Senior Community Service Employment Program Termination Policy Tip Sheet

For a fuller understanding of SCSEP termination requirements, please review the regulations at 20 CFR 641.580.

Is a termination policy required?
Yes. All grantees must have a written policy for involuntary termination approved by DOL. Once the policy is approved, it remains in effect until the grantee receives approval for a new policy from DOL. A grantee must apply its policy fairly and equitably in terminating any participant. Each grantee is responsible for training staff and sub-recipients on its termination policies; sub-recipients must follow the grantee's policy without exception.

What types of terminations are covered by a termination policy?
The requirements of a termination policy, including the 30-day notification letter, only apply to involuntary terminations. In SCSEP, there are two types of terminations:

1. Voluntary – A participant finds a job or resigns for personal reasons.
2. Involuntary – A grantee or sub-recipient removes a participant from the program for one of the following reasons:
    - Fraud in providing eligibility information.
    - Grantee or sub-recipient incorrectly determines a participant to be eligible.
    - Ineligibility at recertification.
    - Participant reaches the individual durational limit and does not qualify for an extension, if available.
    - Participant becomes employed but does not notify the grantee or sub-recipient.
    - Participant refuses to accept a reasonable number of job offers or referrals, and there are no extenuating circumstances (optional – needs special approval from DOL).
    - For cause (optional – needs special approval from DOL).

No other involuntary reasons are permitted. Participants may not be terminated based on their age, and no upper age limit on participation may be imposed.

How do I notify participants about the termination policy?

Grantees or sub-recipients are required to provide participants with a copy of the termination policy when they enroll. In addition, a staff member must verbally review the policy with each participant.

How do I terminate a participant?
The grantee or sub-recipient must give the participant a written 30-day notice of termination. The participant must have an opportunity to tell his or her story and explain any extenuating circumstances. **No participant can be terminated for any reason until the 30-day notification period has passed.** For more information on what should be contained in a 30-day notice of termination, see the next section.

In special cases, a grantee or sub-recipient can remove a participant from a host agency and place him or her on administrative leave without pay during the 30-day notification period. Placing the participant on leave without pay should only be done when the participant has engaged in fraud, has failed to report unsubsidized employment, or has committed serious misconduct. Each grantee's approved termination policy should spell out in which instances this is allowed (for example, if the participant engages in threats or violence or violates a grantee's drug policy. The circumstances may vary by grantee).

What should be included in a termination notice?
When a grantee or sub-recipient issues a 30- day termination notification letter, it must include a copy of the grantee's grievance procedure and notice of the participant's right to appeal the termination. Grantees should provide standard language for termination letters so there is consistency across sub-recipients.

30-day notices for termination should include the following:

1. Participant information (name, address, phone number and host agency site).
2. Reason for the termination, including the conduct at issue, the date of incident, and staff present/involved (Note: Unless it is absolutely necessary, do not involve another participant in the discipline).
3. How the participant was made aware that the conduct involved could lead to discipline (for example, "This policy is listed in the Orientation Handbook provided to you during enrollment. A copy is attached for your convenience.").
4. Any warnings the participant received for this conduct.
5. Explanation of what will happen during the 30-day notification period, based on the
6. grantee's termination policy, e.g., removal from host agency and leave without pay or continuation of the assignment until the date of termination.
7. Participant's options if he or she contests the termination, including a copy of the grievance process and an explanation of the right to appeal.

If a grantee's termination policy contains progressive steps and warning letters leading up to a termination, the warning letter should include the following:

1. Participant information (name, address, phone number and host agency site).

2. Reason for the warning, including the conduct at issue, the date of incident, and staff present/involved (Note: Unless it is absolutely necessary, do not involve another participant in the discipline).
3. What this warning means as a step in the termination process.
4. How the participant was made aware that the conduct involved could lead to discipline (for example, “This policy is listed in the Orientation Handbook provided to you during enrollment. A copy is attached for your convenience.”)
5. What corrective action is expected of the participant going forward.
6. Timeline for corrective action.
7. Participant’s options if he or she contests the action, including a copy of the grievance process and an explanation of the right to appeal.

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