

Workforce Services Policy – SCSEP Host Agency Closures due to Natural Disasters, Pandemics

Executive Summary

1. What is the general purpose of this policy?

- Define Emergency Paid Sick Leave (EPSL), to include requirements
- Criteria set by public officials (governors, mayors, etc.) that would qualify for EPSL
- Describe how EPSL is documented and verified by subgrantee staff

Furthermore, this policy outlines how SCSEP participants can choose to either:

- Receive EPSL while accruing program participation hours; or
- Opt for approved break rather than EPSL to avoid accruing program participation hours.

2. What are the notable guidelines conveyed within this policy?

- Criteria set by public officials (governors, mayors, etc.) that would qualify for EPSL
- Extension of EPSL by the SCSEP Program Manager
- How EPSL affects accrued participant hours for the SCSEP program

3. Have there been any changes since the last policy? If so, describe the modification(s). No, this is a new policy.

4. What must the Local Workforce Development Board do to meet the requirements of this policy?

To meet the requirements of this policy, the Local Workforce Development Board must continue to monitor the One-Stop Operator's oversight of contracted service providers. Oversight must ensure that subrecipient staff are recording EPSL hours and, to include monitoring how EPSL hours will impact a participant's time toward the program durational limit.

5. How does this policy affect the workforce system?

This policy defines how paid EPSL can be leveraged to ensure that participants receive compensation in the event that their host agency is closed as a result of a pandemic or natural disaster. Furthermore, this policy clarifies that participants are eligible to retain accumulated paid sick leave by choosing to take an approved break from the program. Such approved break will not count toward cumulative participation in the SCSEP program.



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Workforce Services Policy – SCSEP Host Agency Closures due to Natural Disasters, Pandemics

Effective Date: August 28, 2020

Duration: June 30, 2022

Purpose:

This policy communicates procedures Senior Community Service Employment Program (SCSEP) subrecipient staff must follow to document participant hours accrued for sick leave.

Scope:

Office of the Governor, Tennessee Department of Labor and Workforce Development (TDLWD); Division of Workforce Services (WFS); Tennessee Department of Economic and Community Development (ECD); Tennessee Department of Education (TDOE); Tennessee Department of Human Services (DHS); State Workforce Development Board (SWDB); Title I – Adult, Dislocated Worker, and Youth Programs, Title II – Adult Education and Family Literacy Act Program (AE); Title III – Wagner-Peyser Act Program (WP); Title IV – Vocational Rehabilitation Program (VR); Regional Planning Council (RPC); Local Workforce Development Boards (LWDB); Local Workforce Development Areas (LWDA); American Job Center (AJC); One-Stop Operator (OSO); Workforce System Sub-Recipients (Sub-Recipients); Workforce System Partners (Partners)

Background:

At times, natural disasters or pandemics may cause widespread closure of businesses and public spaces. These business closures may adversely affect SCSEP participants' ability to work within their communities. This policy outlines how participant sick leave will be used to provide income to participants who are unable to work due to restrictions imposed by natural disasters or pandemics.

I. Immediate Relief through Paid Sick Leave:

During a crisis of a pandemic or natural disaster, this policy is effective from the start of the crisis till the local government officials declare the end of the crisis. Active State of Tennessee SCSEP participants who meet any of the criteria below are eligible to take up to a total of eighty (80) hours of paid sick leave. Leave will be paid at their current hourly stipend rate for no more than twenty (20) hours a week, which equals the average hours each participant trains under normal circumstances.

These eighty (80) hours are equivalent of two (2) pay periods.

II. Emergency Paid Sick Leave:

- Emergency Paid Sick Leave (EPSL) may serve as a means of limiting risks to SCSEP participants' health and safety while minimizing disruption in the payment of participant wages and benefits.
- The participant's weekly hours during EPSL shall be equal to their weekly hours at the time the EPSL policy was authorized by the Tennessee Department of Labor and Workforce Development (TDLWD).
- Use of EPSL will count towards participants' Individual Durational Limit. Participants receiving wages for SCSEP EPSL will not be placed on an approved break in service.
- Participants may elect to be placed on approved break in service to stop their four-year clock, in lieu of receiving EPSL.
- A participant cannot be on an approved break and receive EPSL payments at the same time.

III. Criteria to Qualify for Paid Sick Leave:

In order to qualify to receive paid sick leave under the SCSEP Program, any one (1) of these criteria must be satisfied:

- A positive test result related to a pandemic virus
- A natural disaster that affects the region in which the SCSEP participant resides
- Documented requirement to quarantine (e.g. doctor's certification or other proof of that requirement for that individual); or
- Host agency closure with no appropriate reassignment available that meets IEP criteria.

In the absence of any of the three criteria above, an individual can also request sick leave when public officials (such as a governor or mayor) in that region declare an emergency by issuing executive orders to carry out any of the following actions:

- Closure of schools and post-secondary institutions;
- Restriction of public gatherings;
- Cancellation of sports, artistic gatherings, plays, or other public social activities;
- Restriction of local travel on buses or other or private transportation (e.g. Uber, Lyft, etc.); or
- Other reasons as approved on a case-by-case basis.

IV. Record Participant Sick Leave Hours:

Subgrantee staff that administer the SCSEP Program must ensure that documentation is received and maintained to reflect accrual of participant hours toward the participant's paid sick leave. Records must demonstrate the number of hours the participant has accrued and provide sufficient information to inform the participant of remaining hours that can be used toward this benefit.

Participant time sheets can be submitted by the following methods:

- Email
- Fax
- Certified mail
- Photos sent via smart phone

All documentation must be sent to the SCSEP coordinator that oversees their participation in the program. Subrecipient staff should respond to participant submissions to confirm that documentation has been received. Subrecipient staff must maintain these records, but participants should maintain records to mitigate problems that may arise due to lost time sheets.

A. Participant Signature to Confirm Accuracy:

The time sheet to document accrued hours must reflect the participant's signature.

B. Confirm Accuracy of Recorded Sick Hours:

Conformation of accuracy regarding accrued hours may be done over the phone. Subrecipient staff should schedule calls to reconcile accrued and scheduled hours on a weekly basis to ensure that compliance with state and local policies. Once the hours have been confirmed, subrecipient staff will sign the form to verify accuracy.

V. Extension of Paid Sick Leave:

Upon discretion of the SCSEP Program Manager of Workforce Services, paid sick leave may be extended under the following circumstances:

- Participants exhaust their eighty (80) hour EPSL benefits in the time that the host agency remains closed due to a federal, state or local order of closure; or
- A facility has re-opened, but has then closed by a federal, state, or local order due to an increase of infections. In this case EPSL will resume from the date of closure.

VI. Exhaustion of Benefits:

A. Suspension of SCSEP Participation:

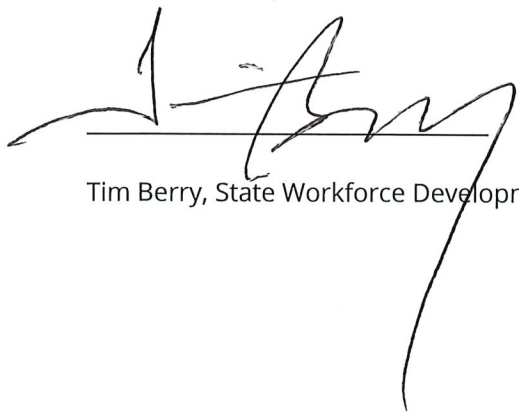
A participant cannot be on an approved break and receive EPSL payments at the same time. A participant may opt for approved break rather than EPSL. In this case, the participants time in the program will halt until circumstances pass and training continues. A participant may choose to resume participation in SCSEP, and collect EPSL, at any time as long as they have not reached their durational limit for participation.

B. Exhaustion of SCSEP Participant Duration:

An individual will no longer be eligible for EPSL or further participation in SCSEP once the duration limit for participation has been reached.

Contact:

For any questions related to this policy, please contact the Program Integrity Unit at Workforce.Board@tn.gov.



Tim Berry, State Workforce Development Board Chair