

Part 7: Hours of Community Service, Wages, Physical Examination and Other Fringe Benefits

700 Hours of Community Service and Participant Wages

- A. Normal Hours of Community Service for Participants
- B. Limitations on Hours of Community Service Assignment
- C. Reduced Hours of Community Service for Participants
- D. Waiver Required for Less Than 20 Hours Per Week
- E. Approved Break in Participation
- F. Leave Without Pay/Leave of Absence
- G. Participant Wages
- H. Wages Paid During Orientation, Training and Participant Meetings
- I. Timesheet Required
- J. Use of Electronic Timesheets
- K. Reporting of Hours in Community Service Required
- L. Handling a Participant's Final Paycheck When They Die While Enrolled in SCSEP

701 Physical Examinations for Participants

- A. Physical Examination Is a Fringe Benefit
- B. Physical to Be Offered After Enrollment
- C. Waiving the Physical Examination
- D. Results of Examination Are the Participant's Property
- E. Limitations on Transfers or Reassignment from Another Grantee Without Additional Physical Examination
- F. Physical Examinations Can Be Required for Certain Community Service Assignments
- G. Other Testing Can Be Required for Certain Community Service Assignments
- H. Seeking Free or Reduced-Cost Physical Examinations Encouraged

702 Fringe Benefits for Participants

- A. Required Fringe Benefits
- B. Jury Duty
- C. Payments to Retirement Funds Prohibited

700 Hours of Community Service and Participant Wages

A. Normal Hours of Community Service for Participants

Project sponsors normally will provide an average of 20 hours of community service per week for each participant. Community service schedules are flexible and may be adjusted within the limits set forth in this section to suit the participant's and host agency's convenience. Project sponsors must approve each participant's schedule. The 20 hours of community service does not include any additional training the participant may receive.

B. Limitations on Hours of Community Service Assignment

Participants cannot be required to be in community service more than 20 hours per week. Under special circumstances, and with prior written approval from the SSAI, a participant may be permitted to be in community service at a host agency more than 20 hours per week. This limitation is subject to budgetary and programmatic considerations, and with prior approval of SSAI, may be adjusted.

Participants assigned as "participant staff" to SCSEP project services may be approved for a maximum of 29 hours per week. To request authorization, project sponsors must contact SSAI at 301-578-8989, via email at scsephelp@ssa-i.org, or by opening a case in SSAI Connect. For more information refer to Policy 103-G Assignments in SCSEP Project Services. This policy does not apply to sponsors in the position of having to offer reduced hours (less than 20 hours per week) to all of their participants.

Participants, with prior written approval from SSAI, may train in community service for 20 hours per week and participate in other general training up to 9 hours per week, with the combined hours per week not exceeding a total of 29 hours per week.

All training, including community service, must be documented in the participant's Individual Employment Plan IEP (see section 301-C Individual Employment Plan (IEP)) and the hours reported quarterly in SPARQ. SSAI approval regarding such combinations of community service and other training is subject to budgetary and programmatic considerations.

C. Reduced Hours of Community Service for Participants

Due to budget constraints and challenges with securing unsubsidized employment, project sponsors may have to consider offering less than 20 hours of community service training per week to all of their participants. Project sponsors must create and regularly update their Project Performance Plans (PPP) as required (see 1005-C for more information) to monitor their individual program situation. Project sponsors cannot automatically reduce participant hours. Sponsors must consult with SSAI and receive prior approval before reducing participant hours worked. If SSAI does approve reduced hours for a sponsor, the least number of hours the sponsor must provide to participants is 12 hours per week per quarter.

For sponsors having to offer reduced hours (less than 20 hours per week) to all of their participants, participant staff hours must be reduced in proportion (i.e., they may work a maximum of 50% more per week, than other participants).

- If your participants are now working 18 hours per week, participant staff can work up to 27 hours per week.
- If your participants are now working 16 hours per week, participant staff can work up to 24 hours per week.

Project staff must secure authorization from SSAI for each participant in a participant staff community service assignment for the additional hours the participant staff will work above the hours worked by the other participants on their program. For more information refer to Policy 103-G Assignments in SCSEP Project Services. To request authorization, project sponsors must contact the SSAI at 301-578-8989, via email at scsephelp@ssa-i.org or by opening a case in SSAI Connect.

D. Waiver Required for Less Than 20 Hours Per Week

A participant who wishes to provide less than 20 hours of community service per week on a regular basis must sign a statement acknowledging that 20 hours per week have been offered and declined. This form is not needed for participants where the sponsor provides an average of 19 hours per week of community service to be in compliance with local labor law nor is this form required when all participants are in a SSAI approved reduced hours situation. This information must be recorded on the *Statement of Desired Hours of Work as Participant Form*, which is available in this manual's Appendix II and on the partners' page of SSAI's website at <http://seniorserviceamerica.org>.

E. Approved Break in Participation

Whenever a participant will not be earning wages from a community service assignment for more than three consecutive days, project staff must record the approved break information on the *SCSEP Community Service Assignment Form* and enter the data into SPARQ. Approved Break in Participation is a data collection element, which is used to record the time a participant is not receiving wages from community service or training. Participants must be placed on an approved break in service any time they will not be earning wages from community service or training for more than three consecutive days, regardless of the reason or circumstances for the break. Putting a participant on an approved break in participation stops the four-year / 48-month SCSEP participation clock (see section 203-D Durational Limit on Individual's Program Participation).

All Approved Breaks in Participation must be documented in the participant files and recorded in SPARQ.

The following are circumstances that can result in an approved break in participation:

- When a sponsor intends to transfer the participant to another host agency and has not yet identified the new host agency within three days or the participant will not be able to start the new assignment within three days (use the *SCSEP Community Service Assignment Form*), #15, 15h, 15c.
- Participant has been given 30-calendar day notice of termination for any reason.
- Participant has an active workers' compensation claim.

- Participant has a medical or family health issue (see section 700-F Leave Without Pay/Leave of Absence).
- Participant has a personal issue (see section 700-F Leave Without Pay/Leave of Absence).

SSAI requires sponsors to develop policies for leave without pay or leave of absence which must include a maximum duration of leave for medical or family health, or personal reasons. (See section 700-F Leave Without Pay/Leave of Absence). Participants on Approved Break must be recertified except those who have an active workers' compensation claim. They are to be recertified when they return with a doctor's release. (See sections 203-I and 601 A-C.)

F. Leave Without Pay/Leave of Absence

SSAI requires that projects develop policies for approved leave without pay or leaves of absence. SSAI recommends that sponsors develop a policy with a maximum duration of no more than 30 days. If a participant is going to be on a leave of absence which exceeds the maximum duration of the sponsor's policy, SSAI recommends that the sponsor exits the participant. If a participant wants to return to SCSEP following a leave of absence which exceeds the maximum duration of the sponsor's policy, the participant's re-enrollment will be subject to the SCSEP enrollment priorities (see section 201 Enrollment Priorities) and whether the project has any enrollment vacancies based on its project performance plan.

Furthermore, SSAI recommends that projects only approve extended breaks in participation or leaves of absences up to 30 days for significant reasons such as health. For example, if a participant is going on vacation or out of town to visit family for more than 30 days, projects should exit the participant. If such a participant returns to the area and wishes to re-enroll, he or she will be subject to the SCSEP enrollment priorities and whether the project has any enrollment vacancies based on its project performance plan. Permitting participants to exit from SCSEP sends the message to participants that SCSEP is a temporary training program, not a job. Any time a participant will be on leave without pay for more than three consecutive days, project staff must record the leave in the participant's file and in SPARQ.

The sponsor's leave without pay policy shall only apply to participant leave for medical or family health, or personal reasons. The sponsors leave without pay policy does not apply to participants who have been placed on approved break between community service assignments, for administrative reasons, such as pending termination, or due to a workers compensation claim.

G. Participant Wages

Upon assignment to a particular host agency, a participant must receive wages at a rate no less than the highest of the following:

- The federal minimum wage; or
- The state or local minimum wage; or
- The prevailing wage for similar occupations of the same employer. (The prevailing wage should be considered when a participant helps in SCSEP operations – for example, administration or job development.)

Sponsors have to get prior approval from SSAI for any wage differentials from minimum wage for participants working on SCSEP operations.

H. Wages Paid During Orientation, Training and Participant Meetings

While engaged in orientation or required training, participants should be paid according to the standards in section 700-G Participant Wages. Participants must be paid at their regular rate of pay for time spent attending required participant meetings; re-assessment and IEP update meetings, and recertification meetings.

Individuals who are not yet SCSEP participants do not have to be paid SCSEP wages for attending a general overview of the SCSEP program or participate in a general assessment to determine his or her eligibility. However, once a participant is enrolled, which means the individual has been found eligible and has been given a community service assignment, he or she must be paid wages for time spent in orientation, training, assessment, or in receiving any other service. This requirement applies even if the participant has yet to start his or her assigned community service assignment at the host agency.

Participants may pursue self-development training outside of their participation in SCSEP. They do not have to be paid wages when they participate in training that they have selected and that is not identified in their Individual Employment Plan.

I. Timesheet Required

Each participant must file a timesheet for each pay period indicating the dates and community service hours and the type of other compensated hours. The timesheet must be signed by the participant, the host agency supervisor and the project director or an appropriate representative of the project sponsor.

Each project sponsor should consult with their respective agency auditors regarding acceptable methods of timesheet submission to include in the agency's policy and procedures. Project sponsors may permit submission of participant timesheets via fax or PDF as long as the original of the completed timesheet is retained somewhere for inspection by authorized individuals. It may be possible for original timesheets to be retained / filed at the locations where the participants perform their community service (i.e., host agencies).

J. Use of Electronic Timesheets

The electronic time and attendance application must be able to collect the required data, such as hours worked, holiday hours, etc. The application should contain signing and approval features. Functioning just like paper time sheet, it must be signed by the participant and approved by the host agency supervisor, and the project director or an appropriate designee must validate hours entered in order for the hours to be processed for pay. All other required SCSEP procedures and practices for timesheets must be followed, and the agency must satisfy the record retention requirements for any electronic participant payroll records.

K. Reporting of Hours in Community Service Required

The U.S. Department of Labor and SSAI data collection systems require project sponsors to report the number of hours of community service for each participant on a quarterly basis to fulfill the community service hours performance measure.

SSAI requires project sponsors to report this data in SPARQ as directed by SSAI following the quarter close. Each project sponsor must report this information for all participants who received services in the reporting quarter, regardless of when they enrolled or terminated in that month.

Use all timesheets and paychecks issued in the quarter to report this information. If a pay period started in the previous month and extends into the current one, use the last day of the prior pay period as the cutoff for the previous month.

Project sponsors are to report hours in three categories and sponsors are encouraged to develop timesheets with columns to capture participants' time accurately (a sample timesheet is available in this manual's Appendix II and on the partners' page of SSAI's website at <http://seniorserviceamerica.org>).

- Total hours paid, including wages and training;
- Total hours of paid general training only (include wages for time spent in orientation, routine participant meetings and other specific training such as job fairs — project directors should report only training that has been designed and provided by the project sponsor, either directly or through a training provider); and
- Total hours of community service (include wages for time spent in direct community services, time reimbursed for jury duty, annual leave and routine in-service provided by the host agency and/or paid holiday).

L. Handling a Participant's Final Paycheck When They Die While Enrolled in SCSEP

If an individual dies while an active participant in SCSEP and is due a paycheck, first the Sponsor should follow its own agency policies regarding handling payment due, if any are in place.

If the sponsor does not have any policies in place, the sponsor should continue to direct deposit the individual's paycheck if the participant was signed up for direct deposit. If there is no direct deposit arrangement, then the paycheck may be turned over to the individual's spouse upon proper identification shown and the signing of acknowledgement of receipt. The sponsor should keep a copy of this document in the participant's file.

If in doubt or there is no spouse, the paycheck should be delivered to the executor/executrix of the estate or given to the clerk of the county probate office.

701 Physical Examinations for Participants

A. Physical Examination Is a Fringe Benefit

A low-cost or free physical examination is a fringe benefit and a service to the participant and cannot be used to determine eligibility.

This restriction on the examination's use for eligibility does not prohibit a project sponsor that requires all employees to undergo physical examinations from requiring physical examinations for participants.

B. Physical to Be Offered After Enrollment

Project sponsors should offer each participant a low-cost or free physical examination within 60 days of the assignment date. Additional physical examinations must be offered annually. When offering the physical examination, project directors should remember to explain that the project sponsor will pay part or all of the cost of the examination up to the physical exam fee cap found in the Sponsor Budget Instructions and that it will not affect the participant's eligibility or community service placement.

The project director must document that a physical examination was offered and whether the participant accepted the offer using the *Record of Offer of Physical Examination to Participant Form*. The documentation should be kept in the participant's file, recorded on the *SCSEP Participant Form*, and the data entered into SPARQ.

C. Waiving the Physical Examination

Participants have the right to refuse physical examinations and may decline the physical examination even after the project director explains why it is offered. If a participant chooses not to accept a physical exam, the refusal must be documented with a signed statement within 60 work days after the participant begins his or her community service assignment. Additional waivers must be obtained and filed each time the participant declines the physical examination. The *Record of Offer of a Physical Examination Form* is used to document the participant's decision to waive the exam and should be kept in the participant's file, recorded on the *SCSEP Participant Form*, and the data entered into SPARQ. This form is available in this manual's Appendix II and on the partners' page of SSAI's website at <http://seniorserviceamerica.org>.

D. Results of Examination Are the Participant's Property

If the participant takes the physical examination, the project director should ensure the report is provided to the participant only. Although the participant can choose to share the results of the physical examination with the project director, he or she is under no obligation to do so. Except when required by a specific community service assignment, the results of the physical examination must not be included in the participant's record. For accounting purposes, a bill from the medical authority that performed the physical is sufficient documentation that an examination was performed.

E. Limitations on Transfers or Reassignment from Another Grantee Without Additional Physical Examination

A former participant may be transferred or reassigned from another grantee without an additional physical examination, provided that no more than 12 months have elapsed since the last documented offer of a physical examination. If more than 12 months have passed since the last documented offer of a physical examination, the project sponsor has to offer the participant a physical.

F. Physical Examinations Can Be Required for Certain Community Service Assignments

If required by applicable health laws, certain community service assignments may require participants to take physical examinations. In such situations, the results of these mandated tests must be shared with the project sponsor and host agency and must be included in the participant's file. Under these circumstances, if the participant objects to taking the physical examination or to sharing the results, the project sponsor must explain to that individual that declining to take the physical examination, or certain mandated tests, may limit or exclude him or her from the assignment.

G. Other Testing Can Be Required for Certain Community Service Assignments

Certain community service assignments may require participants to take a tuberculosis test or drug test. In such situations, the results of these mandated tests must be shared with the project sponsor and host agency and must be included in the participant's file. For a participant whose drug test is positive, the Sponsor's Drug Free Workplace Policy determines the next steps with the participant, up to and including termination (for more information, see section 603 Termination).

H. Seeking Free or Reduced-Cost Physical Examinations Encouraged

SSAI sets forth the maximum amount of project funds per participant that may be expended for physical examinations in the SSAI SCSEP-Sponsor Budget Instructions, which are available on the partners' page of SSAI's website at <http://seniorserviceamerica.org>. Project sponsors must seek physical examinations at little or no cost to the project or to the participants.

The cost of physical examinations is an allowable cost only when the project sponsor cannot obtain free examinations. If more extensive physical examinations are required for certain assignments, the host agency is expected to assume the additional cost. Any costs charged to the SSAI project sponsor's budget in excess of the amount allowed must be related directly to the community service assignment, or required as a condition of that assignment, and fully documented and approved by SSAI.

702 Fringe Benefits for Participants

A. Required Fringe Benefits

The fringe benefits that are required by law must be provided uniformly to all participants with community service assignments. The required fringe benefits include:

- **Workers' Compensation.** Project sponsors must provide workers' compensation coverage to participants, either through insurance by a recognized carrier or by self-insurance as allowed by state law.
- **Social Security (FICA).** Project sponsors must provide Social Security contributions for participants as required by law.
- **Unemployment Insurance (UI).** Project sponsors should provide unemployment compensation only when required by state law. New York State is the only state in SSAI's network where SCSEP participants are eligible for unemployment insurance benefits. In New York State, non-governmental host agencies are exempted from the UI requirement.
- **Disability Insurance.** Project sponsors should provide disability insurance and other fringe benefits only when required by state law.
- **Physical Examination.** Project sponsors must offer each participant a free or low-cost physical examination every year (see section 701 Physical Examinations for Participants).
- **Federal holidays.** Project sponsors must either pay for or reschedule hours not worked when a host agency is closed for a federal holiday. The approved Federal Holidays are New Year's Day, Birthday of Dr. Martin Luther King, Jr., Washington's Birthday, Memorial Day, Independence Day, Labor Day, Columbus Day, Veterans Day, Thanksgiving Day, Christmas Day.
- **Sick leave.** Project sponsors must reschedule hours not worked due to sick leave. For any sick leave greater than three consecutive days the participant must be on approved break and project sponsors must document this in the participant's file and enter the data in SPARQ.

Host Agency Closures

Participants can only be paid for hours worked with the exception of federal holidays (see above). When a host agency is closed for a federal holiday or some other reason – for example, due to inclement weather, or Election Day – a participant may be given the choice to make up the missed work time or not be paid. If the participant chooses to make up the missed work time – and the host agency can accommodate the participant making up the hours – the participant must preferably make up the time in the current pay period, but no later than the close of the subsequent pay period.

B. Jury Duty

A participant may receive payment for and be granted time off for jury duty consistent with the project sponsor's policy, if required by state law.

C. Payments to Retirement Funds Prohibited

Payment of federal funds into a retirement or pension fund in lieu of payment into Social Security Federal Insurance Contributions Tax (FICA) is prohibited.