

**ARTICLE I. PROGRAM DEFINITIONS**

- A. “American Job Centers” (AJC, also known as the One-Stop Centers) means agencies that are funded by the Workforce Innovation and Opportunities Act (WIOA)
- B. “BCT Partners” is the entity designated by United States (U.S.) Department of Labor (DOL) to maintain the Title V Senior Community Service Employment Program (SCSEP) Performance and Results Quarterly Progress Report System (SPARQ) and the Web Data Collection System (WDCS).
- C. “Charter Oak Group” (COG) is the entity designated by DOL to create and maintain the Title V SCSEP WDCS handbook that provides direction on entering data into the WDCS.
- D. “Classroom Training Hours” means the number of hours spent in classroom training by Title V SCSEP participants. [20 CFR 641.540(c)]
- E. “Community-Service Employment” means part-time, temporary employment paid with contract funds in projects at host agencies through which eligible individuals are engaged in community service and receive work experience and job skills that can lead to unsubsidized employment. The term “community service assignment” is used interchangeably with “community service employment.” Assignments may be supplemented by general or specialized skills training and a participant must have an Individual Employment Plan (IEP) that details skills to be attained and timelines for achieving the goal. [OAA 518(a)(2)] [20 CFR 641.140] [20 CFR 641.577]
- F. “Core Measures” means performance measures that are subject to goal-setting and corrective action and are:
  - 1. Hours of community service employment;
  - 2. Percentage of project participants who are in unsubsidized employment during the second quarter after exit from project;
  - 3. Percentage of project participants who are in unsubsidized employment during the fourth quarter after exit from the project;
  - 4. Medium earnings of project participants who are in unsubsidized employment during the second quarter after exit from the project;
  - 5. Indicators of effectiveness in serving employers, host agencies, and project participants;
  - 6. Number of eligible individuals served; and

ARTICLE I. PROGRAM DEFINITIONS (Continued)

7. Number of most-in-need individuals served.

[OAA § 513(b)(1)] [OAA § 518(a)(3)(B)(ii) or (b)(2)] [20 CFR 641.700(b)]  
[20 CFR 641.710]

- G. “Eligible Service Population” means unemployed, low-income, California residents who are fifty-five (55) years of age or older and who have poor employment prospects. [OAA § 518(a)(3)(A)] [20 CFR 641.500]

Priority must be given to individuals who are sixty-five (65) years of age and older or:

1. Have a disability.
2. Have limited English proficiency or low literacy skills.
3. Reside in a rural area.
4. Are veterans or spouses of veterans as defined in 20 CFR 641.520(a)(5) 38 U.S.C. 4215(a).
5. Have low employment prospects.
6. Have failed to find employment after utilizing services provided through the One-Stop Delivery System.
7. Are homeless or at risk for homelessness.[OAA § 518(b)] [20 CFR 641.520]

- H. “Host Agency” means a public agency or private non-profit organization exempt from taxation under § 501(c)(3) of the Internal Revenue Code of 1986 which provides a training work site and supervision for one or more participants. [20 CFR 641.140]

- I. “Hours of Community Service Employment” means the number of hours of community service provided by Title V SCSEP participants. [20 CFR 641.710(a)]

- J. “In-Kind Contributions” means the value of non-cash contributions donated to support the project or program (e.g., property, service, host agency supervisory time, etc.).

- K. “Indicators of Effectiveness in Serving Employers, Host Agencies, and Project Participants” is defined as the combined results of customer assessments of the services received by each of these three customer groups. [20 CFR 641.710(e)]

ARTICLE I. PROGRAM DEFINITIONS (Continued)

- L. “Infrastructure Costs” means the shared infrastructure costs negotiated between the contractor and the local Workforce Development Board (WDB) to operate a local AJC or One-Stop Center. Shared infrastructure costs are required of all WIOA partners, including Title V/SCSEP. These costs are identified in an executed Memorandum of Understanding (MOU) between the contractor and the local WDB. Infrastructure Costs may be charged to Administration or Other Program. [29 U.S.C 3151] [20 CFR 678.400 through 20 CFR 678.510]
- M. “Job Ready” refers to individuals who do not require further education or training to perform work that is available in their labor market. [20 CFR 641.140]
- N. “Limited English Proficiency” (LEP) means individuals who do not speak English as their primary language and who have a limited ability to read, speak, write, or understand English. [20 CFR 641.140]
- O. “Low-Income” means family income not more than 125 percent (125%) of the federal poverty guidelines. [OAA § 518(a)(3)(A)] [20 CFR 641.500]
- P. “Measures of Performance” means the seven core measures that are subject to goal-setting and corrective action. [20 CFR 641.700(a)] 20 CFR 641.720]
- Q. “Medium Earnings of Project Participants Who are in Unsubsidized Employment During the Second Quarter After Exit from the Project” is defined by the formula: For all participants who exited and are in unsubsidized employment during the second quarter after the exit quarter: The wage that is at the midpoint (of all the wages) between the highest and the lowest wage earned in the second quarter after the exit quarter. [20 CFR 641.710(d)]
- R. “Modified Positions” means the number of authorized training slots adjusted to account for states with a higher minimum wage paid to participants. [SCSEP Quarterly Progress Report, ETA 5140]
- S. “Number of Eligible Individuals Served” (service level) means the total number of participants served, divided by the Contractor’s authorized number of positions, after adjusting for minimum wage. [20 CFR 641.710(f)]
- T. “Number of Most-in-Need Individuals Served” (service to most-in-need) means service to participants who meet any of the following characteristics:
1. Have a severe disability.
  2. Are frail.

ARTICLE I. PROGRAM DEFINITIONS (Continued)

3. Are aged seventy-five (75) or older.
4. Meet the eligibility requirements related to age for, but do not receive, benefits under Title II of the Social Security Act.
5. Live in an area with persistent unemployment and are individuals with severely limited employment prospects.
6. Have LEP.
7. Have low literacy skills.
8. Have a disability.
9. Reside in a rural area.
10. Are veterans.
11. Have low employment prospects.
12. Have failed to find employment after utilizing services provided under Title I of the Workforce Innovation and Opportunity Act, Public Law 113-128.
13. Are homeless or at risk for homelessness.

[OAA § 518(a)(3)(B)(ii) or (b)(2)] [20 CFR 641.710(g)]

- U. “On-The-Job-Experience (OJE) Training” means developing a training assignment that provides the participant an opportunity to develop and practice specific skills and/or experience, which are not attainable through the regular community service assignment. [Older Worker Bulletin No. 04-04]
- V. “Participant” means an individual who is eligible for the Title V SCSEP; is given a community service assignment; and is receiving services funded by the program for up to forty-eight (48) months. [OAA § 518(a)(3)] [20 CFR 641.140] [20 CFR 641.570(a)]
- W. “Participant Position” means an authorized training slot whose unit cost includes administration; participant wage and fringe benefits; and other participant costs. The number of participant slots and the amount of funding available for a given fiscal year is based on an equitable distribution ratio determined by the U.S. Census and allocated by DOL. [OAA § 506(g)(1)] [OAA § 507] [20 CFR 641.140]

ARTICLE I. PROGRAM DEFINITIONS (Continued)

- X. “Participant Durational Limit” means a participant can be enrolled in the program for up to forty-eight (48) months. [OAA § 518(a)(3)(B)(i)] [20 CFR 641.570(a)] [California Department of Aging (CDA) Program Memo (PM) 10-19]
- Y. “Percentage of Project Participants Who are in Unsubsidized Employment During the Second Quarter After Exit from Project” is defined by the formula: The number of participants who exited during the reporting period who are employed in unsubsidized employment during the second quarter after the exit quarter divided by the number of participants who exited during the reporting period multiplied by 100. [20 CFR 641.710(b)]
- Z. “Percentage of Project Participants Who are in Unsubsidized Employment During the Fourth Quarter After Exit from the Project” is defined by the formula: The number of participants who exited during the reporting Period who are employed in unsubsidized employment during the fourth quarter after the exit quarter divided by the number of participants who exited during the reporting period multiplied by 100. [20 CFR 641.710(c)]
- AA. “Program Income” means income earned by the Contractor during the Contract period that is directly generated by an allowable activity supported by contract funds or earned as a result of the award of contract funds, and may include:
1. Voluntary contributions received from a participant or responsible party as a result of the service.
  2. Income from usage or rental fees of real or personal property acquired with grant funds or funds provided under this Agreement.
  3. Royalties received on patents and copyrights from contract supported activities.
  4. Proceeds from the sale of items fabricated under a contract agreement.
- BB. “Recipient Local Share” means local cash and/or in-kind contributions made by the Contractor, Subcontractor, or other local resources and reported to CDA. [OAA § 502(c)(2)] [20 CFR 641.809]
- CC. “State Plan” means a plan that outlines a four-year strategy, and describes the planning and implementation process, for the statewide provision of community service employment and other authorized activities for eligible individuals under Title V SCSEP. [OAA § 503(a)] [20 CFR 641.140]

ARTICLE I. PROGRAM DEFINITIONS (Continued)

- DD. “Supportive Services” means services, such as transportation; health and medical services; special job-related or personal counseling; incidentals, such as work shoes, badges, uniforms, eyeglasses, and tools; child and adult care; housing, including temporary shelter; follow-up services; and needs-related payments which are necessary for an individual to participate in program activities authorized under Title V SCSEP. [OAA § 502(c)(6)(A)(iv)] [OAA § 518(a)(8)] [20 CFR 641.140] [20 CFR 641.545]
- EE. “Title V SCSEP Performance and Results Quarterly Progress Report System (SPARQ)” means the DOL system used to process and analyze Title V SCSEP data and the system used to view, print, and save Title V SCSEP quarterly progress reports, data quality reports, and management reports. [OAA § 503(f)(3)-(4)] [20 CFR 641.879(b)] [20 CFR 641.879(e)-(h)]
- FF. “Title V Senior Community Service Employment Program (SCSEP)” means a program that serves unemployed, low-income persons who are fifty-five (55) years of age and older and who have poor employment prospects by training them in part-time community service assignments and by assisting them in developing skills and experience to facilitate their transition to unsubsidized employment. [OAA § 502(a)(1)] [20 CFR 641.110]
- GG. “Transfer/Change Utility” means the WDCS procedure used to transfer a participant into SPARQ from a CDA Title V SCSEP to a national Title V SCSEP contractor or vice versa. [Title V SCSEP Data Collection Handbook Rev. 7 (March 2017), Participant Form Guide (page 39, number 17)]
- HH. “Unemployed” means an individual who is without a job and who wants and is available for work, including an individual who may have occasional employment that does not result in a constant source of income. [OAA § 518(a)(9)]
- II. “Web Data Collection System (WDCS)” means the DOL web-based data collection system used to input all Title V SCSEP program and participant information into SPARQ. [OAA § 503(f)(3)-(4)] [SCSEP Data Collection Handbook Rev. 7 (March 2017) page i] [20 CFR 641.879(b)] [20 CFR 641.879(e)-(h)]

**ARTICLE II. SCOPE OF WORK**

- A. The Contractor or subcontractor shall perform the following if operating as a direct or contracted Title V SCSEP program:
1. Implement statutory provisions of the Title V SCSEP in accordance with all applicable laws, regulations, and this Agreement including but not limited to:
    - a. Older Americans Act (OAA) of 1965, as amended through Public Law 114-144, enacted April 1, 2016
    - b. 20 CFR Part 641 SCSEP: Final Rule, September 1, 2010.
    - c. 20 CFR Part 641 SCSEP; Performance Accountability, Interim Final Rule, December 1, 2017.
    - d. Workforce Innovation and Opportunity Act of 2014 (WIOA), Public Law 113-128.
    - e. 2 CFR Part 200, Office of Management and Budget (OMB), Uniform Administrative Requirements, Cost Principles and Audit Requirements for Federal Awards, Final Rule.
    - f. 2 CFR Part 2900, Uniform Administrative, Requirements, Cost Principles and Audit Requirements for Federal Awards Technical Amendments, Department of Labor (DOL).
    - g. 20 CFR 678.400 through 20 CFR 678.510.
    - h. Jobs for Veterans Act of 2002, Public Law 107-288. [38 U.S.C. 4215]
    - i. Age Discrimination in Employment Act of 1967, Public Law 90-202.
    - j. California Healthy Workplaces/Healthy Families Act 2014.
    - k. Age Discrimination Act of 1975. [42 U.S.C. 6101 to 6107]
    - l. Terms and Conditions of this Agreement and the Terms and Conditions of the current SCSEP grant.
    - m. Other CDA PMs, laws, regulations, and guidance pertaining to Title V SCSEP posted on the CDA website.

ARTICLE II. SCOPE OF WORK (Continued)

- n. Any other subsequent TEGs, memos, bulletins, or similar instructions issued during the term of this Agreement by DOL.
2. Review, approve, and monitor its subcontractor budgets and expenditures and any subsequent amendments and revisions to budgets. To the extent feasible, ensure that all budgeted funds are fully expended by the end of each fiscal year. [20 CFR 641.430(e)-(f)] [2 CFR 200.327] [2 CFR 200.328]
3. Develop methods of recruitment and selection that will assure the maximum number of eligible individuals have the opportunity to participate in the program. [20 CFR 641.515(a)]
4. Provide a paid orientation to participants that include information on project goals and objectives; community service training assignments; training opportunities; available supportive services; the availability of a free physical examination; participant's rights and responsibilities; CDA Participant Termination Policy; CDA Grievance Policy; CDA Authorized Break in Participation Policy; and permitted and prohibited political activities. [20 CFR 641.535(a)(1)] [20 CFR 641.535(a)(9)] [20 CFR 641.570(d)] [CDA PM 11-06] [CDA PM 11-20] [CDA PM 14-15]
5. Conduct individual assessments of the participants' work history; skills and interests; talents; physical capabilities; aptitudes; occupational preferences; needs for supportive services; potential for performing proposed community service assignment duties; and potential for transition to unsubsidized employment. Assessments must be conducted no less frequently than two (2) times during a 12-month period. [20 CFR 641.535(a)(2)]
6. Provide an Individual Employment Plan (IEP) for each participant based on an assessment. IEPs shall be developed in partnership with each participant and must reflect the needs as well as the expressed interests and desires of the participant. The initial IEP should include an appropriate employment goal for each participant. IEPs shall be updated as necessary to reflect information gathered during the participants' assessments. IEPs shall contain goals, action steps to achieve goals, and timelines to complete goals. [20 CFR 641.140] [20 CFR 641.535(a)(3)]
7. Provide or arrange for training for participants specific to their community service assignment or in support of their training needs identified in their IEP. [20 CFR 641.535(a)(5)-(6)]

ARTICLE II. SCOPE OF WORK (Continued)

8. Submit all requests for an OJE to CDA for approval prior to exercising the OJE with any participants. OJE training is permitted with the same employer, but no more than five (5) times per year for the same job category. [Older Worker Bulletin No. 04-04]
9. Obtain and record the personal information necessary for a proper determination of eligibility for all participants and maintain documentation supporting their eligibility. The income of each participant shall be recertified once every twelve (12) months. Documentation records shall be maintained in a confidential manner. [20 CFR 641.505]
10. Cooperate with community, employment, and training agencies, including agencies under the WIOA, to provide services to low-income older workers. [20 CFR 641.200]
11. Participate in the development of the Title V SCSEP State Plan. Local activities must support the strategic focuses outlined in the Title V SCSEP State Plan. [20 CFR 641.315(a)]
12. Submit a SCSEP Project Quarterly Progress Report Narrative to CDA using guidance distributed by CDA. [20 CFR 641.879(f)]
13. Follow-up with participants placed into unsubsidized employment to determine whether they are still employed and to make certain that participants receive any follow-up services they may need to ensure retention. [20 CFR 641.545(c)]
14. Execute a signed Memorandum of Understanding (MOU) between the Local Workforce Development Board(s) and the contractor detailing how services will be provided and identifying the contractor required shared infrastructure costs. [WIOA, Public Law 113-128]

The MOU must contain the following components:

- a. A description of the functions/services to be performed for AJC (One-Stop Center) clients.
- b. An explanation of how the costs of these functions/services and AJC (One-Stop Center) operations will be funded, including WIOA required shared contributions to infrastructure costs. Negotiated infrastructure costs must be captured on the contractor's budget under Administration or Program Other.

ARTICLE II. SCOPE OF WORK (Continued)

- c. A description of the methods to be used for referring clients among the partners.
- d. The duration of the MOU and procedures for amending it.

[29 U.S.C. 3151] [20 CFR 678.400 through 20 CFR 678.510]

- 15. Maintain an up-to-date SCSEP Data Collection Handbook, BCT Partners Data Validation Handbook, and copies of both State and federal departmental requirements so that all responsible persons have ready access to standards, policies, and procedures. [20 CFR 641.879(b)] [20 CFR 641.879(d)-(e)]
- 16. Use the program data collection and reporting system as required by CDA in Exhibit E of this Agreement. [OAA § 503(f)(3)-(4)]
- 17. Submit all requests for a Transfer/Change utility transaction in SPARQ to CDA for prior approval. [Title V SCSEP Data Collection Handbook Rev. 7 (March 2017), Participant Form Guide (page 39, number 17)]
- 18. Not enroll individuals who can be directly placed into unsubsidized employment. [20 CFR 641.512].
- 19. Use the COG's SCSEP Data Collection Handbook, provided on COG's website, for DOL policy guidance, frequently asked questions, and revisions to the handbook.
- 20. The Healthy Workplaces/Healthy Families Act of 2014 provides paid sick leave to all California employees who work for the same employer 90 or more days.

SCSEP programs must:

- Provide participants with 24 hours of sick leave at the start of each program year, provided the participant(s) have been with SCSEP longer than 90 days.
- Unspent sick leave time will not be carried over to the following program year.
- A participant is entitled to use paid sick days beginning on the 90<sup>th</sup> day of the training assignment.
- Participants on sick leave are not permitted to participate in any trainings, workshops, and/or meetings.

ARTICLE II. SCOPE OF WORK (Continued)

- When a participant uses sick leave, the participant must record absent hours on that pay period's time sheet.

B. Core Measures [20 CFR 641.700(b)]

The Contractor shall, or if subcontracted, the Subcontractor shall, meet the biennially negotiated performance measures established by the DOL, which include the following core measures:

- a. Hours of community service employment.
- b. Percentage of project participants who are in unsubsidized employment during the second quarter after exit from project.
- c. Percentage of project participants who are in unsubsidized employment during the fourth quarter after exit from project.
- d. Medium earnings of project participants who are in unsubsidized employment during the second quarter after exit from the project.
- e. Indicators of effectiveness in serving employers, host agencies, and project participants.
- f. The number of eligible individuals served.
- g. The number of most-in-need individuals served.

[OAA § 513(b)(1)] [20 CFR 641.700(b)] [20 CFR 641.710]

C. In addition to the conditions above, the Contractor shall perform the following if subcontracting for Title V SCSEP program services [2 CFR 200.327] [2 CFR 200.328]:

1. Ensure all applicable provisions required within this Agreement are included in any subcontract entered into by the Contractor to carry out the terms of this Agreement.
2. Conduct an annual onsite monitoring, evaluate, and document the Subcontractor's performance and compliance with this Agreement.
3. Provide training, support and technical assistance to the Subcontractor(s) as needed and respond in writing to all written requests from the Subcontractor(s) for guidance, and interpretation of instructions.