

**VIRGINIA DEPARTMENT FOR THE AGING
TITLE V PARTICIPANT TERMINATION POLICY
REVISED**

EFFECTIVE DATE: September 1, 2011

Scope:

This policy is applicable to area agencies on aging (AAAs) and any other organizations (Title V contractors) which contract with the Virginia Department for the Aging (VDA) to deliver Senior Community Service Employment Program (SCSEP) services, under Title V of the Older Americans Act (OAA), in designated jurisdictions within the Commonwealth.

Purpose:

To establish VDA's Title V Participant Termination Policy and direction for its Title V contractors.

Background:

Section 641.580 of the SCSEP Final Rule effective October 1, 2010, clarifies the circumstances under which a grantee or sub-grantee may terminate a participant. This section refers to involuntary terminations or separation from the SCSEP program. DOL has advised that each grantee develop a termination policy.

Policy:

The following applies to all participants involuntarily terminated from the SCSEP program.

The termination policy and procedures must be fairly and equitably applied in terminating any participant. Participants may not be terminated from the program solely on the basis of age. Subprojects may not impose an upper age limit for participation in SCSEP.

Subprojects must provide each participant, at the time of enrollment, with a written copy of its policies for terminating a participant for cause or otherwise, and must verbally review those policies with each participant. The subproject's termination policy must include all policy language set forth in this document.

A copy of the subproject's grievance procedure must be provided to all involuntarily terminated participants when the subproject issues a written termination notice to the participant 30 days prior to the termination date. The subproject's grievance procedure must include all components and steps required in VDA's Title V Participant Grievance Policy.

Terminations:

1. **Provision of False Information:** If, at any time, a subproject determines that a participant was incorrectly declared eligible as a result of false information knowingly given by that individual, the subproject must give the participant immediate written notice explaining the reason(s) for termination and may terminate the participant 30 days after it has provided the participant with written notice.
2. **Eligibility Recertification:** If, during eligibility recertification, a subproject finds a participant to be no longer eligible for enrollment, the subproject must give the participant written notice explaining the reason(s) for termination and may terminate the participant 30 days after it has provided the participant written notice.
3. **Incorrect Eligibility Determination:** If, at any time, the subproject determines that it incorrectly determined a participant to be eligible for the program, through no fault of the participant, the subproject must give the participant immediate written notice explaining the reason(s) for termination and may terminate the participant 30 days after it has provided the participant with written notice.
4. **Individual Durational Time Limits:** When a participant will be terminated due to reaching his or her 48 month SCSEP time limit in the aggregate, the subproject must give the participant a written notice 30 days before the termination date explaining the reason for termination and may terminate the participant 30 days after it has provided the participant with written notice.
5. **Employed While Enrolled:** If, at any time, the subproject finds that a participant is employed and has failed to report his or her employment status to the subproject and has continued to participate in SCSEP, the subproject must give the participant written notice explaining the reason(s) for termination and may terminate the participant 30 days after it has provided the participant written notice. Note: This does not apply to occasional employment that does not result in a constant source of income.
6. **Termination for Cause:** A subproject may terminate a participant for cause. Participants cannot be terminated for cause without warning and an opportunity to correct the behavior, except in cases involving serious harm or imminent threat to health, safety, or property. The corrective action letters must be progressive in that the first letter should serve as a warning and the second and third letters should emphasize that in the event of no satisfactory corrective action, the participant will be terminated. When a participant does not make improvement or correct the behavior and a termination decision is made, the subproject must give the participant immediate written notice explaining the reason(s) for

termination and may terminate the participant 30 days after it has provided the participant with written notice.

Termination for cause includes Individual Employment Plan (IEP) related reasons for termination and non-IEP related termination reasons.

Non-IEP Related Reasons

- Intoxication, use of alcohol, or illegal or inappropriate use of drugs while at the subproject or host agency
- Possession of, or use of a firearm or weapon while at the subproject or host agency
- Violent use of force or dangerous behavior at the subproject or host agency, which endangers the well being of participants, other staff, or self
- Obscene or abusive language or behavior
- Failure or refusal to cooperate with subproject or host agency staff. Examples would be refusal to cooperate with the recertification process by not providing required documents, and refusal, without good cause, to perform assigned duties and carry out instructions of the host agency supervisor.
- Continued or gross negligence in the performance of work duties. Examples would be a participant's knowledge of and failure to report equipment damage or need for equipment repair on the worksite, and a participant van driver failing to conduct periodic van safety checks,
- Theft, unauthorized use, or misappropriation of subproject or host agency property or equipment
- Insubordination
- Frequent tardiness or unauthorized absences, including reporting to the assignment late or not reporting to the assignment and not informing the supervisor. Generally, three instances of absence without good cause or without proper notice may warrant termination.
- Failure to report to work at the host agency, contact the host agency, or contact the subproject for three (3) consecutive days and no extenuating circumstances exist.
- Failure to attend mandatory meetings and training sessions. Participants are expected to attend required training sessions and meetings scheduled by the SCSEP Coordinator or agency. Disciplinary action may be taken if a participant fails to attend one mandatory meeting and/or training session and there are no extenuating circumstances.
- Conviction of a felony or any criminal drug statute for a violation occurring in the workplace while on or off duty, or while on duty away from the workplace.
- Falsifying community service work hours at host agency site
- Intentional disclosure of confidential or private information obtained from the host agency or subproject. An example would be informing others of information that is supposed to be kept private or confidential

IEP-Related Reasons

- Refusing to accept a reasonable number of job offers or referrals to unsubsidized employment or for not complying with the Individual Employment Plan (IEP). A participant may be subject to disciplinary action up to and including termination when he or she refuses a total of three job offers and/or referrals to job openings and/or to follow through with objectives to achieve goals that are based on the IEP. If the participant fails, without good cause, to cooperate fully with subproject staff to accomplish the goals of his or her IEP, an IEP-related termination “for-cause” may be in order. Examples of lack of cooperation with subproject staff to accomplish IEP goals may include but are not limited to the following when provided for in the participant’s IEP:
 - Refusing to search for a job
 - Sabotaging a job interview, for example, a participant tells the interviewer that he or she is not interested in the job or tells the interviewer that he or she is not qualified.
 - Refusing or not participating fully in training opportunities
 - Refusing to transfer to a new community service training assignment
 - Refusing to register at the One-Stop/Job Service
 - Refusing to take advantage of WIA opportunities
 - Refusing to accept or lack of follow-through in obtaining supportive services that will enhance the participant’s ability to participate in a community service assignment consistent with the IEP
 - Refusing to cooperate with other IEP-related referrals
 - Refusal to cooperate with the assessment or IEP process, e.g., refusing to participate in completing the assessment and IEP.