

EMPLOYMENT AND TRAINING ADMINISTRATION ADVISORY SYSTEM U.S. DEPARTMENT OF LABOR Washington, D.C. 20210	CLASSIFICATION SCSEP
	CORRESPONDENCE SYMBOL OWI-DAS
	DATE December 31, 2007

ADVISORY : TRAINING AND EMPLOYMENT GUIDANCE LETTER NO. 16-07

TO: ALL SENIOR COMMUNITY SERVICE EMPLOYMENT PROGRAM (SCSEP) GRANTEES

FROM: EMILY STOVER DeROCCO
 Assistant Secretary 

SUBJECT: New State Plan Requirements

1. **Purpose.** To inform all state and national grantees about the new requirements for the State Plan (formerly known as the State Senior Employment Services Coordination Plan) occasioned by the enactment of the 2006 Older Americans Act (OAA) Amendments.
2. **Reference.** Section 503 of the 2006 OAA Amendments, Pub. L. 109-365, October 17, 2006; 20 CFR part 641, SCSEP Performance Accountability Interim Rule, 72 Fed. Reg. 35831 (June 29, 2007); 20 CFR part 641, SCSEP Final Rule (April 9, 2004); Training and Employment Guidance Letter (TEGL) 25-06.
3. **Background.** Section 503 of the 2006 OAA Amendments mandates significant changes to the former State Plan. In order to receive SCSEP funds, the law now requires the Governor or his/her designee to submit a State Plan that includes a four-year strategy for the statewide provision of community services and other authorized activities for eligible individuals under the SCSEP. In addition, the new law maintains the State Plan requirements in the current SCSEP Final Rule. Accordingly, the Governor or his/her designee must also describe the planning and implementation process for SCSEP services in the State, taking into account the current relative distribution of eligible individuals and employment opportunities within the State.

The new State Plan is intended to foster both short-term and long-term coordination among the various national and state SCSEP grantees and sub-recipients operating within the State and to facilitate the efforts of key stakeholders, including State and Local Boards under the Workforce Investment Act (WIA), to work collaboratively through a participatory process to accomplish

RESCISSIONS: TEGL 26-05	EXPIRATION DATE: Continuing
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the SCSEP's goals. In addition, the new State Plan requirements emphasize the importance of increasing partnerships among grantees with other programs, initiatives and entities operating within the state. The State Plan is also intended to focus program resources where there is the greatest need relative to participants, host agencies and geographic areas. Due to the extensive changes required of grantees to meet the new four-year strategy requirement, the Department of Labor (the Department) issued TEGL 25-06 to delay implementation of the new State Plan requirements until Program Year (PY) 2008. Pursuant to TEGL 25-06, the approved PY 2006 State Plan will suffice for the balance of PY 2007, unless modifications are necessary as described in Section 7 below. A State Plan meeting the requirements of Section 5 of this TEGL must be submitted in accordance with the requirements of Section 9 of this TEGL on or before March 31, 2008.

4. **Delegation of Responsibility.** The Governor may delegate responsibility for developing and submitting the State Plan, provided that any such delegation is consistent with state law and regulations. To delegate responsibility, the Governor must submit to the Department a signed statement indicating the individual and/or organization that will be submitting the State Plan on his or her behalf.

5. **State Plan Requirements.** As provided at OAA sec. 503(a)(1), the State Plan must include a four-year strategy for the statewide provision of community service employment and other authorized activities for eligible individuals under the SCSEP. The four-year strategy requirement mandates that grantees operating within a state take a longer-term view of the SCSEP program than in prior State Plans, which were intended to reflect the state's strategies for a single year only. Beginning with PY 2008, the four-year strategy will cover PYs 2008-2011.

The four-year strategy must address the following particulars:

- The role of the SCSEP relative to other workforce development programs and initiatives in the state, as well as other programs and partners serving older workers;
- How the state and SCSEP grantees can coordinate with these other programs to maximize the services available to the SCSEP-eligible population;
- Projected changes in the state's demographics (particularly the number of older workers), economy and labor market;
- How the state plans to prepare participants for projected employment opportunities;
- How the state plans to increase participant placements in unsubsidized employment;

- How the state plans to improve SCSEP services in general;
- The basic distribution of SCSEP positions within the state;
- Plans for recruitment of and service to certain special populations within the state, i.e., those eligible older individuals who are most at-risk;
- Types of skills that eligible individuals need to develop to be employable in the state;
- Employer outreach activities;
- Community service needs; and
- Avoidance of disruptions in the provision of services relating to shifts in the location of eligible individuals within the state.

A complete outline of State Plan requirements is provided in Attachment I.

6. **Solicitation and Collection of Public Comments.** The Governor or his/her designee should follow established state procedures to solicit and collect public comments on the State Plan and must seek the advice and recommendations of certain organizations and individuals with expertise in older workers issues. (See sections 3 and 4 of Attachment I). The State Plan must describe the procedures used to obtain such advice and public comments (OAA sec. 503(a)(2)).

7. **Requirements for Modification of the State Plan.** Pursuant to 20 CFR part 641.345 modifications to the State Plan are required at any time when:
 - There are changes in Federal or state law or policy that substantially change the assumptions upon which the State Plan is based (except that the 2006 OAA Amendments are not applicable as a cause for modification as described in TEGL 25-06);
 - There are changes in the state's vision, strategies, policies, performance goals, or organizational responsibilities;
 - Grantees operating within the state have failed to meet their performance goals and must submit a corrective action plan;
 - There is a change in a grantee or grantees; or
 - There are substantial changes in the status of Memoranda of Understanding (MOUs) between grantees and their Local Workforce Investment Boards, including:
 - Establishment of a new MOU;
 - New grantees have been added to an existing MOU; and
 - An existing MOU has been changed from "single" to "blanket" or vice versa.

8. **Frequency of Submission.** At least every two years, the Governor or his/her designee must review the State Plan and submit an update to the Department for consideration and approval. States are encouraged to review their State Plan more frequently than every two years, making adjustments and submitting updates as circumstances warrant. Prior to submission of the updates to the State Plan, the Governor must seek the advice and recommendations of the individuals and organizations identified in OAA sec. 503(a)(2) about what, if any, changes are needed, and publish the changes to the State Plan for public comment.

The State Plan is designed to be a “living” document that will guide the strategic and ongoing operations of the SCSEP within the state.

9. **Schedule.** Grantees must provide the PY 2008-2011 State Plan requirements to the Department by March 31, 2008. The postmark or other certificate of mailing will establish the date of the submission. An original plus two copies must be sent by overnight mail to:

Ms. Alexandra Kielty
U.S. Department of Labor/ETA
Office of Workforce Investment
Division of Adult Services
Room S-4209
200 Constitution Avenue, N.W.
Washington, D.C. 20210

Required appendices to the State Plan are identified in Attachment I. A hard copy, e-copy, disk, or CD of the State Plan and required appendices should also be transmitted to the appropriate regional SCSEP contact as provided in Attachment 2.

10. **Action Required.** SCSEP state grantees should begin work on the PY 2008-2011 State Plan upon receipt of this issuance, and submit it in accordance with the requirements as described in section 9 above.
11. **Inquiries.** Questions should be directed to the appropriate regional SCSEP contact.
12. **Attachments.**
- Attachment 1: Outline for the Development Process and Content of the State Plan
- Attachment 2: Regional SCSEP Contacts

ATTACHMENT 1
OUTLINE FOR DEVELOPMENT PROCESS
AND CONTENT OF THE STATE PLAN

Section 1. Purpose of the State Plan. The Department considers the State Plan as an opportunity for the state to take a longer term, strategic view of the SCSEP in the state, including SCSEP's role in workforce development, given projected changes in the demographics, economy and labor market in the state. In developing the State Plan, the Governor or his/her designee should address the role of SCSEP relative to other workforce programs and initiatives as well as other programs serving older workers, and should articulate how all the grantees operating in the state examine and as appropriate, plan longer-term changes to the design of the program within the state so as to better achieve the goals of the program.

Section 2. Involvement of Organizations and Individuals. As required in Section 503(a)(2) of the 2006 OAA Amendments, the State Plan must describe the state's process for ensuring the involvement and seeking the advice and recommendations of representatives from:

- State Units on Aging and Area Agencies on Aging
- State and Local Boards under the Workforce Investment Act (WIA)
- Public and private nonprofit agencies and organizations providing employment services, including each grantee operating a SCSEP project within the state except national grantees serving older American Indians or Pacific Island Asian Americans (although they are encouraged to participate) as provided at OAA sec. 503(a)(8))
- Social service organizations providing services to older individuals
- Grantees under title III of the OAA. (Information on State Units on Aging can be accessed at <http://www.nasua.org/SUAMembers.cfm#tx>)
- Affected communities (i.e., grantee service areas)
- Unemployed older individuals
- Community-based organizations serving older individuals
- Business organizations
- Labor organizations

The Governor or his/her designee may also seek the advice and recommendations of other interested organizations and individuals, including SCSEP participants, although such input is not required by the statute.

In support of the mandates of the statute relating to the involvement of specific organizations and individuals, the Department requires grantees to include an

appendix containing letters from all required parties attesting to their participation in the development of the plan.

Section 3. Solicitation and Collection of Public Comments. The State Plan must include a description of the state's procedures and schedule for ensuring an open and inclusive planning process that provides meaningful opportunity for public comment. Any individual or organization may comment on the State Plan.

Section 4. Basic Distribution of SCSEP Positions within the State.

- a. **Location of Positions.** State Plans must provide information on the ratio of eligible individuals in each service area to the total eligible population in the state. Reference should be made to the Equitable Distribution (ED) Report, which is required by Section 508 of the 2006 OAA Amendments. The State Plan must build on the ED Report in addressing the requirement to describe the basic distribution of SCSEP positions within the state. This report provides the information needed to assess the location of the eligible population and the current distribution of people being served. The report may be summarized to identify the areas, if any, that are significantly under-served or over-served. The State Plan must identify where slots need to be moved from over-to-under-served areas and outline the procedures to accomplish this task cooperatively without disruption to participants. The State Plan must also include timelines specifying when this slot movement will be accomplished. The most recent ED Report must be attached as an appendix to the State Plan.

Both national and the state grantees are expected to move positions from over-served to underserved locations. All grantees operating within a state must consult with the state agency responsible for preparing the State Plan and the ED Report before moving slots from one geographic area to another. Grantees must receive final approval from the state grantee and the Department before moving slots.

- b. **Rural and Urban Populations.** State Plans must provide information about the relative distribution of individuals residing in rural and urban areas within the state. This information may be included on a statewide basis, a county-by-county basis, a regional basis, or some other geographic area basis. The Governor or his/her designee must decide which approach will be utilized. The designation of areas as rural must be in accordance with the definition provided in 20 CFR 641.140 of the Interim Final Rule on Performance Accountability and made operational in the

SCSEP Performance and Results Quarterly Progress Report (also known as "SPARQ").

Both rural and urban areas of a state must be served equitably. If rural areas of the state have inadequate resources to enable program requirements to be met (e.g., few host agencies or employers, lack of transportation, etc.), the State Plan must indicate what grantees operating in these areas plan to do to address these needs, and how the plan will be accomplished, including timelines.

- c. **Specific Population Groups.** State Plans must provide information about the relative distribution of those eligible individuals who must be afforded priority for service as provided at OAA sec. 518(b) and certain other population groups cited in the statute as listed below. All grantees operating within the state should describe the recruitment and selection techniques they are currently utilizing in developing this section.

OAA sec. 518(b) defines priority individuals as those who qualify based on one or more of the following criteria:

- Are aged 65 years or older; or
- Have a disability;
- Have limited English proficiency or low literacy skills;
- Reside in a rural area;
- Are veterans or their spouses who meet the requirements of the Jobs for Veterans Act, 38 U.S.C. sec. 4215(a)(1);
- Have low employment prospects;
- Have failed to find employment after utilizing services provided under Title I of WIA; or
- Are homeless or at risk for homelessness.

Other populations identified in the statute are defined at OAA sec, 503(a)(4)(C)(i)-(iv) as:

- Eligible individuals with the "greatest economic need" (as defined in 20 CFR 641.140);
- Eligible individuals who are minority individuals; and
- Eligible individuals who are individuals with "greatest social need" (as defined in 20 CFR 641.140).

Note: The statute also identifies eligible individuals who are limited English proficient in this section, but the Department does not include

them in this list because they are already identified in the list of priority individuals.

Section 5. Supporting Employment Opportunities for Participants. Grantees operating within the state must identify employment projections for high growth industries and occupations in the state as well as other industries and occupations which provide substantial employment opportunities but are not considered to be high growth. Applicants must identify which of these industries and occupations provide substantial employment opportunities for SCSEP participants. Applicants must also describe the employment histories and the types of skills possessed by eligible individuals in the state.

The current and projected employment opportunities in the state and the types of skills available among the eligible populations have direct implications for the host agencies that grantees recruit to participate in the program; the types of training positions available at the host agencies; skill training offerings that grantees locate or develop; and training linkages that grantees negotiate and establish with the One-Stop. The State Plan must discuss how all the grantees in the state will collaboratively address those issues to ensure that community service employment assignments are truly providing skill training that meets the needs of both participants and employers.

Section 6. Increasing Participant Placement in Unsubsidized Employment and Employer Outreach. This section must describe the state's overall goals and strategies related to placing participants in unsubsidized employment. This includes goals and strategies in each of the following areas: engaging and developing partnerships with employers; identifying employment opportunities with established career ladders; placing individuals in high growth industries and occupations as well as other industries and occupations that provide substantial employment opportunities for participants; and retention activities once participants enter the workforce.

The plan must also identify the state's strategy for increasing the level of performance for all grantees operating with the state for entry into unsubsidized employment by SCSEP participants, including the grantees' plans for providing training in addition to the training provided as part of a community service employment assignment. Such training may include lectures, seminars, classroom instruction, individual instruction, online instruction, private sector on-the-job experiences, work experience or other arrangements (OAA sec. 502(c)(6)(A)(ii)).

The State Plan must also specify what the state will do to ensure that the state grantee is meeting its negotiated goal.

Section 7. Community Service Needs. The State Plan must identify the localities and populations for which community service projects of the type authorized by SCSEP are most needed. Once unmet community service needs are identified, it is the responsibility of each grantee operating in the state to work toward meeting those needs through recruitment of appropriate host agencies. The State Plan must discuss the process that the state grantees will employ to identify community service needs and the timeline for identifying and recruiting appropriate host agencies to meet those needs.

Section 8. Coordination with Other Programs, Initiatives and Entities. The State Plan must describe overall goals and strategies for coordinating SCSEP activities with other entities. This description should describe the state's overall goals and strategies relating to:

- Coordination of activities with the state's Title I WIA activities. The State Plan must describe the steps the state is taking to ensure that the SCSEP is an active partner in each One-Stop delivery system, and the actions it will take to encourage and further improve coordination with the One-Stop delivery system;
- Activities being carried out in the state under other titles of the OAA;
- Collaboration with other public and private entities and programs that provide services to older Americans, such as community-based organizations, transportation programs, and programs for those with special needs or disabilities;
- Collaboration with other partners—e.g., state vocational rehabilitation agencies, adult education and literacy providers, and education and training providers such as community colleges;
- Collaboration with other labor market and job training initiatives—e.g., the President's High Growth Job Training Initiative, Community-Based Job Training Grants, and the Workforce Innovation in Regional Economic Development (also known as "WIRED") Initiative grantees; and
- Leveraging resources from other key partners in the state to support SCSEP activities. Organizations providing leveraged resources could include state and local government agencies, foundations, employers, community-based organizations and other entities.

Section 9. Avoidance of Disruptions in Service. The State Plan must describe the steps that are being taken to comply with the statutory requirement to avoid disruptions to participants. When there are new Census data indicating that there has been a shift in the location of the eligible population or when there is over-enrollment for any other reason, the Department recommends a gradual shift that encourages current participants in subsidized community service assignments to move into unsubsidized employment to make positions available

for eligible individuals in the areas where there has been an increase in the eligible population. (This does not mean that participants are entitled to remain in a subsidized community service position indefinitely.) As provided at OAA sec. 518(a)(3)(B)(i), there are now time limits on a SCSEP community service assignment, thus promoting transition to unsubsidized employment.

Grantees and sub-recipients shall not transfer positions from one geographic area to another without first notifying the state agency responsible for preparing the State Plan and the Equitable Distribution Report. Grantees must submit, in writing, any proposed changes in distribution that occur after submission of the Equitable Distribution Report to the Federal Project Officer for approval. The Department strongly encourages all grantees to coordinate any proposed changes in position distribution with the other grantees in the state, and requires the approval of the state project director, prior to submitting the proposed changes to their regional Federal Project Officer for initial review and approval. All participant transfers must receive final approval from the Department's Grant Officer.

Section 10. Improvement of SCSEP Services. The plan must describe the state's long-term strategy to improve SCSEP services, including planned future changes to the design of the program within the state, and planned changes in the utilization of SCSEP grantees and program operators—e.g., increased frequency of formal collaboration activities among all SCSEP grantees within the state, development of more stringent criteria for selection of sub-recipients, and opportunities to share best practices statewide.

In this Section, grantees may also make recommendations to the Department, as appropriate. Recommendations may include such topics as locations of positions, types of community services, time required to make changes in the distribution of positions, and types of participants to be enrolled.

Section 11. Appendices. The State Plan must have three appendices:

- Copy of the Equitable Distribution Report;
- Copies of the public comments; and
- Letters of attestation of participation in development of the State Plan from all required parties.

**ATTACHMENT 2
REGIONAL SCSEP CONTACTS**

Region 1 – Boston

Cara Vileno
Federal Project Officer
U.S. Department of Labor
Employment and Training Administration
JFK Federal Building, Room E-350
Boston, MA 02203
Ph: (617) 788-0165
Fax: (617) 788-0125
E-mail: vileno.cara@dol.gov

Myriam Milfort
Federal Project Officer
U.S. Department of Labor
Employment and Training Administration
JFK Federal Building, Room E-350
Boston, MA 02203
Ph: (617) 788-0138
Fax: (617) 788-0125
E-mail: milfort.myriam@dol.gov

State Grantees

Connecticut, Maine, Massachusetts, New Hampshire,
New Jersey, New York, Rhode Island, Vermont, Puerto Rico,
Virgin Islands

National Grantees

National Able Network (NAN), The Workplace, Inc. (TWI),
Vermont Associates for Training and Development, Inc. (VATD)

Region 2 – Philadelphia

Chantal Watler
Federal Project Officer
U.S. Department of Labor
Employment and Training Administration
The Curtis Center
170 S. Independence Mall West

Suite 825E
Philadelphia, PA 19106-3315
Ph: (215) 861-5224
Fax: (215) 861-5620
E-mail: watler.chantal@dol.gov

State Grantees

Delaware, Washington D.C., Maryland, Pennsylvania,
Virginia, West Virginia

National Grantees

AARP Foundation (AARP), Asociacion Nacional Pro Personas Mayores (ANPPM), Easter Seals, Inc. (ES), Experience Works, Inc. (EW), Goodwill Industries International, Inc. (GII), Institute for Indian Development, Inc. (IID), National Asian Pacific Center on Aging (NAPCA), National Caucus and Center on Black Aged, Inc. (NCCBA), National Urban League, Inc. (NUL), National Council on the Aging, Inc. (NCOA), National Indian Council on the Aging (NICOA), Senior Service America, Inc. (SSAI), SER-Jobs for Progress, Inc. (SER)

Region 3 – Atlanta

Deborah Bradley
Federal Project Officer
U.S. Department of Labor
Employment and Training Administration
61 Forsyth Street, Suite 6M12
Atlanta, GA 30303
Ph: (404) 302-5379
Fax: (404) 302-5386
E-mail: bradley.deborah@dol.gov

State Grantees

Alabama, Florida, Georgia, Kentucky, Mississippi,
North Carolina, South Carolina, Tennessee

Region 4 – Dallas

Marilyn Brandenburg
Federal Project Officer
U.S. Department of Labor
Employment and Training Administration
525 S. Griffin Street, Suite 317
Dallas, TX 75202

Ph: (972) 850-4617
Fax: (972) 850-4620
E-mail: brandenburg.marilyn@dol.gov

State Grantees

Arkansas, Louisiana, New Mexico, Oklahoma, Colorado,
Montana, North Dakota, South Dakota, Utah, Wyoming, Texas

Region 5 – Chicago

Celeste Moerle
Federal Project Officer
U.S. Department of Labor
Employment and Training Administration
230 S. Dearborn Street, 6th Floor
Chicago, IL 60604
Ph: (312) 596-5422
Fax: (312) 596-5401
E-mail: moerle.celeste@dol.gov

State Grantees

Illinois, Indiana, Michigan, Minnesota, Ohio, Iowa,
Kansas, Missouri, Nebraska, Wisconsin

National Grantees

Mature Services, Inc. (MS), Quality Career Services, Inc. (QCSI)

Region 6 – San Francisco

Kirk Shrum
Federal Project Officer
U.S. Department of Labor
Employment and Training Administration
90 7th Street, Suite 17-300
San Francisco, CA 94103
Ph: (415) 625-7944
Fax: (415) 625-7923
E-mail: shrum.kirk@dol.gov

States

Arizona, California, Hawaii, Nevada, Alaska,
Idaho, Oregon, Washington, Guam, Northern Mariana Islands, American Samoa