

## **ELIGIBILITY AND PRIORITY OF SERVICE**

### **WAGNER-PEYSER, ADULT, DISLOCATED WORKER, QUEST, YOUTH, AND SCSEP**

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### **VETERANS PRIORITY OF SERVICES**

It is the responsibility of the public workforce system to provide priority of service to all eligible veterans and spouses who receive services under any qualified job training program funded in whole or in part by the U.S. Department of Labor.

A veteran or spouse who is entitled to receive priority of service is a person who has served at least one day active:

- Military
- Naval
- Air Service
- AND was discharged or released from service under any condition other than a dishonorable discharge.

This includes Reserve units and National Guard units activated for Federal Services.

**Note:** *This is a different definition from JVSG eligibility.*

### **WAGNER-PEYSER**

If the individual verbally attests to being a U.S. Citizen, nothing further is required for eligibility. If the individual is not a U.S. Citizen, they will be required to provide their alien or USCIS number and expiration date to verify authorization to work in the United States.

#### **Release of Information**

A parent/guardian signature is required on the Release of Information Form 1 before we can release information.

#### **Title III Application**

A parent/guardian signature is not required.

#### **Equal Opportunity**

A parent/guardian signature is requested on Form 2, but not required.

## ADULT

### Priority of Service

The WIOA Title I Adult program is statutorily required to provide priority of individualized career and training services to individuals in the following order:

Priority of Service
1. <i>Low Income, Public Assistance, or Basic Skills Deficient</i> <u>AND</u> Veteran and Eligible Spouse including Widows and Widowers
2. <i>Low Income, Public Assistance, or Basic Skills Deficient</i>
3. Displaced Homemaker; Indians, Alaska Natives, Native Hawaiians; Older individuals; <i>Individuals with disabilities; Ex-Offenders</i> ; Homeless individuals or homeless children and youths; youth who have aged out of the foster care system; individuals who are English language learners, have low levels of literacy, and facing substantial cultural barriers; eligible migrant and seasonal farmworkers; individuals within two years of exhausting lifetime TANF eligibility; single parents; or long-term unemployed individuals <u>AND</u> Veteran and Eligible Spouse* including Widows and Widowers
4. Displaced Homemaker; Indians, Alaska Natives, Native Hawaiians; Older individuals; <i>Individuals with disabilities; Ex-Offenders</i> ; Homeless individuals or homeless children and youths; youth who have aged out of the foster care system; individuals who are English language learners, have low levels of literacy, and facing substantial cultural barriers; eligible migrant and seasonal farmworkers; individuals within two years of exhausting lifetime TANF eligibility; single parents; or long-term unemployed individuals
5. Veterans and Eligible Spouses who are NOT included in the priority group (1 or 3 above)
6. Priority established by the Governor or Workforce Development Council: <i>High School Dropout</i>
7. All other individuals ages 18 and older

The priority of service will be monitored through the One-Stop Career Center certification process (see One-Stop System [Policy 3.2](#)) by comparing the number of applicants eligible for a priority population to those meeting a priority enrolled in the Adult program. Priority of Service is identified through South Dakota's management information system. The One-Stop Career Center certification will be focused on enrolled individuals that are veterans that meet priority of service, and non-veterans that meet priority of service.

### Eligibility for Services

In order to receive WIOA Title I Adult career or training services an individual must be at least 18 years of age or older, be authorized to work in the United States, and meet Selective Service registration requirements.

Individuals considered for enrollment in WIOA Title I Adult program include those who are directly referred to DLR by the following established statewide partners through the Strategic Referral Form:

- DLR Employment Services
- The Department of Corrections
- WIOA Title II Adult Education and Literacy Providers
- Vocational Rehabilitation
- National Farmworker Jobs Program
- Department of Social Services

**Or**

Is served through the following DLR programs:

- Jobs for Veterans State Grant (JVSG)
- WIOA Title I Youth
- Is an individual or family member receiving or in the past six months has received Temporary Assistance for Needy Families (TANF)
- Supplemental Nutrition Assistance Program Employment and Training
- Senior Community Service Program

### **Special Barriers and Additional Priorities**

In South Dakota, for purpose of definitions within SDWORKS:

- ***Governor's Special Barriers*** include Low Income, Basic Skills Deficient, and Public Assistance.  
This must be identified in the Barriers Screen.
- ***Additional Priorities Established by the Governor*** include High school dropout and Ex-offender.  
This must be identified in the Misc. Screen.

All WIOA Title I Adult customers will also be enrolled in WIOA Title III Wagner-Peyser.

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## DISLOCATED WORKER

### Eligibility for Services

All WIOA Title I Dislocated Workers must also be enrolled in WIOA Title III Wagner-Peyser. In order to be eligible for services as a Dislocated Worker, the individual must be 18, be authorized to work in the United States, meet Selective Service registration requirements, and meet one of the definitions below:

- A. A person who has been terminated or laid off, or has received notice of termination or layoff, from employment; **AND** is eligible for or exhausted entitlement to Reemployment Assistance; **AND** is unlikely to return to previous industry or occupation.
- B. A person who has been terminated or laid off, or has received notice of termination or layoff, from employment; **AND** has been employed for a duration sufficient to demonstrate attachment to the workforce, but is not eligible for Reemployment Assistance due to insufficient earnings or having performed services for an employer that were not covered under a State unemployment compensation law; **AND** is unlikely to return to previous industry or occupation.
- C. A person who has been terminated or laid off, or has received notice of termination or layoff, from employment as a result of permanent closure of a plant, facility or business.
- D. A person who is employed at a facility at which the employer has made a general announcement that such facility will close within 180 days.
- E. A person who was self-employed but is now unemployed as a result of general economic conditions in the community in which he or she resides or as a result of natural disaster.
- F. A person who is the spouse of a member of the Armed Forces on active duty **AND** has experienced a loss of employment as a direct result of relocation to accommodate a permanent change in duty station of such member.
- G. A person who is the spouse of a member of the Armed Forces on active duty **AND** is unemployed or underemployed and experiencing difficulty in obtaining or upgrading employment.
- H. A displaced homemaker defined as an individual who has been providing unpaid services to family members in the home and who:
  - Has been dependent on the income of another family member but is no longer supported by that income; **AND** is unemployed or underemployed and is experiencing difficulty in obtaining or upgrading employment; or
  - Is the dependent spouse of a member of the Armed Forces on active duty (*as defined in Section 101(d)(1) of Title 10, U.S.C.*) and whose family income is significantly reduced because of a deployment (*as defined in Section 991(b) of Title 10, U.S.C. or pursuant to paragraph (4) of such section*), a call or order to active duty (*pursuant to a provision of law referred to in Section 101(a)(13)(B) of Title 10, U.S.C.*), a permanent change of station, or the service-connected (*as defined in Section 101(16) of Title 38, U.S.C.*) death or disability of the member; **AND** is unemployed or underemployed and is experiencing difficulty in obtaining or upgrading employment.

*WIOA Law §3(15), §3(16),  
20 CFR §680.600, §680.650  
TEGL 10-09, 19-16*

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## QUEST

Dislocated Worker Grant (DWG) that stands for Quality Jobs, Equity, Strategy, and Training (QUEST). QUEST DWG begins September 30, 2023 and ends September 30, 2026 or when funds have been exhausted, whichever comes first.

### Eligibility for Services and Financial Assistance

All customers receiving services through the QUEST grant must be enrolled in WIOA Title III Wagner-Pesyer and WIOA Title I Dislocated Worker program. Those who meet criteria E below must also be enrolled in the WIOA Title I Adult Program. An individual must be 18 years or older, registered for Selective Service, and meet one of the following criteria at time of participation

- A. Meets A-H of Dislocated Worker definition above; or
- B. Temporary or permanently laid off as a consequence of COVID-19; or
- C. A self-employed individual who became unemployed or underemployed as a result of COVID-19; or
- D. Is selected for services through Reemployment Services Eligibility and Assessment (RESEA).
- E. Is a long-term unemployed individual. For the purposes of this grant this includes individuals who are unemployed AND:
  - An individual who has been available to work and actively seeking employment for a period of 27 weeks without securing employment; OR
  - Incarcerated individual; OR
  - Individuals who are receiving TANF or Supplemental Nutrition Assistance Program (SNAP) benefits.

### Priority Industries

- Infrastructure
- Climate and Environment
- Care Economy

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## **YOUTH**

All WIOA Title I Youth participants will also be enrolled in the Wagner-Peyser Title III program. Many Title I Youth over the age of 18 will be enrolled in the Title I Adult program as the enrollment process identified below will trigger participation based on service delivery.

The WIOA Title I Youth program is not an entitlement program. Enrollment into the WIOA Title I Youth program and the provision of services are based on individual eligibility and funding availability.

### **Enrollment**

Before becoming a WIOA Title I Youth participant an individual must complete:

1. Eligibility determination and documentation verification as an In-School Youth or Out-of-School Youth.
2. Objective Assessment.
3. Development of the Employment Plan (see Employment Plan [Policy 5.1](#)).
4. A triggering Title I Youth service.

### **Participation**

Once an individual has completed the enrollment process, they are now a participant of the youth program and will be included in the youth performance measures. No fiscal services are available for an individual until after they become a participant.

### **Priority of Service**

WIOA identifies two priority areas:

- 50% of a state's youth budget must be spent on Out-of-School Youth (OSY).
- 20% of a youth budget must be spent on In-School Youth and OSY paid and unpaid work experiences with an academic and occupational education component such as:
  - Summer employment opportunities;
  - Employment opportunities available throughout the school year;
  - Pre-Apprenticeship programs;
  - Internships and Job Shadowing; and
  - On-the-Job Training opportunities.

### **Referral**

Regardless of eligibility for the Youth Program, an individual may be eligible for other program services through the One-Stop system. Referrals to other One-Stop partners and providers must be offered to assist individuals with further assessment, training, and educational needs. Refer to One-Stop System [Policy 3.2](#) for a list of core programs and partners.

### **Parental/Guardian Consent**

#### ***Release of Information***

A parent/guardian signature is required on the Release of Information [Form 1](#) for applicants under the age of 18 in order to provide financial services.

#### ***Low Income***

If Low Income status is verified by the Family Income Worksheet [Resource 21](#) for an applicant under the age of 18, a parent/guardian must provide their signature anywhere on the document.

#### ***Title I Application***

All participants under the age of 18 must have the WIOA Title I Youth Application signed by the participant, a parent/guardian, and a DLR staff member.

### ***Signature Request***

Parent/Guardian signatures are requested on Equal Opportunity [Form 2](#), but not required.

### ***Signature Exception***

If an exception is deemed appropriate for applicants who are unable to produce the parent/guardian signature, the requirement may be waived by a Labor Program Specialist. Justification must be documented in case notes.

### **School Status**

School status is based on the individual's status at the time eligibility is determined and program enrollment is complete. School status does not change through the participation period. **For example:** if an individual is an Out-of-School Youth, but returns to school, they remain an Out-of-School Youth.

WIOA Title I places a priority on serving out-of-school youth by requiring no less than 75% of funding be used to provide services for out-of-school youth. As a result, DLR may restrict enrollments of in-school youth.

#### ***Attending School, In-School Youth includes those***

- Registered for credit bearing post-secondary classes
- Between school terms and intends to return to school
  - Students planning to return to school after summer/winter/holiday breaks are considered In-School-Youth during these breaks
- Attending secondary school, secondary alternative school, or credit bearing post-secondary classes,
- High school equivalency programs funded through the K-12 school system, and
- Individuals with a disability under the age of 21 who are receiving services funded through the K-12 school system.
- With [DOE Alternative Instruction](#) status
  - Completed by minor and parents if parents remove minor from school district; parents assume responsibility for minor's education.
  - These individuals are considered in-school youth until the age of 18.

#### ***Not Attending School, Out-Of-School Youth includes those***

- Who are not attending any school
- Attending Adult Education and Literacy under Title II of WIOA
- Dropout re-engagement programs
- Participating in Youth Build programs,
- Attending Job Corps programs,
- High school equivalency programs (not funded through the K-12 school system),
- Youth within the age of compulsory school attendance but has not attended school for at least the most recent complete school year calendar quarter or is enrolled in non-credit-bearing post-secondary classes.

### **Eligibility Requirements**

For definitions related to determining eligibility, see Definitions [Policy 9.2](#).

In order to be considered eligible for the WIOA Title I Youth program an individual must be:

1. Eligible to work in the United States; and
2. Between the ages of 14 and 24 at the time of enrollment (see "Age Eligibility" below); and
3. Meet Selective Service Registration requirements as outlined in the Selective Service [Policy 4.6](#); and
4. An eligible In-School Youth or an Out-of-School Youth as identified below; and
5. Directly referred to DLR through an internal mechanism available to established partners; and
6. Live in the State of South Dakota or its adjacent counties at time of enrollment.

### **WIOA In-School Youth**

- ☐ 1. Eligible In-School Youth must be Attending school (as defined under the “School Status” section above); And
- ☐ 2. Not younger than 14 and not older than 21 at the time enrollment; And
- ☐ 3. **Low-income**<sup>1</sup> ; And
- ☐ 4. Meet one or more of the following:
  - ☐ **Basic skills deficient**;
  - ☐ English Language Learner;
  - ☐ Ex-offender;
  - ☐ Homeless individual as defined by the McKinney-Vento Homeless Assistance Act and or a runaway youth or a youth in an out of home placement.
  - ☐ Youth in or aged out of a foster care system;
  - ☐ Pregnant or parenting;
  - ☐ Individual with a disability;
  - ☐ Eligible under an additional assistance category<sup>2</sup>:
    - ☐ No employment in the last 6 months
    - ☐ Has a record of not being able to hold employment due to being fired, or quitting two or more jobs in the last six months
    - ☐ Has a history of substance abuse
    - ☐ Having one or more parents currently incarcerated
    - ☐ Is a veteran

### **WIOA Out-of-School Youth**

Eligible Out-of-School Youth who are:

- ☐ 1. Not attending school (as defined under the “School Status” section above); and
- ☐ 2. Not younger than 16 and not older than age 24 at time of enrollment; and
- ☐ 3. Meet one or more of the following:
  - ☐ School dropout
  - ☐ Under the age of 18, does not have a high school diploma or equivalency, has not attended school for the most recent school year quarter as determined by the school
  - ☐ A recipient of a secondary school diploma or its recognized equivalent who is a **low-income**<sup>1</sup> individual and is either:
    - ☐ **Basic skills deficient**; or
    - ☐ English Language Learner;
  - ☐ Ex-offender
  - ☐ Homeless individual as defined by the amended McKinney Homeless Assistance Act. May also include:
    - ☐ Runaway youth
    - ☐ Youth in or aged out of a foster care system
    - ☐ Youth in an out-of-home placement.
  - ☐ Pregnant or parenting
  - ☐ Individual with a disability
  - ☐ A **low-income**<sup>1</sup> individual who meets the additional assistance criteria<sup>2</sup>:

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<sup>1</sup> **Low Income Eligibility Exception** – If an applicant meets all other eligibility criteria for WIOA Title I Youth except the low-income criteria, eligibility could still be possible. Five percent of WIOA Youth can be participants who meet all other eligibility criteria for WIOA Title I Youth except the low-income criteria. Prior to enrolling Title I Youth under the five percent window, the Employment Specialist must contact the WIOA Youth Labor Program Specialist to obtain availability approval. A program must calculate the five percent based on the percent of newly enrolled youth in the WIOA Youth program in a given program year

<sup>3</sup> **Age** is determined at participation. Youth participants do not age out of the Youth Program. Once eligible for the Title 1 Youth Program, Youth Eligibility extends to the end of their participation period.

<sup>2</sup> **Additional Assistance Limitation** – If a participant **only** meets additional assistance, obtain availability approval from WIOA Youth Labor Program Specialist prior to participation. Not more than 5 percent of the In-School or Out-of-School Youth in South Dakota may be assisted under the additional assistance barrier



- ☐ No employment in the last 6 months.
- ☐ Has a record of not being able to hold employment due to being fired or quitting two or more jobs in the last six months.
- ☐ Has a history of substance abuse.
- ☐ Having one or more parents currently incarcerated.
- ☐ Is a veteran.

## Exceptions

Youth who require low income be established to qualify and are currently living in one of the designated high-poverty areas must be enrolled exclusively in the youth program only if there is no other way to verify low income. Verification of address is required to verify high-poverty area.

*WIOA Law §3 & 129  
20 CFR §677.150, §681.230, §681.240, §681.300  
South Dakota Codified Law  
Administrative Rules of South Dakota  
Participant Individual Record Layout  
TEGL 21-16*

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## SCSEP

The Senior Community Service Employment Program (SCSEP) is authorized by the Older Americans Act and nationally administered by the US Department of Labor. There are two types of grants under SCSEP – National, and State. The national grantee for South Dakota is the National Indian Council on Aging (NICOA). The State grantee, DLR, must coordinate with the national grantee within the state served. A Memorandum of Understanding MOU has been established between DLR and NICOA.

SCSEP is a required partner under WIOA. Not all DLR Customers will be eligible for SCSEP services but can receive career services through WIOA Title III and Title I. If not an active Title III or Title I participant, SCSEP participants are required to be enrolled in Title III and Title I after they have been approved eligible for SCSEP. DLR staff will work with the participant to establish employment goals, overcome barriers, develop an Employment Plan, refer participants to programs or training, develop and placement in training at a Community Service Assignment to meet the participant's needs. Refer to SCSEP Services [Policy 5.80](#) for program services and requirements.

### Program Goals

SCSEP aims to help individuals secure unsubsidized employment through part-time, skill-building work experiences. It is a temporary, subsidized training program, not permanent employment. Eligible participants are 55 or older, unemployed, low-income, and have limited job prospects. The program fosters economic self-sufficiency and prepares individuals for better-paying, long-term jobs.

### SCSEP Openings

SCSEP positions are allocated by U.S. DOL on a county basis to assure equitable distribution of services. DLR is required to recruit and enroll SCSEP-eligible individuals to achieve each approved counties' maximum limit of positions. Over enrollment on counties must be approved by the SCSEP Labor Program Specialist. When an applicant resides in a non-service county is interested in SCSEP, refer the applicant to NICOA.

### Eligibility Criteria

Age, income, place of residence and employment status are used to determine eligibility for SCSEP. All SCSEP participants are required to meet eligibility criteria in four areas:

- **Age** – An individual must be 55 years of age or older on the date eligibility is determined. There is no maximum age limit for participation in SCSEP.
- **Income** – Not more than 125% of the family income levels prepare by the U.S. Department of Health and Human Services (HHS). See Family Size and Income Guidelines [Policy 4.7](#) for more information.
- **Place of Residence** – Place of residence means an individual's permanent dwelling place. To be eligible for enrollment, an individual must reside in the state and county in which DLR is authorized to operate the SCSEP program. There is no requirement for the length of residence prior to enrollment There is no requirement the host agency assignment must be in the participant's county of residence
- **Employment Status** – Individuals must be unemployed at the time of eligibility determination and recertification.

The criteria for age, income, and employment status must be met by all participants and those being recertified for continued participation. SCSEP Team Manager or Labor Program Specialist must determine and approve eligibility before any SCSEP activity commences. Applicants not interested in finding unsubsidized employment may not be enrolled. SCSEP eligible individuals can participate in the program for a lifetime limit of 48 months. For example, a participant can serve 24 months, leave the program, and reapply and have 24 months of SCSEP eligibility left.

## Priority of Service

When multiple eligible candidates are available for an open assignment, certain priorities must be used in selecting an individual for participation in SCSEP. In selecting eligible individuals for participation in the SCSEP, priority must be given to individuals who have one or more of the following characteristics in the following order:

Priority of Service
1. 65 years of age or older, individuals with a disability, individuals who have limited English proficiency, individuals who have low literacy skills, those who reside in rural areas, have low employment prospects, those who have failed to find employment after using other program services through the One Stop System, homeless or at risk of homelessness AND Veteran or Eligible Spouse including Widows and Widowers eligible for services by a DVOP with the JVSG.
2. Age 55 and older, unemployed, AND low income based on 125% of the Department of Health and Human Services family income guidelines AND Veteran or Eligible Spouse including Widows and Widowers eligible for services by a DVOP with the JVSG.
3. 65 years of age or older, individuals with a disability, individuals who have limited English proficiency, individuals who have low literacy skills, those who reside in rural areas, have low employment prospects, those who have failed to find employment after using other program services through the One Stop System, homeless or at risk of homelessness AND a Veteran or Eligible Spouse, not eligible under JVSG.
4. Age 55 and older, unemployed, AND low income based on 125% of the Department of Health and Human Services family income guidelines AND a Veteran or Eligible Spouse, not eligible under JVSG.
5. Age 55 and older, unemployed, AND low income based on 125% of the Department of Health and Human Services family income guideline

### ***Ineligible Application***

If an individual applies for SCSEP but is determined ineligible for the program by the Labor Program Specialist, the Employment Specialist must notify the applicant of ineligibility. The Employment Specialist will review Title I and Title III Services with the individual to determine if additional DLR services are desired.

### ***Incomplete Application***

The Employment Specialist will detail with the applicant all documents required to determine eligibility. The Employment Specialist will assist the applicant as needed to obtain required documents. Applications are considered incomplete until all required verification documents have been receipted. Incomplete applications will be denied 90 days after the SCSEP Application [Form 80](#) was signed.

### ***Eligible But No Current Openings***

If an individual is determined to be eligible for SCSEP but there are no current openings, the Labor Program Specialist will place the applicant on the waiting list. An Employment Plan is required after 60 days of enrollment into Title III and Title I. The Employment Specialist should review DLR services and provide any additional training during the waiting period of finding a Community Service Assignment. Once an opening becomes available, the Employment Specialist will refer to the DLR waiting list. If the Employment Specialist is unable to locate the participant within 90 days of last contact the individual will be removed from the waiting list and will have to reapply if contact is made in the future.

### ***Participation***

An individual is not considered a SCSEP participant until a Community Service Assignment has been established. If eligibility is established an individual is placed with a host agency or maintained on a wait list. In times a host agency is not available, DLR will seek a host agency. Individuals not yet placed with a host agency will receive services through Title III and Title I until a host site can be secured.

### **Recertification**

Annual recertification is required for all SCSEP participants. The purpose of recertification is to verify the participants family size, family income, residential address, and the participant's employment status, recertifying the participant's continued eligibility. SCSEP Participants will receive notification of recertification requirements and deadlines by mail. Failure to cooperate with the recertification process, including intentional delays or refusal to provide required documentation within the specified timeframe, may result in dismissal from the program.

If it is determined during the recertification that the SCSEP Participant is no longer eligible, a 30-day written notification will be provided to the SCSEP Participant, identifying last date of SCSEP participation. SCSEP Employment Specialists will provide assistance in connecting participants with alternative employment and training resources.

If the SCSEP Participants feels eligibility determination is incorrect, they will have a chance to appeal this process. Please see 'Complaints and Grievances' section in SCSEP Services [Policy 5.80](#) for additional details.

### **Reason for Exit**

#### ***Eligibility***

If program participation ends due to an eligibility reason, a referral **must** be made to other potential sources of assistance.

- **Age** – An individual must be 55 years of age or older on the date eligibility is determined. There is no maximum age limit for participation in SCSEP.
- **Income** – Not more than 125% of the family income levels prepare by the U.S. Department of Health and Human Services (HHS) See Family Size and Income Guidelines Policy 4.7 for more information.
- **Place of Residence** – Place of residence means an individual's permanent dwelling place. To be eligible for enrollment, an individual must reside in the state and county in which DLR is authorized to operate the SCSEP program. There is no requirement for the length of residence prior to enrollment There is no requirement the host agency assignment must be in the participant's county of residence
- **Employment Status** – Individuals must be unemployed at the time of eligibility determination and recertification. See [Right of Return](#).
- **Individual Durational Limit** – Individual has exceeded the 48-month program limit
- **Incorrectly determined eligible**

#### ***Right of Return***

SCSEP Participants who exit for unsubsidized employment, can qualify for SCSEP Right of Return within 90 days of Exit. A Right of Return is limited to participants who, through no fault of their own, leave their unsubsidized employment within the first thirty days. Those who qualify and exercise their Right of Return are not subject to enrollment priorities and preferences or the waitlist process, and their Exit is reversed. If there are not sufficient funds for immediate return, the next available assignment will be given. The reverse Exit is excluded from the performance measures.

### ***Voluntary Exit***

A participant decides on their own to end participation in SCSEP.

## ***Involuntary Termination***

- **False or fraudulent information**
  - Knowingly given by individual
- **Refusal to accept reasonable job offers or referrals to unsubsidized employment consistent with the Employment Plan**
- **For-Cause with opportunity to correct behavior**
  - Insubordination or unwillingness to comply with assigned duties or policies at the worksite
  - Unwillingness to accept a community service assignment
  - Refusal to cooperate with recertification
  - Tardiness, unexcused absences, or community service assignment abandonment
  - Exceeding approved leave without pay without due notice or good cause
  - Refusal to cooperate with the Work Based Learning Training Plan Agreement and/or the Employment Plan
- **For-Cause with Leave Without Pay**
  - Workplace harassment or discrimination
  - Obscene, abusive, harassing, or threatening language or behavior
  - Physical violence or intentional destruction of property
  - Causing an imminent threat to health or safety of self or others
- **For-Cause with Labor Program Specialist Determination**
  - Intentional disclosure of confidential or private information obtained from the host agency, grantee, or local project
  - Theft or illegal taking or withholding of the property of another without permission
  - Non-compliance with the Drug-Free Workplace Act

## **Notice of Termination**

### ***For-Cause with opportunity to correct behavior***

A written notice of termination must be provided to the participant 30 days prior to termination. This notice must include an explanation of the reason for termination, the expectation of a participant to correct their behavior or conduct, and grievance process. If a participant makes a positive effort to correct behavior, corrective action will be discontinued. The participant will be notified in writing that the correction action will be discontinued.

### ***For-Cause with Leave Without Pay***

A written notice of termination must be provided to the participant 30 days prior to termination. This notice must include an explanation of the reason for termination, that they will be on leave without pay, and appeal process.

### ***For-Cause with Labor Program Specialist Determination***

A written notice of termination must be provided to the participant 30 days prior to termination. This notice must include an explanation of the reason for termination, the expectation of a participant to correct their behavior or leave without pay and appeal process.

## **Waiver-Durational Limits**

SCSEP participants who qualify for at least one of the two statutory waiver factors could receive a 12-month individual durational limit (IDL) extension on the 48-month limit. The two statutory waiver factors are *75 years of age or older* and *severely disabled*, which requires the submission of supporting documentation from a medical professional. Participants will only be allowed to apply for the IDL waiver once and cannot continuously apply after the waiver ends. At the end of a waiver, the participant is subject to Exit through a durational limit exit.

**20 CFR §641.110**  
**2 §6410.120**  
**§641.140**  
**§641.505-507, 515**  
**§641.570, 575, 580, 585**

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