appropriate to consider past performance as long as you do so uniformly for all those seeking re-enrollment.
- Re-enrollment is discretionary. Grantees are not required to provide anyone a second opportunity to participate in SCSEP, especially when there are so many eligible seniors who have never had the benefit of the program. In deciding whether to exercise their discretion to re-enroll any former participant who otherwise satisfies the eligibility criteria (including the requirement that the individual needs additional time in a community service assignment in order to become job-ready), grantees should consider whether the individual:
 - has taken full advantage of the opportunity afforded by the prior enrollment
 - has demonstrated a commitment to the program's objectives
 - has violated any conduct standards during the prior enrollment
- Focusing exclusively on these considerations, which permit the program to take into account the participant's behavior during the prior enrollment and the circumstances of the participant's leaving the program, is likely to protect the interests of the SCSEP program without violating either the law or the participant's rights. To ensure that these considerations are not used in a discriminatory fashion, they should be applied in all cases in which a former participant seeks re-enrollment.

4.d Criminal background as a basis for not enrolling an applicant

- SCSEP policy has long prohibited discrimination against ex-offenders, and specifically has barred the use of background checks as an eligibility criterion. See the preamble to the SCSEP Final Rule at section 641.585, page 53803, and Topic II.5.d. In addition, TEGL 31-

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11 requires grantees to conduct their activities using safeguards to prevent discrimination and promote employment and training opportunities for ex-offenders. This applies to decisions to assign participants to host agencies and the information grantees convey about a participant's background. More recently Congress has added formerly incarcerated individuals to the list of those entitled to priority of service in SCSEP. See field 14.15.

- The TEGL relies upon and requires grantees to follow the EEOC's guidance on arrest and conviction: [The 2012 EEOC Guidance on the Consideration of Arrest & Conviction Records in Employment Decisions - National Employment Law Project \(nelp.org\)](#). In general, grantees should not employ, or permit host agencies or employers to apply, practices that can have a disparate impact on participants unless they are job-related for the position in question and consistent with business necessity. For convictions, the EEOC states that this standard requires a determination of:
 - the nature and gravity of the offense or conduct
 - the time that has passed since the offense or conduct and/or completion of the sentence
 - the nature of the job held or sought
- For arrests, the EEOC has said that "although an arrest record standing alone may not be used to deny an employment opportunity, an employer [or host agency, in the case of SCSEP] may make an employment decision based on the conduct underlying the arrest if the conduct makes the individual unfit for the position in question. The conduct, not the arrest, is relevant for employment purposes."
- Grantees must find suitable host agency assignments for participants based on their assessment and IEP; doing so requires a sensitive consideration of the participant's criminal background. If a host agency is justified in requiring information about a participant's criminal background, the grantee may disclose it with the participant's permission. If the participant does not consent to the disclosure or the host agency refuses to accept the participant, the grantee is required to find another community service position for which the participant's criminal record will not be an issue.
- Background checks may be required by state law (so-called "barrier laws") before you can assign participants to certain jobs. Grantees should determine the law in the state in which they are operating. States may also have laws prohibiting discrimination against individuals based on past criminal behavior so grantees must obtain guidance from the relevant state authorities. Grantees should consult an attorney before taking any action in this area. Grantees may also want to contact organizations that work with ex-offenders to get a broader understanding of how the issue is dealt with in a particular state. There are federal and state bonding programs for ex-offenders.
- There is no simple answer about the potential liability of grantees for actions committed by participants at their community service assignment or unsubsidized employment. It depends on the circumstances of each case and on the laws of the state in which the grantee is operating. However, grantees must also be aware of their obligation to prevent discrimination against and promote employment of ex-offenders as required by TEGL 31-11.
- Although a background check that meets the SCSEP requirements is a permissible grantee expense, some grantees require host agencies to take full responsibility for any required background checks or refuse to work with host agencies that require background checks.

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5. SCSEP Eligible?, field 11.3

5.a Documenting Social Security income

- An applicant can obtain a Social Security or Supplemental Security Income (SSI) benefit verification letter by using one of the following methods: logging onto My Social Security at <https://secure.ssa.gov/RIL/SiView.do>; calling SSA toll-free at 1-800-772-1213; or visiting a local SSA office. Since the SCSEP eligibility determination requires total family income, you should be sure the letter from Social Security addresses all family members counted in field 9.1.
- If there is a delay in obtaining the verification letter, you may use a properly labeled bank statement to verify the gross amount of Social Security benefits received by an applicant who is 65 or older. The applicant's bank statement may not suffice to establish whether another family member is receiving Social Security benefits. It will also not reflect any deductions for Medicare premiums. If there is any doubt, you should accept the bank statement as provisional documentation while the applicant works to obtain a statement from the SSA.
- You can use a general letter from SSA to document the amount of the COLA increase that all participants and applicants will receive for the year. Of course, you still have to do the complete determination of income eligibility to make sure that you have identified and documented all sources of income.
- As with all documentation, an award letter can only be relied on to the extent that it answers the fundamental questions. In this case, since grantees are required to include 75% of the gross amount of Social Security retirement benefits, the documentation must provide the gross amount of benefits. Certain kinds of award letters may always list the gross amounts; if you can obtain confirmation from the Social Security Administration as to which awards these are, then you can rely on those letters even though they do not explicitly state that the amount is gross. If in doubt, you must seek clarification.

5.b No necessity to document non-receipt of Social Security Income

- Grantees are not supposed to investigate potential sources of income. Under normal conditions, all that is required is that the person certify to having provided accurate eligibility information and attest that he or she has no sources of income other than those listed.
- Since normal retirement age for Social Security is now 65-67, if the person has sufficient income to live on, the person might well choose to defer collecting Social Security in order to receive a higher amount at normal retirement age. Unless there are circumstances that reasonably lead you to believe that the person is not being honest, e.g., the person has no or insufficient income and cannot explain how he or she is supported, there is no reason to ask the Social Security Administration to validate that the person has not filed a claim.
- Of course, grantees will want to inquire about Social Security if the participant is over 62 and not receiving Social Security retirement benefits in order to determine if the participant qualifies for the waiver factor in field 15.5, Old Enough but Not Receiving Social Security Title II.

5.c Documenting income for farmers and other self-employed individuals before tax returns are available

- Farmers and other self-employed applicants may not have official proof of income until they file their tax returns. You may use signed self-attestation, based on the applicant's own

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figures, until the tax documents are available. At that time, you must verify the income information provided by the applicant. You must inform the applicant that falsification of eligibility information is cause for immediate termination.

- When accepting self-attestation, you should also require a copy of the prior year's tax return. The applicant should be able to satisfactorily explain any substantial changes in expected income from the prior year.

5.d Documenting pension from ex-spouse

- Under ERISA, ex-spouses are entitled to survivor's benefits under qualified employer-sponsored retirement plans unless the ex-spouse has signed a valid waiver. If the participant's former spouse is still alive, it is likely that pension benefits were awarded to the participant in the divorce decree. The divorce decree and information in the court file should provide details of the pension payments. (The participant's attorney in the divorce proceedings should be able to provide these documents to the participant.) Alternatively, you should also be able to identify the pension plan administrator through the bank where the electronic deposit is made and then obtain details about the payment from the plan administrator.

5.e Documentation and data validation

- Documentation and data validation are required for items that determine eligibility (residence, family size, income, and employment status), waiver of durational limits, certain priorities of service characteristics, veteran's status, and certain program requirements. The Data Validation Handbook indicates when official business records, signed attestation or case notes suffice for documentation.
- Official business records and third-party attestation are two different sources of documentation and have different standards. Official business records are prepared by a disinterested party, are generally used by the entity in the course of its business, and are presumed to be reliable. The DV Handbook specifically recognizes that grantee, sub-grantee, or host-agency business records constitute official records. However, a record from a host agency is acceptable only if it is relevant to the issue at hand and meets the requirements for a business record. It is not obvious that a host agency would have a business record regarding an issue such as the participant's family size since the host agency would not normally be in the business of collecting such information from volunteers or trainees to whom it provides no wages or benefits. On the other hand, a participant's supervisor or any other third party could have personal knowledge of the participant's family size and could sign an attestation if he or she had such personal knowledge and was not just reciting what the participant had told the supervisor.
- The documentation must cover includable income for the relevant look-back period. If that period spans two benefit years, it may be necessary to obtain documentation for each year.
- Grantees must apply the DV rules in effect at the time they perform the validation even if the documentation rules changed during the year in which the data were collected. This will enable grantees to see where there need to be changes in practice or additional training to comply with the current rules. No grantee will be put at a competitive disadvantage because of this change in requirement, nor will any grantee suffer adverse consequences. Grantees may enter a comment noting that the requirement was not in effect at the time of enrollment or recertification.

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- If an applicant is claiming disability for purposes of income eligibility (an applicant with a disability is treated as a family of one), documentation is required. Acceptable documentation would include proof of a government disability determination. If no such formal determination has been made, you may accept a doctor's certification. If the applicant is not claiming disability for eligibility purposes, then disability is an equal opportunity (EO) item, and disclosure is voluntary. In that case, documentation is not required; however, without documentation, you will not receive credit in the Most in Need measure. (See fields 14.4 and 14.5.) Documentation is also required for severe disability and frail, two of the factors used for waiver of the durational limit.
- If you are unable to make copies when taking an application, the eligibility TEGL permits you to document the sources that were relied on to establish eligibility. You should create a form to use for documenting income and other eligibility factors. Both the applicant and the eligibility reviewer must sign the form. Required information includes:
 1. Name of reviewer
 2. Date of review
 3. Title or descriptive name of source documents
 4. Other pertinent information
- If an applicant is claiming status as a family of one because of disability, you must retain a copy of the appropriate medical documentation even if you do not have a copier.

5.f Documentation for ineligible applicants

- In general, you must document eligibility information for all applicants. For ineligible applicants, documentation is especially important if the applicant is unhappy with the eligibility determination and may wish to contest it. There are circumstances, however, where an ineligible applicant readily accepts your determination and merely wishes to take advantage of other services, such as your assistance in job placement under an MOU.
- If there truly is no doubt about the ineligibility and you are certain that the applicant will not later decide to challenge your determination, you do not have to document the applicant's age or income, nor do you have to obtain the applicant's signature on the Participant Form. You should, however, use the comment field to explain what you have done and why. Because of the potential for misunderstanding, you should also require that the eligibility determination be made by the sub-grantee's director rather than a staff person.
- Data validation is not required for ineligible applicants.

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1. Priority of Service, field 14

1.a *Most in Need measure: priorities of service and waiver factors*

- The Most in Need measure reports the average number of barriers to employment per participant. The regulation allows credit for a total of 14 barriers to employment in two separate categories.
- The first category is comprised of 9 priorities of service: homeless or at risk of homelessness; rural; LEP; low literacy skills; veteran (or qualified spouse); disability; failed to find employment after using WIOA Title I; low-employment prospects; and formerly incarcerated. Although age 65 and over is also a priority of service, it is not included in the Most in Need measure.
- The 9 priorities of service are recorded only at the time of enrollment and may not be updated. If a participant's conditions change during enrollment, you can record that fact in the comments section, but you may not update any of these 9 fields.
- You may only correct the priorities of service in SPARQ for true data entry errors, e.g., the documentation at the time of enrollment shows "yes" but the data entry person mistakenly entered "no" into SPARQ. If there was a mistake of fact, e.g., at enrollment you thought the answer was "no," but you later learned the answer was "yes," you cannot change the priority of service in SPARQ. If you do make a data entry correction for a priority of service, you must clearly document the date on which the original information was obtained, along with how and when the data entry error was discovered. All of this information is subject to data validation.
- The second category has 8 barriers to employment that are part of the waiver factors for the durational limit. 5 of these barriers are unique and not part of the priorities of service listed above: severe disability; frail; old enough for SS retirement but not eligible to receive it; severely limited employment prospects in an area of persistent unemployment; and age 75 and over.
- LEP, low literacy skills, and formerly incarcerated are also waiver factors in addition to being priorities of service. They are also recorded with the priorities of service so that you can provide appropriate services at the beginning of enrollment. They are only counted once for the Most in Need measure.
- Unlike the priorities of service, the waiver factors may be entered into SPARQ whenever you become aware of them, and you will receive credit in the Most in Need measure for each program year in which a waiver factor is updated. Age 75 and over and formerly incarcerated do not require annual updating. (See fields 15-15.9 and the related topics in this appendix for an explanation of the waiver factors.)

1.b *Timeframe for determining age and other characteristics for performance measures*

- For purposes of the QPR and the performance measures, age and other relevant characteristics, like poverty level, are determined at the time of enrollment. The statute and regulations require you to give priority of service to those 65 and over if you have more applicants than you have positions. This can only be measured at the time you decide which eligible applicants to enroll and which to place on the waiting list. Age 65 and over, however, while still a priority for service, is not included in the Most in Need measure.

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- The Most in Need measure also considers the waiver of durational limit factors that are listed in fields 15-15.9. Unlike priority of service and other participant characteristics, the waiver of durational limit factors may be updated whenever you become aware of changes. Age 75 and over (see field 15.6) is re-calculated for you each time the GPMS is accessed. You will receive credit in the Most in Need measure whenever the waiver factors are recorded. Most of the factors must be updated at least once each program year to continue receiving credit in the Most in Need measure.
- Because the performance system uses the Most in Need characteristics entered at the time of enrollment, you should not update these fields in the Priorities of Service in order to reflect changes in the participant's characteristics after enrollment.

2. Eligible Veteran Status, field 14.2

2.a *Veterans Priority of Service; enrolling spouses who are both covered persons*

- The rules on Veterans Priority of Service do not distinguish between veterans and eligible spouses of veterans. Both are considered covered persons and both receive priority over non-covered persons. Among covered persons, veterans do not rate higher than eligible spouses; however, covered persons with other priorities of service rate higher than covered persons without other priorities of service. The SCSEP guidance of October 2, 2009 states that to obtain priority, a covered person must first meet the statutory eligibility requirements for SCSEP. Grantees must determine each individual's covered person status and apply priority of service as described below:
 - Covered persons who meet at least one other statutory SCSEP priority must receive the highest priority for SCSEP services.
 - Covered persons who do not meet other statutory SCSEP priorities must receive priority for services before all non-covered persons.
 - Non-covered persons who meet other statutory SCSEP priorities must receive services over those non-covered persons who do not meet any statutory priority criteria.
- Note that the law contains a detailed, limited definition of eligible spouse. If the husband is a veteran with a disability, the only way the wife can be a covered person is if the husband "has a total disability resulting from a service-connected disability, as evaluated by the Department of Veterans Affairs." The other ways for a spouse to be eligible based on a veteran's disability all require the veteran to be deceased.
- There is no prohibition on enrolling both spouses at the same time. However, grantees should generally assign them to different host agencies. See the topic in the appendix for the module on assignments.

3. Disability, fields 14.4 and 14.5

3.a *Documenting disability*

- For disability to count for the Most in Need measure or to establish status as a family of one, there must be medical documentation that meets the regulatory definition. If there has not been an official determination of disability, you may use a doctor's statement that satisfies the regulatory criteria: 1) a mental or physical impairment (or combination of impairments); 2) that results in substantial functional limitation; 3) in one or more of the nine listed areas of major life activity. The doctor does not have to use the word "disability," but the statement

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must cover all three aspects of the definition. Grantees are not allowed to use their own judgment about whether a medical impairment exists and whether it substantially limits functioning in one of the areas.

- Receipt of Social Security Disability Insurance (SSDI), where there are objective standards and a formal medical determination, is sufficient to establish disability. However, grantees will need to assess other types of state or federal designations of disability to determine if they meet the SCSEP standard. For example, a DMV disability card or parking sticker by itself would not qualify unless the standard that is applied to issue the card meets the SCSEP standard. In many states, parking stickers for handicapped parking are provided for reasons that fall short of the regulatory definition of disability.
- Although the receipt of SSDI satisfies the SCSEP requirement for disability because of the standard applied by the Social Security Administration, the VA disability determination provides an individualized rating that does not on its face satisfy the SCSEP requirement. Because the existence of a VA rating does not by itself prove that the applicant meets the SCSEP standard, the applicant will need to obtain a letter from the applicant's physician stating whether the applicant has "a condition attributable to mental or physical impairment, or a combination of mental and physical impairments, that results in substantial functional limitations in one or more" of the nine areas of major life activity specified in the definition.

3.b *Proof of SSDI*

- The letters DI after an individual's SSN on a document from the Social Security Administration indicate that the individual is receiving or has received Social Security Disability Insurance. The DI indicator appears on the individual's Medicare card and on correspondence from the Social Security Administration. The problem is that the DI indicator remains after the individual has reached the age of normal retirement and the SSDI has converted to regular retirement benefits. At that point, the DI indicator is not reliable evidence of either disability or the receipt of SSDI.
- Given the ambiguity of the DI indicator for many SCSEP applicants and participants, the better approach is to have the individual obtain documentation of disability and SSDI by requesting a benefit verification letter from the Social Security Administration. This can be done by phone at the time of initial application or recertification.
- Determining the source of SSA payments is not always easy. While it is generally true that a Medicare beneficiary under the age of 62 is receiving Medicare because of a disability, that is not always the case. Spouses, ex-spouses, and unmarried children of various ages can also receive Medicare benefits based on the earnings of a beneficiary with a disability. See the SSA Disability Benefits guide at <http://www.socialsecurity.gov/pubs/EN-05-10029.pdf>. If in doubt, the safest course is to request a benefit determination letter from SSA. This can most easily be done online at <http://www.ssa.gov/myaccount/>.

3.c *Eligibility of applicant on workers' compensation*

- Grantees are required to give priority of service to applicants with disabilities and must provide reasonable accommodation in community service assignments for participants if requested. Therefore, if the applicant is capable of participating in the program with or without an accommodation, you could not deny eligibility solely because the applicant is receiving workers' compensation.

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- Note, however, that you cannot enroll applicants who are job-ready; job-ready means that the applicant does not need further education or training to perform work that is available in his or her labor market. An applicant who has the right of return to a job may be considered job-ready unless the injury precludes performing the duties of that job and the applicant could not obtain another job in his or her labor market without additional education or training.

3.d Reasonable Accommodation

- There is no SCSEP-specific guidance on reasonable accommodation. You can seek assistance from DOL's Job Accommodation Network (JAN) at <http://askjan.org/>. JAN, a service provided by DOL's Office of Disability Employment Policy, provides comprehensive information on job accommodation.
- Grantees are responsible for ensuring that reasonable accommodation is provided if requested. Grantees can pay the cost of reasonable accommodation at a host agency or an unsubsidized employer as a supportive service. However, grantee resources for such services are extremely limited and many host agency and partner programs, especially Vocational Rehabilitation, may also be willing to help.

3.e Storage and confidentiality of and access to medical records and disability-related information

- Medical and disability-related information (or information related to a status such as "severely disabled" or "frail" that might reveal a disability) must be stored in individual separate files – apart from all other information about an applicant or participant – and treated as a "confidential medical record." The information must be stored securely, with limited access, and must be available only to persons with a permitted need to know. Confidentiality applies to all disability or medical information, including information related to reasonable accommodation requests. Access to medical and disability-related records, and knowledge that a particular individual is a person with a disability, must be strictly limited, as described below.
- Knowledge of disability status may be provided only to the following individuals and only when necessary:
 - sub-grantee staff who need to know that a participant is entitled to priority of service or a waiver of the durational limitation; or who need to make a decision about financial eligibility based on status as a family of one
 - sub-grantee staff who need to know about the accommodation the participant will be provided
 - first aid and safety personnel, if the condition might require emergency treatment or if the participant may need particular assistance in an emergency evacuation
 - grantee staff or federal project officers who are doing monitoring or data validation
 - government officials investigating compliance with EO requirements
- The circumstances under which staff may be permitted access to an individual's underlying medical- or disability-related documents are even more limited. For example, access to medical documentation that a participant is entitled to status as a family of one, priority of service, or extension of the durational limit should be limited to those grantee or sub-grantee staff who need to document the basis for such decisions. In addition, first aid personnel may

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need access to underlying documentation related to a participant's medical condition in an emergency.

- As a general rule, staff persons making assignments to a host agency should not have knowledge of a participant's disability status unless the participant has requested an accommodation for the process of assignment, or unless the host agency has an affirmative action or similar plan intended to benefit individuals with disabilities and the participant has informed grantee staff that s/he is interested in taking advantage of such programs.
- The case worker may ask *all* applicants whether they can perform the essential functions of a host agency assignment or a job "with or without reasonable accommodation."
- Host agencies may not be informed that a participant has a disability unless:
 - The applicant has made an independent decision to disclose the disability.
 - The applicant has directed the sub-grantee staff to make the disclosure on behalf of the applicant.
 - The request was initiated by the participant and not by the sub-grantee staff.

3.f *SCSEP disability status versus EO non-discrimination requirements applicable to participants, as well as to applicants for employment and employees of sub-grantees and grantees*

- As recipients of federal assistance and as mandatory one-stop partners, grantees and sub-grantees are subject to the WIOA non-discrimination regulations published at 29 CFR Part 38 in their employment practices, as well as in their programs and activities.
- The definition of "disability" used in the nondiscrimination context – in both employment and the services provided to participants – to determine who is both protected from discrimination and entitled to reasonable accommodations or similar measures, is broader than the Older Americans Act (OAA) definition of disability that is used by SCSEP for determining eligibility, priority of service, or extension of the durational limitation. Both definitions provide that to be considered as having a "disability," an individual must have a physical or mental impairment that substantially limits one or more major life activities. However, the list of activities that are considered "major life activities" is different under each definition.
- The Supreme Court has held that under disability nondiscrimination law, a "major life activity" is an activity that is "of central importance to daily life." Examples of such activities include, but are not limited to, caring for oneself; performing manual tasks; walking; seeing; hearing; speaking; breathing; and learning.
- The OAA definition, by contrast, provides a specific, restrictive list of "major life activities." One or more of the particular activities on this list must be "substantially limited" by a physical or mental impairment in order for a person to be considered as having a disability for purposes of the SCSEP program. Those activities include self-care; receptive and expressive language; learning; mobility; self-direction; capacity for independent living; economic self-sufficiency; cognitive functioning; and emotional adjustment. The category of individuals who qualify as having a "severe disability" under the SCSEP program is even more limited.
- In addition, disability nondiscrimination law prohibits discrimination against two categories of persons who do not have a "physical or mental impairment that substantially limits one or more major life activities": those persons who have a record of having had such a disability,

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and those who are regarded as having such a disability by other persons. Under disability nondiscrimination laws, people in the "record of" and "regarded as" categories are protected from exclusion, unlawful segregation, and other adverse actions that are based on their perceived status as persons with disabilities. However, such laws do not mandate that people in these categories be provided with positive actions, such as reasonable accommodations, that are designed to help people with actual, current disabilities compete on an equal basis despite their substantially limiting impairments.

- See [WIA Section 188 Disability Checklist | U.S. Department of Labor \(dol.gov\)](#) regarding individuals with disabilities for information still relevant to the WIOA nondiscrimination regulations. See also this CRC site, [CRC | U.S. Department of Labor \(dol.gov\)](#), for much helpful information.

4. Homeless or at Risk of Homelessness, fields 14.7 and 14.8

4.a *Homeless or at risk of homelessness: applicant living in adult children's homes*

- If an applicant has no home of his or her own, living with adult children may or may not qualify as homelessness or at risk of homelessness. If the arrangement with the children is stable, then the applicant probably would not qualify under either definition. If there is no permanent agreement and either child might turn the applicant away, then the applicant would appear to be at risk of homelessness. The determination depends on the specific facts of each case.

5. Low Literacy Skills, field 14.11 and Limited English Proficiency, field 14.13

5.a *LEP and Low Literacy as both priorities of service and waiver factors*

- LEP and low literacy are both priorities of service (field 14.11 and field 14.13) and waiver factors (field 15.7 and field 15.3). They cannot be updated as priorities of service, but they can be updated as waiver factors anytime you become aware of them. If they are entered as priorities of service at the time of enrollment, the QPR will count them in the Most in Need measure for as long as the participant is enrolled regardless of whether they are updated.
- If entered as waiver factors, you will only get credit for the Most in Need measure in the program year during which they were first entered or are updated. You will have to update them each year that they still apply in order to continue receiving credit. You will also need to update them in the year the durational limit is reached if you want them to support an extension.

6. Low Literacy Skills, field 14.11

6.a *Lack of computer skills and low literacy skills*

- The lack of computer skills does not fit within the definition of low literacy skills for the Most in Need measure. However, it could be a basis for identifying some participants as having low employment prospects depending on their education, background, skills, and employment capability/interests.
- It requires a case-by-case determination whether lack of computer skills is a significant barrier to employment that makes it unlikely the individual will obtain employment without enrollment in SCSEP or another employment and training program. Not all the jobs participants desire or secure require computer skills, so lack of computer skills would not constitute low employment prospects for everyone.

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7. Low Employment Prospects, field 14.2

7.a *Low employment prospects due to "residing in socially or economically isolated rural or urban area where employment opportunities are limited"*

- There is no definition for this particular barrier to employment. However, the general rules for low employment prospects apply.
- For social or economic isolation, the case note must contain sufficient facts to establish both that the area in which the participant resides is socially or economically isolated and that employment opportunities are limited in that area. Isolation in a rural area should be relatively easy to document. Isolation in an urban area may turn on whether there is a social infrastructure in the area (civic organizations, churches, government offices, etc.), whether there is transportation, and whether there is normal commercial and economic activity (stores, businesses, or industry).
- The area in which the participant resides may depend upon the transportation options available to the participant and normal commuting patterns. For a city with good public transportation, the area could be the city or even surrounding towns. For a city with no or very poor transportation, the area might be much more limited. The unemployment rate for the area could be used to establish that employment opportunities are limited there compared to less isolated areas. If there is no official unemployment rate for the area, you will need to determine whether the number of non-profit, government, and private sector entities in the area is insufficient to provide jobs for all residents of the area who want employment.
- As with many of the barriers to employment, you will need to develop the facts as best you can and use your judgment. As long as the case note contains the facts upon which you rely and you apply the correct factors, there should be no problem.
- Because this barrier is not itself included in the Most in Need measure, it is not directly subject to data validation. If you rely on it to support low employment prospects, then documentation is required as part of the validation of low employment prospects.

8. Limited English Proficiency, field 14.13

8.a *Interpreters, translation, and other services for LEP participants*

- As recipients of federal grant money, grantees and sub-grantees are subject to Title VI of the Civil Rights Act. Title VI requires that LEP participants have meaningful access to all federally funded programs. You are required to identify LEP participants and to have a plan for communicating with them about the essential features of the program.
- Providing an interpreter is usually the preferred method, but you may also provide written translations of critical documents. If the need for interpreter services in a particular language is small, you do not need in-house capacity to communicate with LEP participants on demand. However, you should arrange with another community organization or a professional interpreter service (there are several that operate over the telephone) to provide timely and meaningful assistance to all LEP participants.
- To address the participant's long-term needs, you should review the participant's IEP and consider whether the participant would benefit from English as a Second Language (ESL) classes and a host agency assignment where language skills could be worked on. If part of an IEP and the grant agreement, ESL classes are an allowable training expense, and the participant may be paid wages while attending these classes.

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9. Waiver Factors, fields 15-15.9

9.a *Updating waiver factors*

- In a subsequent release of the GPMS, there will be a Task and Notification (T&N) that only applies to grantees whose durational limit policies permit extensions of the individual participant durational limit. This T&N requires that all of the waiver factors be updated in time to know whether the participant qualifies for an extension or will have to be exited for durational limit. The T&N triggers before the participant's durational limit date to allow sufficient time for transition planning if the participant must be exited. The T&N only triggers for blank waiver factors; it does not trigger for "no" values. (Another T&N will trigger if the waiver factor is marked "yes," but there is no date of update or if the date of update is not within the associated program year.) This T&N was designed solely to ensure that grantees are timely informed of participants' eligibility for an extension; it has nothing to do with credit for the MIN measure or with DV.
- There will also be a T&N warning in the GPMS that all grantees receive if they have not updated the waiver factors by May 1 of each year. This warning tells grantees that they may be missing credit for the MIN measure and, more important, may not be detecting all the barriers that their participants are facing.
- Grantees may update waiver factors once each year when they do their annual recertifications. For participants who will reach their duration limit in Q1 of the next program year, you cannot request an extension unless at least one waiver factor has been updated during Q4 of this program year or Q1 of the next program year. If you delay your updating of the waiver factors until April, then you might not have to update them again for this subset of participants who will reach their limit in the following Q1.
- Note that the annual updated listing of persistent unemployment areas required for field 15.2 is not available until mid-April. That might be another reason to delay updating the waiver factors until mid-April.

IV. OTHER ENROLLMENT INFORMATION

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1. Co-enrollment in Other Programs, fields 18-18.13

1.a WIOA and SCSEP

- Co-enrollment with WIOA is strongly encouraged. Registration in WIOA core or intensive services (now called “career services” under section 134 of WIOA) should in no way suggest by itself that an applicant is not suitable for SCSEP. Under the OAA, applicants who have already enrolled in WIOA and are unable to find employment are entitled to priority of service from SCSEP.
- The SCSEP regulations facilitate co-enrollment in a number of ways. For example, Section 641.220 says that participants assigned to community service can receive wages while participating in WIOA intensive services or training (now called “career services” under section 134 of WIOA); Section 641.230 says that WIOA and SCSEP IEPs are entitled to reciprocity; and Section 641.240 provides that SCSEP participants may be deemed automatically eligible for WIOA intensive or training services. On the other hand, if an applicant is job-ready and does not need community service, then the applicant should be referred to WIOA for job search assistance and placement.
- There are a number of resources regarding coordination with WIOA in addition to the regulations cited above. All are available on WorkforceGPS: *Workforce Innovation and Opportunity Act Official Website for WIOA Information* [WorkforceGPS](#)

1.b Co-enrollment with Veterans Administration (VA) Work Therapy Program and other employment and training programs that pay wages or stipends

- For eligibility purposes, SCSEP excludes from income all wages or stipends paid by other employment and training programs, including the VA’s work therapy program. See [Topic II.2.i](#).
- SCSEP rules do not prohibit co-enrolling individuals who are also receiving wages from another employment and training program, but DOL has discouraged the practice. SCSEP is designed to provide 20 hours per week of paid training to eligible seniors who need community service work experience in order to become job-ready. It generally does not make sense for SCSEP to co-enroll applicants who are already receiving paid training from another program. Since SCSEP does not have enough funds to serve even one-half of one percent of the eligible population, it is hard to justify the enrollment of VA participants who have full-time paid training from the VA in order to reduce the VA expenses and permit the VA to enroll more participants. The cost of doing so would be to deny needed SCSEP training to other seniors who do not have the VA option.
- There may be individual cases where dual enrollment is justified by the special needs of the participant, but those cases should be rare.

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1.c Co-enrollment in FEMA training course

- A FEMA-sponsored training course should not have any impact on eligibility. If this is considered an employment and training course and is made part of the participant's IEP, it can be treated as partner-provided training, and the income received from FEMA would not be counted in the eligibility determination. However, depending on the nature and duration of the training and the amount of training pay provided by FEMA, it may be inappropriate to enroll the applicant in SCSEP. See Co-enrollment with Veterans Administration (VA) Work Therapy Program and other employment and training programs that pay wages or stipends, above.

2. Program Introduction, fields 20-20.2

1.a Permissible activities prior to assignment

- At the point of assignment, the applicant becomes a participant; may receive services such as orientation, an IEP, and training; and may be paid wages. The date of participation for the performance measures is the date of assignment. Note that the participant is not required to physically commence the assignment with the host agency prior to receiving SCSEP services. The Community Service Assignment screen has two dates, one for the date of initial assignment and one for the date on which the participant actually commences the assignment.
- Sub-grantees must assess applicants' work histories, aptitudes, abilities, and interests in order to make an effective assignment. This determination of suitability for assignment is part of the intake and eligibility process and does not conflict with the regulations. Moreover, in many situations, it may be necessary for the sub-grantee, as part of the intake process, to do a more complete assessment of certain characteristics (such as literacy, social isolation, or other barriers) that determine preferences for service before determining whether to provide service to an applicant. Sub-grantees are authorized and required to do as complete an assessment as necessary to determine preferences for service and make an appropriate assignment. However, the participant may not be paid for taking part in this assessment, and the process should stop short of the formal drafting of an IEP. The assessment of suitability and determination of characteristics form the foundation for the formal IEP that takes place after the assignment (and at which time the participant may be paid).
- For many eligible applicants, the assessment and assignment process will straightforward. In such cases, nothing prohibits a sub-grantee from conducting an assessment, completing the formal IEP, and assigning a participant to a community service position in one sitting all on the same day. Since the date of the assignment in the data system and the date on the assessment instrument and IEP will be the same, there would be no violation of the regulation. The point of the regulation is that only those individuals who are in need of, and who actually receive, a community service position are entitled to other SCSEP services.
- Host agencies should be recruited based on their ability to provide meaningful training opportunities that respond to the needs of the participant pool, and participants should only be assigned to host agencies that meet their needs as documented in their assessments. See the appendix to the module on assignments.

IV. OTHER ENROLLMENT INFORMATION

- It is not permissible to assign an applicant to the sub-grantees' project office as a placeholder in order to pay the applicant wages prior to assigning the applicant to his or her real community service position. Applicants can be assigned to the project office only when there is a legitimate community service position available at the project office and the applicant will be performing legitimate work at the project office. On the other hand, as long as the original assignment was made in good faith, nothing prohibits a sub-grantee from changing a participant's initial community service assignment if a subsequent assessment or the formal IEP reveals that the initial assignment was not optimal.
- Although "orientation" is used in several different contexts, it has a specific definition for SCSEP. Orientation is defined in Section 641.535(a)(1) of the regulations as a mandatory service that must be provided to participants once they are enrolled. No SCSEP services can be provided to applicants prior to enrollment. Grantees should, of course, explain program requirements and policies to applicants. They do this as part of ascertaining applicants' need for SCSEP services and their ability and willingness to benefit from those services before deciding whether to enroll them. This screening and intake function is not a formal "orientation."

V. RECERTIFICATION

V. RECERTIFICATION

1. Recertification, field 21

1.a What data to update at recertification

- You may update the participant's contact information at any time. You do not update any participant priorities of service at the time of a recertification. Those elements, such as disability, homelessness, and low employment prospects, which affect the Most in Need measure, remain fixed at the time of initial application. You do not update them upon recertification or at any other time.

1.b Recertification within 12 months; substantial change in circumstance

- Grantees are required to recertify participants once every 12 months. They are not supposed to investigate or make inquiry about income changes between certifications. However, if a grantee learns of a substantial change in circumstances that is likely to have an effect on eligibility, such as a new source of income or a substantial increase in an existing source of income, the grantee must do a recertification as soon as it becomes aware of this information.
- Recertification is required every 12 months, in part, to deal with expected increases in income due to cost of living increases in Social Security or pensions. COLA's reflect increases in the cost of living and are not really increases in spendable income. To a large extent, they are offset by increases in the federal poverty level, upon which eligibility is based. There is no official definition of "substantial," but an increase in income would have to be more than a COLA to trigger a recertification.
- The marriage of a SCSEP participant is a substantial change of circumstances that requires a recertification. However, the part-time employment of a spouse four weeks before the participant completes a training program or two months before the scheduled recertification date would generally not constitute a substantial change.
- When you become aware of a change that will make the participant over-income, you should do a recertification calculation as soon as possible so you can inform the participant when he or she will become ineligible. For example, if the participant is newly married, the participant's new spouse adds \$1000 per month to the family income starting on November 24, and the participant's own income remains stable, you would figure out how long it would take before the extra \$1000 per month made the participant over-income for a family of two. Assuming that the income limit for a family of two is \$5000 higher than it was for the participant alone, the participant would become ineligible in five months – around April 24. If there were no further changes when that date arrived, you would issue the participant the standard 30-day termination notice. If circumstances had changed in the interim, you would do a new recertification calculation.

2. Total Includable Family Income, field 21.4

2.a Documentation of excludable income; continuing exclusion at recertification

- DOL has said that you must document all sources of income and indicate which sources were included in the income calculation, but you only need to document the amount of includable income. You do not need to document the amount of excludable income.

V. RECERTIFICATION

- For payments like VA survivor's benefits that are excluded under the eligibility TEGL, you only need to document the source of income. As long as you have confirmation that the spousal benefit remains in effect for the life of the recipient, i.e., is not converted into some other kind of benefit as is the case with SSDI when the recipient reaches normal retirement age, you do not need to separately document its continuation at each recertification. This confirmation could take the form of a description of the benefits from an official web site or an informational pamphlet.

2.b Continuing Proof of SSDI

- The letters DI after an individual's SSN on a document from the Social Security Administration indicate that the individual is receiving or has received Social Security Disability Insurance. The DI indicator appears on the individual's Medicare card and on correspondence from the Social Security Administration. The problem is that the DI indicator remains after the individual has reached the age of normal retirement and the SSDI has been converted to regular retirement benefits. At that point, the DI indicator is not reliable evidence of either disability or the receipt of SSDI.
- Given the ambiguity of the DI indicator for many SCSEP applicants and participants, the better approach is to have the individual obtain documentation of disability and SSDI by requesting a benefit verification letter from the Social Security Administration. This can be done by phone at the time of initial application or recertification.
- Determining the source of SSA payments is not always easy. While it is generally true that a Medicare beneficiary under the age of 62 is receiving Medicare because of a disability, that is not always the case. Spouses, ex-spouses, and unmarried children of various ages can also receive Medicare benefits based on the earnings of a beneficiary with a disability. See the SSA Disability Benefits guide at <http://www.socialsecurity.gov/pubs/EN-05-10029.pdf>. If in doubt, the safest course is to request a benefit determination letter from SSA. This can most easily be done online at <http://www.ssa.gov/myaccount/>.

2.c Effect of retroactive SSDI payment on recertification

- A retroactive payment represents the benefits the participant was entitled to from the date of eligibility or application for benefits until the date the participant began receiving SSDI. At recertification, the participant's income should be calculated based on the new SSDI rate for the relevant 6- or 12-month look-back period, whichever is more favorable. This effectively prorates the retroactive payment and applies it only to the look-back period. A consequence of using the more favorable look-back period may be that some of the retroactive payment will not be included.