



West Tennessee Workforce Development Board

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Craig S. Butler
Board Chair

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Local Workforce Development Area 11 Policy Memorandum # 17-23

Subject:

Senior Community Service Employment Program (SCSEP) – Participant Termination

Purpose:

The purpose of this memorandum is to inform sub-grantees and SCSEP participants of regulations regarding termination of a participant.

References: 20 CFR 641.580; Workforce Services Policy – SCSEP Termination TN-WIOA (16-8)

Background:

Per 20 CFR 641.580, written policies governing all involuntary terminations regarding SCSEP is a requirement. Per the SCSEP Termination Policy of the TN Department of Labor and Workforce Development (TDLWD), all participants have the right to appeal within thirty (30) days of receiving a termination letter. A copy of the grievance procedure will be attached to the termination letter.

Policy:

LWDA-11 will adhere to the following guidelines regarding the termination process of a SCSEP participant.



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Action:

SCSEP participants will be sent a termination letter, along with a copy of the grievance procedure, when a termination is necessitated by circumstances. The following steps will be adhered to in this termination process:

A. Voluntary Termination

A one-week written notice should be provided by any SCSEP participant who decides to voluntarily resign. This notice should state the reason for resignation. If resignation is due to obtainment of an unsubsidized job by the participant, the SCSEP Coordinator should be notified, and the SCSEP participant should cooperate with providing acceptable documentation verifying the reason for exiting the program.

B. Involuntary Termination

Involuntary guidance termination of SCSEP participants will be followed fairly and equitably. Participants will not be terminated on account of age as there is no upper-age limit for participation in SCSEP. Except for severe violations, participants will receive counseling and an opportunity for correction before a formal termination notice is issued. In all cases, a thirty (30)-day notice will be sent to participant notifying them of exit date and the reason for termination. During orientation participants will receive a written copy and a verbal explanation regarding this Involuntary Termination Policy. The following seven (7) reasons listed below may be cause for involuntary termination:

1. Knowingly providing false information during Eligibility Process

Fraudulent actions, such as inaccurate information for SCSEP qualification will serve as justification for placing participant on "leave without pay". A thirty (30)-day written notice of termination will be sent to the participant.

2. Incorrectly Determination of Participant as Eligible

Should a SCSEP participant be found ineligible for participation in the program after enrollment through no fault of his/her own, the participant will be terminated. (EXAMPLE: inaccurate calculation of income). Should this occur, he/she will be notified regarding the error and immediately sent a thirty (30)-day notice of termination. The participant will be allowed to continue work until the date of exit stated in the letter.

3. No Longer Being Eligible

Should a SCSEP participant be found ineligible during the re-certification process (or if there is a substantial change in circumstances during participation) he/she will be notified and immediately sent a thirty (30)-day notice of termination. The participant will be allowed to work until the date of exit stated in the notification letter.

4. 48-Month Duration Limit

A participant will be terminated once meeting the 48-month duration limit. There will be no extension issued after 48-month limit is met. Participant will receive a written notice both ninety (90) days and thirty (30) days prior to exit. All participant reaching 48-month duration limit, and who are still not job-ready, will be provided transitional assessment services. This service is provided in order to assist with development of a post-SCSEP survival plan. The SCSEP participant has the option of declining this service. SCSEP Coordinator must document the service was offered and denied by the participant through detailed case notes.

5. Obtained Employment

One of the eligibility requirements for SCSEP is that the applicant be unemployed at the time of application or any time during participation in the program. Should a participant obtain employment during participation, the SCSEP Coordinator should be notified immediately. Any participant discovered as being employed without notifying the SCSEP Coordinator will be terminated from the program. Participant will immediately be placed on "leave without pay", and a thirty (30)-day notice of termination will be sent to participant.

6. For Cause

Participant behavior may lead to “for cause” termination. A thirty (30)-day notice will be sent to participant pending termination date. Such behaviors should be well documented and included in the project records. The following is a list of “for cause” terminations:

- a. Ineligible due to income at recertification
- b. Failure to perform assigned duties without good cause
- c. Refusal to accept a different Host Agency consistent with participant Individual Employment Plan (IEP) without good reason
- d. Absences or frequent tardiness without good cause or without notifying immediate supervisor
- e. Falsification of official records or timesheets (any records found as falsifying information must be referred to American Job Center {AJC} or appropriate partner.)
- f. Insubordination (refusing to comply with Host Agency or SCSEP Coordinator) as long as directions/instructions are reasonable and there are no extenuating circumstances
- g. Failure to comply with drug and alcohol-free policy, which prohibits participants from consuming, selling, purchasing, manufacturing, distributing, possessing, or using any illegal or non-prescribed drug; from being under the influence of alcohol and/or drugs while performing Host Agency assignment or while carrying out objectives required by IEP
- h. Using obscene, abusive, harassing or threatening language or behavior
- i. Theft, meaning illegal taking or withholding property of another without permission
- j. Intentional disclosure of confidential/private information obtained from Host Agency or Grantee
- k. Physical violence or intentional destruction of property
- l. Causing an imminent threat to others or self. Legal prescribed medications are excluded if participant is able to perform his/her duties and to protect safety of others.
- m. Worksite harassment or discrimination on basis of sex, race, color, religion, national origin, marital status or disability
- n. Exceeding approved leave without pay by failing to return to work by required date from an approved leave unless there is good cause
- o. For-cause termination requiring immediate removal from Host Agency and leave without pay pending termination

Should a participant’s violation be of such serious nature that immediate removal from Host Agency is required, participant will immediately be placed on leave without pay. A written thirty (30)-day notice of termination will be sent to participant. Some examples warranting immediate removal from Host Agency and leave without pay are:

- Gross misconduct, such as violation of TDLWD’s Drug and Alcohol Policy or intentional endangerment of lives of others or self
- Violence, including physical or extreme violence at Host Agency
- Individual Employment Plan (IEP) terminations

An Individual Employment Plan (IEP) is developed between SCSEP participant and SCSEP Coordinator at the time of enrollment. SCSEP participant will sign the agreed upon IEP denoting specific actions to be taken in order to obtain goals of IEP. Failure to comply with IEP actions may be cause for corrective action, and lead to termination. Prior to termination, participant will be given the opportunity to correct their action. After three (3) refusals, participant will be terminated. Written notice will be sent to participant documenting the specific event in which participant did not fulfill his/her responsibility as noted on IEP. Participant may also be terminated due to three (3) refusals of job offers or referrals related to IEP. Participant will be sent a thirty (30)-day notification of termination in this instance and can continue to work until date of exit noted in letter.

Participant will be given the opportunity to correct his/her behavior or failure to comply with IEP requirements other than cases involving serious harm or imminent threats to health, safety, property, etc. Should participant demonstrate positive action; or if lack of action is justified, corrective action will be discontinued.

Should participant fail to display positive behavior or refuse to comply with IEP, verbal warning will be given by SCSEP Coordinator and counseling will be conducted. If participant fails to show improvement after verbal warning, SCSEP Coordinator will meet with participant and provide a written warning as well as provide counseling. Participant then has thirty (30) days from the date of written warning to make corrections. If, for a third time, participant still refuses to cooperate, a letter will be sent by SCSEP Coordinator notifying participant that he/she will be terminated thirty (30) days from date of letter.

Contact:

Questions regarding this policy should be addressed to Jimmy Bell, LWDB-11 Director, at SWHRA, 1527 White Avenue, P.O. Box 264, Henderson, TN 38340. Phone: (731) 983-3688. Email: jbelle@swhra.org.

Effective Date: July 1, 2017

Expiration Date: Until further notice

Approved:



Jimmy Bell, LWDA-11 Director