



Advocacy. Action. Answers on Aging.

National Association of Area Agencies on Aging

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October 14, 2008

Mr. Thomas M. Dowd, Administrator
Office of Policy Development and Research
U.S. Department of Labor
200 Constitution Avenue, N.W., Room N-5641
Washington, DC 20210
Attention RIN 1205-AB48

Dear Mr. Dowd:

The following comments by the National Association of Area Agencies on Aging (n4a) are in response to the Notice of Proposed Rulemaking (NPRM) on the Senior Community Service Employment Program (SCSEP) posted in the *Federal Register* by the Employment and Training Administration of the Department of Labor on August 14, 2008, and identified by RIN 1205-AB48. n4a is the leading voice on aging issues for the nation's 650 Area Agencies on Aging across the country and a champion in Washington for 240+ Title VI Native American aging programs. Through its presence in Washington, D.C., n4a advocates on behalf of the local aging agencies to ensure that needed resources and support services are available to older Americans and their caregivers.

Role of Community Services

n4a and its members strongly believe in and support the intent of the community service focus of the SCSEP. As such, we disagree with the Employment and Training Administration of the Department of Labor (the Department) that the 2006 amendments of the Older Americans Act (OAA) amplified the importance of placing older adults into unsubsidized employment. Given the limitations and challenges of the client base for SCSEP, a strong push for unsubsidized placement could lead to detrimental effects to the community service aspects of the program. We believe that providing community service was established as the primary purpose of the SCSEP by the new language under the section 516 "Sense of Congress" provision stating:

"It is the sense of Congress that—(1) the older American community service employment program described in this title was established with the intent of placing older individuals in community service positions and providing job training; and (2) placing older individuals in community service positions strengthens the ability of the individuals to become self sufficient, provides much-needed support to organizations that benefit from increased civic engagement, and strengthens the communities that are served by such organizations."

One of the SCSEP's greatest strengths through the years has been the successful blending of two important policy goals for older Americans. It has bolstered older Americans' ability to return to work, and remain productive members of the workforce, and develop marketable skills while allowing them to enhance their dignity and contribute back to society. The second part of section 516 addresses Congress's intent for SCSEP participants to be placed in subsidized community service jobs, which provide "much-needed support to organizations that benefit from increased civic engagement." SCSEP participants

contribute nearly ten million hours of community service each year. For example, SCSEP placements at a myriad of public and non-profit community-based organizations such as hospitals, libraries, community colleges, senior nutrition programs, senior centers, adult day care centers, and other aging services programs “strengthen[s] the communities that are served by such organizations.” Through this blend of policy goals, Congress envisioned community service employment as an explicit, legitimate purpose of the SCSEP, not just a vehicle for job training and preparing participants for unsubsidized employment.

In addition, the Congress included the following definition of “community service employment” in section 518(a)(2) of the 2006 OAA: “part-time, temporary employment paid with grant funds in projects described in section 502(b)(1)(D), through which eligible individuals are engaged in community service and receive work experience and job skills that can lead to unsubsidized employment.” n4a recommends that the Department add this definition to proposed regulation 641.140, which would build on the existing definition of “community service” as it stands under 518(a)(1).

Participation Time

n4a has general reservations about proposed regulation 641.570, which we believe goes beyond the Congressional intent of the 2006 OAA amendments unnecessarily or inappropriately limiting SCSEP participation time in unsubsidized positions. While the proposed regulations appear to be consistent with the legislative changes made during reauthorization which impose a 48 month participation limit with the possibility of 12-month extension for certain individuals, we believe they would be counterproductive to assisting the most vulnerable SCSEP participants, address their barriers to employment, or respond to the specific conditions of their local job market.

The proposed regulations appear consistent with a required average participation cap for all participants of 27 months in the aggregate, with the possibility of extending the average participation cap to 36 months if the grantee can demonstrate extenuating circumstances relating to the factors outlined in section 513(a)(2)(D) of the 2006 amendments. However, we do not see any legislative basis for proposed regulation 641.577 that would impose a strict limitation on community service employment assignment hours to a total of 1,300 per program year. There is reason to believe that these new restrictions would lead to many older adults no longer benefiting from the SCSEP, and they could adversely affect many vulnerable and in-need older workers including individuals from minority groups and residents in rural communities.

Coordination with the WIA System

Although, n4a supports the overall goal of improving coordination between SCSEP and Workforce Investment Act (WIA) programs, particularly the one-stop career centers. We do not think the proposed regulations address the main reasons why WIA does not effectively serve a large numbers of older adults in need of employment training. According to GAO analysis (GAO-03-350), the current WIA performance measures serve as a disincentive for the one-stops to service a significant number of older adults due to their employment characteristics that may negatively affect WIA program performance levels. Specifically, unique characteristics such as “a tendency to work part-time and a greater likelihood to take larger pay cuts than younger workers...” present potential barriers to older adults receiving intensive services and training through the WIA system. While many WIA one-stops are working to engage older workers and link with local SCSEP host agencies, there is more recent GAO analysis (GAO-08-548) to support the conclusion that the WIA average earnings measure may continue to discourage some one-stops from serving older workers.

We have been concerned about repeated efforts by the Administration to move toward consolidating SCSEP into the WIA system, and believe SCSEP’s primary focus on older persons with multiple

employment barriers, particularly low-income older people, helps to better serve this vulnerable population group. The SCSEP offers a longer period of needed skills development and specialized assistance and referral targeted to older adults than the local WIA one-stop employment centers can provide. For example, SCSEP provides older adults ages 55 to 65 with an increased opportunity to gain employment with training and much-needed job searching skills that allow them to re-enter the workforce to receive benefits and sufficient income until they become eligible for Social Security.

Alignment of SCSEP Plans with State and Area Planning Processes

Finally, the proposed regulations could do more to strengthen the coordination that is required between SCSEP and other federal programs under the OAA. We support the development of additional regulations to implement section 503(b) of 2006 amendments to better coordinate SCSEP with other programs carried out under the OAA administered by State Units on Aging, Area Agencies on Aging, and Title VI Native American aging programs. SCSEP participants are likely to need other OAA wrap-around services in order to receive training and obtain skills development under SCSEP and ultimately find permanent employment opportunities in their community. They can also serve as a valuable resource to local aging programs in roles such as outreach specialists, nutrition aides and as travel or mobility trainers. The SCSEP State Plan and Four-Year Strategy processes should be as well aligned and coordinated with the state and area planning efforts outlined under sections 306 and 307 of the OAA. This alignment and coordination will help ensure that they more effectively identify both statewide and local older workforce priorities through needs assessments and areas to more fully tap into the positive contributions of older volunteers and workers.

Sincerely,

A handwritten signature in cursive script that reads "Sandy Markwood".

Sandy Markwood
Chief Executive Officer
National Association of Area Agencies on Aging (n4a)