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**IDAPA 15
TITLE 01
CHAPTER 30**

IDAHO COMMISSION ON AGING

15.01.30 - RULES GOVERNING SENIOR COMMUNITY SERVICES EMPLOYMENT PROGRAM

000. AUTHORITY.

Under authority of Section 67-5003, Idaho Code, The ICOA adopts the following rules. (7-1-98)

001. TITLE AND SCOPE.

01. Title. These rules shall be cited as IDAPA 15.01.30, "Rules Governing the Senior Community Services Employment Program," (Title V, OAA) Older Worker Programs administered by the ICOA. (7-1-98)

02. Scope. These rules constitute the state regulatory requirements related to services funded under Title V of the OAA, as amended. (7-1-98)

002. WRITTEN INTERPRETATIONS.

This agency may have written statements which pertain to the interpretation of the rules in this chapter. To obtain copies, contact the Idaho Commission on Aging by writing to the Administrator. (7-1-98)

003. ADMINISTRATIVE APPEALS.

The ICOA shall provide AAAs with opportunity to appeal administrative decisions related to these rules in accordance with IDAPA 04.11.01, "Idaho Rules of Administrative Procedure of the Attorney General." (7-1-98)

004. DEFINITIONS.

01. Enrollee. Enrollee, for purposes of the SCSEP, means an individual who is eligible, receives services, and is paid wages for engaging in community service assignments under a project. (7-1-98)

02. Individual Development Plan (IDP). Individual Development Plan means an employability plan for an enrollee which shall include an employment goal, achievement objectives, an appropriate sequence of services for the enrollee based on an assessment conducted by the grantee or subgrantee and jointly agreed upon by the enrollee. (7-1-98)

03. Older Worker Coordinator. Older Worker Coordinator means the staff person who is designated by the subgrantee's administrator as responsible for direct services provision. (7-1-98)

04. Subgrantee. Subgrantee means the legal entity to which a subgrant is awarded by a grantee and which is accountable to the grantee (or higher tier subgrantee) for the use of the funds provided. (7-1-98)

005. -- 010. (RESERVED).

011. SENIOR COMMUNITY SERVICE EMPLOYMENT PROGRAM (SCSEP).

All activities and services shall comply with the requirements of Title V of the OAA of 1965, as amended, the Final Rule Governing the SCSEP (20 CFR 641 and 29 CFR 89), IDAPA 15.01.30, and the Agreement between the ICOA and the subgrantee. (7-1-98)

01. Individual Development Plan (IDP) Related Termination Policy. When an enrollee refuses to accept a minimum of four (4) job referrals or job offers to unsubsidized employment consistent with the enrollee's IDP, unless otherwise noted in the IDP and allowing for extenuating circumstances, the enrollee may be terminated from the SCSEP. Such a termination shall: (7-1-98)

- a. Be consistent with the administrative guidelines issued by the U. S. Department of Labor which

describe the minimum requirements for IDP-related terminations (20 CFR Part 641.316); (7-1-98)

- b.** Be subject to the participant appeal rights procedures described in 20 CFR 641.324; and (7-1-98)
- c.** Be consistent with the IDP Termination policies delineated in the agreement between the ICOA and the subgrantee. (7-1-98)

02. Available Option. The IDP termination is the last option after other measures have failed. All practical steps should be employed to avoid termination of an enrollee based on the IDP. (7-1-98)

03. Need for Adequate Notification. Prior to putting this option into affect, the subgrantee must inform all enrollees of the rules for IDP terminations. These rules must be presented during orientation or, if that is not possible, at an enrollee meeting. The rules must also be contained in the subgrantee's enrollee handbook or similar document. Enrollees must be given ample time to consider the ramifications of this policy. (7-1-98)

04. Relationship to the IDP. An IDP related termination must be a logical consequence of the agreements established between the enrollee and the subgrantee staff in the jointly signed IDP. The IDP must clearly and accurately reflect the goals of the enrollee. If the enrollee is unable or unwilling to commit to fulfilling the jointly signed IDP agreement, it is essential that this lack of commitment be determined and resolved early in the process. (7-1-98)

05. Consistency of Application. The subgrantee's rules and procedures must be applied in a fair and consistent manner to all enrollees in a project. (7-1-98)

06. Adequate Internal Procedures. When the enrollee's actions were not consistent with the IDP, staff must explore the cause in each case. A corrective action notice or letter must be developed and provided to the enrollee in each of these cases, including where a referral is provided but not fulfilled. The notice shall include appropriate response time frames. (7-1-98)

07. IDP Change. Where appropriate, an IDP may be modified to be consistent with a new situation which was not considered in the original IDP. (7-1-98)

08. Documentation. All determinations must specify the basic information relating to the termination. This information must be specific and verifiable. It must include written notice and time frames. (7-1-98)

09. Appeals Process. If an enrollee appeals the IDP-Related Termination decision, the Older Worker Coordinator will elevate the case to the administrator in charge of the local subgrantee's operations for review. In the event the enrollee disputes the decision of the local administrator, the case will be elevated to the ICOA for resolution. (7-1-98)

012. COORDINATION.

01. Coordination Among JTPA Older Worker Programs, SCSEP, and Workforce Development Initiatives. Each subgrantee must demonstrate the coordination of ICOA administered SCSEP services with five percent (5%) JTPA Older Worker Program services and workforce development initiatives. (7-1-98)

02. Coordination Between JTPA Older Worker and SCSEP Service Providers. If the Area Agency on Aging (AAA) does not operate the JTPA Older Worker Program or the SCSEP in its PSA, the AAA must enter into a formal coordination agreement with the local service provider. (7-1-98)

013. SUBGRANTEE SELECTION.

Subgrantee selection shall be accomplished as stated in the SCSEP grant agreement between the ICOA and U.S. Department of Labor. (7-1-98)

014. -- 999. (RESERVED).

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