

COMMENT DUE DATE: February 16, 2021

Date: January 15, 2021

Miranda Kieffer, AS, State Plan 405-209-7054
Nancy Kelly, Policy Specialist, Legal Services – Policy 405-522-6703
Dena Thayer, Programs Administrator, Legal Services - Policy 405-693-6542

It is important that you provide your comments regarding the **draft copy** of policy by the comment due date. Comments are directed to *STO.LegalServices.Policy@okdhs.org. The proposed amendment is **permanent**.

SUBJECT: CHAPTER 105. AGING SERVICES

Subchapter 1. Aging Service Division

340:105-1-4 [AMENDED]

340:105-1-10 [AMENDED]

Subchapter 10. Policies and Procedures Manual for Title III of the Older Americans Act of 1965, as Amended

Part 3. State Agency

340:105-10-11 through 340:105-10-13 [AMENDED]

340:105-10-24 [REVOKED]

Part 5. Area Agencies on Aging

340:105-10-32 [AMENDED]

340:105-10-41 [AMENDED]

Part 7. Program Standards for Services Funded under Title III of the Older Americans Act of 1965, as Amended

340:105-10-50.1 [AMENDED]

340:105-10-68 through 340:105-10-69 [AMENDED]

340:105-10-71 [AMENDED]

Subchapter 11. State Long-Term Care Ombudsman Program

Part 37. State Long-Term Care Ombudsman Program

340:105-11-249 through 340:105-11-250 [AMENDED]

Subchapter 12. Senior Community Service Employment Program (SCSEP)

Part 1. Introduction

340:105-12-1 through 340:105-12-3 [NEW]

Part 2. State Agency

340:105-12-4 through 340:105-12-7 [NEW]

Part 3. Program Standards for Services Funded under Title V – Senior Community Service Employment Program of the Older Americans Act

340:105-12-8 through 340:105-12-26 [NEW]

Part 4. Fiscal and Administrative Policies for Title V Sub-Grantees

340:105-12-27 through 340:105-12-34 [NEW]

Part 5. Sub-Grantee Responsibilities

340:105-12-35 through 340:105-12-38 [NEW]

(WF 21-105)

SUMMARY:

Proposed amendments to Chapter 105 Subchapter 1 Section 4 and Subchapter 10 Section 13 include relocation of misplaced text regarding the State Plan on Aging and minor language cleanup.

Proposed amendments to Chapter 105 Subchapter 1 Section 10 and Subchapter 10 Section 12 removes unnecessary membership language and relocates duties of the State Council on Aging to the former, more appropriate section.

Proposed amendments to revoke Chapter 105 Subchapter 10 Section 24 and move pertinent text from the same to Chapter 105 Subchapter 10 Section 11 and eliminates redundancy.

Proposed amendments to Chapter 105 Subchapter 10 Section 32 include minor language cleanup and clarity to include representation from all counties on the advisory councils.

Proposed amendments to Chapter 105 Subchapter 10 Section 41 include clarification regarding exceptions related to direct service waivers, competitive bidding, and instructions to staff.

Proposed amendments to Chapter 105 Subchapter 10 Section 50.1 include removal of outdated language and instructions to staff.

Proposed amendments to Chapter 105 Subchapter 10 Section 68 include clarification regarding waiver requests.

Proposed amendments to Chapter 105 Subchapter 10 Section 69 include language cleanup to reflect people first.

Proposed amendments to Chapter 105 Subchapter 10 Section 71 include an addition in instructions to staff regarding visible signage.

Proposed amendments to Chapter 105 Subchapter 11 Sections 249 and 250 update the education requirements for ombudsman supervisor positions.

The proposed new rules, Chapter 105 Subchapter 12 Sections 1-38, establish policies regarding the Senior Community Service Employment Program. The Governor designated Oklahoma Human Services Aging Services in July 2014, to administrator SCSEP.

PERMANENT APPROVAL: Permanent rulemaking is requested.

LEGAL AUTHORITY: Director of Human Services; Section 162 of Title 56 of the Oklahoma Statutes; Community Service Senior Opportunities Act (CSSOA), per Section 3056 et seq. of Title 42 of the United States Code; and Public Law 114-144, Part 641 of Title 20 of the Code of Federal Regulations operating under Title V of the Older Americans Act.

Rule Impact Statement

To: Programs Administrator
Legal Services - Policy

From: Jeromy Buchanan, Director
Aging Services

Date: December 18, 2020

Re: CHAPTER 105. AGING SERVICES
Subchapter 1. Aging Service Division
340:105-1-4 [AMENDED]
340:105-1-10 [AMENDED]
Subchapter 10. Policies and Procedures Manual for Title III of the Older Americans Act of 1965, as Amended
Part 3. State Agency
340:105-10-11 through 340:105-10-13 [AMENDED]
340:105-10-24 [REVOKED]
Part 5. Area Agencies on Aging
340:105-10-32 [AMENDED]
340:105-10-41 [AMENDED]
Part 7. Program Standards for Services Funded under Title III of the Older Americans Act of 1965, as Amended
340:105-10-50.1 [AMENDED]
340:105-10-68 through 340:105-10-69 [AMENDED]
340:105-10-71 [AMENDED]
Subchapter 11. State Long-Term Care Ombudsman Program
Part 37. State Long-Term Care Ombudsman Program
340:105-11-249 through 340:105-11-250 [AMENDED]
Subchapter 12. Senior Community Service Employment Program (SCSEP)
Part 1. Introduction
340:105-12-1 through 340:105-12-3 [NEW]
Part 2. State Agency
340:105-12-4 through 340:105-12-7 [NEW]
Part 3. Program Standards for Services Funded under Title V – Senior Community Service Employment Program of the Older Americans Act
340:105-12-8 through 340:105-12-26 [NEW]
Part 4. Fiscal and Administrative Policies for Title V Sub-Grantees
340:105-12-27 through 340:105-12-34 [NEW]
Part 5. Sub-Grantee Responsibilities
340:105-12-35 through 340:105-12-38 [NEW]
(WF 21-105)

Contact: Miranda Kieffer 405-209-7054

A. Brief description of the purpose of the proposed rule:

Purpose.

Proposed amendments to Chapter 105 Subchapter 1 Section 4 and Subchapter 10 Section 13 include relocation of misplaced text regarding the State Plan on Aging and minor language cleanup.

Proposed amendments to Chapter 105 Subchapter 1 Section 10 and Subchapter 10 Section 12 removes unnecessary membership language and relocates duties of the State Council on Aging to the former, more appropriate section.

Proposed amendments to revoke Chapter 105 Subchapter 10 Section 24 and move pertinent text from the same to Chapter 105 Subchapter 10 Section 11 and eliminates redundancy.

Proposed amendments to Chapter 105 Subchapter 10 Section 32 include minor language cleanup and clarity to include representation from all counties on the advisory councils.

Proposed amendments to Chapter 105 Subchapter 10 Section 41 include clarification regarding exceptions related to direct service waivers, competitive bidding, and instructions to staff.

Proposed amendments to Chapter 105 Subchapter 10 Section 50.1 include removal of outdated language and instructions to staff.

Proposed amendments to Chapter 105 Subchapter 10 Section 68 include clarification regarding waiver requests.

Proposed amendments to Chapter 105 Subchapter 10 Section 69 include language cleanup to reflect people first.

Proposed amendments to Chapter 105 Subchapter 10 Section 71 include an addition in instructions to staff regarding visible signage.

Proposed amendments to Chapter 105 Subchapter 11 Sections 249 and 250 update the education requirements for ombudsman supervisor positions.

The proposed new rules, Chapter 105 Subchapter 12 Sections 1-38, establish policies regarding the Senior Community Service Employment Program.

Strategic Plan Impact.

The proposed amendments to Chapter 105 cleanup and clarify language, remove redundancy, move text to more appropriate sections, and reflect updates for newer programs and processes.

Substantive changes.

Most proposed revisions to Chapter 105 clarify or update for current processes, and to cleanup language.

Substantive changes include the addition of Subchapter 12 to formalize and outline operating policy for the Senior Community Service Employment Program. The Governor designated Oklahoma Human Services Aging Services (AS) in July 2014, to administrator SCSEP.

Misplaced text regarding State Plan objectives is moved from 340:105-1-4 to 340:105-10-13.

Unnecessary text available in the bylaws regarding State Council on Aging makeup is removed from 340:105-10-12 and text regarding duties is moved to the appropriate section, 340:105-1-10.

Necessary language is moved to 340:105-10-11, and 340:105-10-24 is revoked to eliminate redundancy.

Language is added to 340:105-10-41 in procedures and instructions to staff to staff to give guidance regarding direct service waivers.

Reasons.

Subchapter 12 provides policy for the Senior Community Service Employment Program, and all other revisions clarify for ease of reference and to reflect current processes in Chapter 105.

Repercussions.

If the amendments to Chapter 105 are not accepted, there will not be formal policy surrounding the Senior Community Service Employment Program and the existing text will reflect outdated processes and redundancy creating confusion around Aging Services.

Legal authority.

Director of Human Services; Section 162 of Title 56 of the Oklahoma Statutes; Community Service Senior Opportunities Act (CSSOA), per Section 3056 et seq. of Title 42 of the United States Code; and Public Law 114-144, Part 641 of Title 20 of the Code of Federal Regulations operating under Title V of the Older Americans Act.

Permanent rulemaking approval is requested.

- B. A description of the classes of persons who most likely will be affected by the proposed rule, including classes that will bear the costs of the proposed rule, and any information on cost impacts received by the Agency from any private or public entities:** The classes of persons affected by the proposed amendment includes individuals receiving aging services from OKDHS and our partners.
- C. A description of the classes of persons who will benefit from the proposed rule:** The classes of persons affected by the proposed amendment are individuals receiving aging services from OKDHS and our partners.
- D. A description of the probable economic impact of the proposed rule upon the affected classes of persons or political subdivisions, including a listing of all fee changes and, whenever possible, a separate justification for each fee change:** There is no anticipated economic impact of the proposed amendment.
- E. The probable costs and benefits to the Agency and to any other agency of the implementation and enforcement of the proposed rule, the source of revenue to be used for implementation and enforcement of the proposed rule and any anticipated effect on state revenues, including a projected net loss or gain in such revenues if it can be projected by the Agency:** There is no anticipated cost or benefit to OKDHS.

- F. A determination whether implementation of the proposed rule will have an impact on any political subdivisions or require their cooperation in implementing or enforcing the rule:** The proposed amendment does not have an impact on any political subdivisions or require their cooperation in enforcing the rules.
- G. A determination whether implementation of the proposed rule will have an adverse economic effect on small business as provided by the Oklahoma Small Business Regulatory Flexibility Act:** The proposed amendments does not have an adverse effect on small business as provided by the Oklahoma Small Business Regulatory Flexibility Act.
- H. An explanation of the measures the Agency has taken to minimize compliance costs and a determination whether there are less costly or nonregulatory methods or less intrusive methods for achieving the purpose of the proposed rule:** There are no less costly, non-regulatory, or less intrusive methods for achieving the purpose of the proposed amendment. The proposed amendment does not increase compliance costs.
- I. A determination of the effect of the proposed rule on the public health, safety, and environment and, if the proposed rule is designed to reduce significant risks to the public health, safety, and environment, an explanation of the nature of the risk and to what extent the proposed rule will reduce the risk:** The proposed amendment does not have an effect on public health, safety, or environment.
- J. A determination of any detrimental effect on the public health, safety, and environment if the proposed rule is not implemented:** If the proposed amendment is not implemented, there will be no detrimental effect on public health, safety and environment; however, the amendment establishes formal policy for the Senior Community Service Employment Program and efficient clarity in language.
- K. The date the rule impact statement was prepared and, if modified, the date modified:** Prepared on July 28, 2020; modified December 18, 2020.

CHAPTER 105. AGING SERVICES

SUBCHAPTER 1. AGING SERVICES DIVISION

340:105-1-4. Responsibilities of Aging Services Division (AS) responsibilities

Revised 9-15-21

(a) **Objective.** ~~The overall objective of Aging Services Division (ASD)~~ AS objective is to assist older Oklahomans to secure and maintain economic and personal independence and dignity by working toward ~~the establishment of a comprehensive and coordinated system of delivery of needed services.~~

(b) **Responsibilities.** ~~ASD's specific~~ Specific responsibilities are to:

(1) ensure the proper and efficient administration of ~~activities in Oklahoma related to the Older Americans Act (OAA)~~ programs administered by AS;

(2) provide fiscal support and technical assistance for programs administered by AS Oklahoma's 11 Area Agencies on Aging (AAAs);

(3) develop and implement a State Plan on Aging with the assistance of the State Council on Aging;

(4) provide consultation and assistance to agencies and individuals in developing services for older persons Oklahomans;

(5) conduct studies and assessments to determine ~~the current needs of Oklahoma's older population~~ Oklahomans;

(6) serve as a clearinghouse for ~~the exchange of~~ information and ideas pertinent to older persons Oklahomans;

(7) ~~work toward the improvement of~~ improve coordination among federal, state, and local agencies;

(8) inform the public about the needs of older persons Oklahomans; and

(9) ~~work toward the enlistment of~~ enlist support and resources within the private sector to assist the aging network in ~~providing to provide~~ needed services to older persons Oklahomans, and ~~provide~~ technical assistance in the services development and delivery of services.

(c) **State Plan on Aging.** ~~To be eligible to administer federal grants under OAA, the Oklahoma Department of Human Services is required to develop a State Plan that encompasses and delineates the programmatic commitments that ASD, as the designated State Office on Aging, administers, coordinates, or supervises during a given multi-year period. The State Plan is developed by ASD for approval by the Governor of the State of Oklahoma and submitted by the Governor to the Assistant Secretary for Aging of the Administration on Aging.~~

(1) ~~The State Plan identifies the objectives ASD proposes to achieve during the multi-year period and the plan(s) of action that is implemented in order to meet the identified objectives. The State Plan:~~

(A) ~~identifies the manner in which the state has been divided into planning and service areas and the designation of AAAs; and~~

(B) ~~sets forth the allocation of resources under the program by providing information regarding the methods, data, and rationale used in developing the State Plan and formulating planning priorities.~~

~~(2) Prior to submitting the State Plan to the Governor, ASD holds a public hearing(s) on the proposed plan pursuant to Part 1321.27 of Title 45 of the Code of Federal Regulations. A summary of the State Plan is made available to any interested individual, agency, or organization. Public notice of each hearing is provided as required. The complete State Plan is available for inspection and consideration at the office of ASD.~~

~~(A) The State Council on Aging is given an opportunity to review and comment on the State Plan.~~

~~(B) Pursuant to comments made regarding the proposed State Plan from the State Council on Aging and the general public, ASD revises the plan where necessary and appropriate and submits it to the Governor.~~

Cross reference. OCAG Oklahoma Administrative Code 340:105-10-13.

340:105-1-10. State Council on Aging

Revised 9-15-21

(a) Purpose. The purpose, function, and rules of the State Council on Aging (Council) are delineated in the Council bylaws. The bylaws provide that the Council advises the Aging Services Division (ASD) (AS) director on all matters pertaining to the development, implementation, and administration of ASD AS programs to assist ASD AS in identifying the needs and representing the interests of older persons Oklahomans.

(1) Over 50 percent of the Council must be 60 years of age or older, the remainder being representative of public and private service organizations or agencies.

(2) Meetings must be held ~~at least monthly~~ four times per year, but special meetings may be held if when deemed necessary.

(3) ~~ASD AS~~ AS is responsible for providing staff assistance to the Council to ensure effective operation.

(4) Members are appointed by the ~~Director of the Oklahoma Department of Human Services (OKDHS) Director,~~ upon the AS director's recommendation of ASD, serve staggered, three-year terms, and may be re-appointed for only one additional, consecutive term.

(5) Former members may be appointed following one year's absence from Council service.

(b) State Council on Aging Duties. State Council on Aging duties include:

(A) communicating older Oklahomans' needs, conditions, and concerns to entities, including the:

(i) OKDHS Director and AS director;

(ii) State of Oklahoma Governor's Office;

(iii) Oklahoma State Legislature;

(iv) United States Oklahoma Congressional Delegates;

(v) applicable state agencies;

(vi) applicable federal agencies; and

(vii) general public;

(B) reviewing and commenting on all rules and policies, budget appropriations, planning regulations, and legislation that benefit or adversely impact older Oklahomans, and advocating for their concerns and issues while maintaining high visibility and a strong voice;

- (C) monitoring and evaluating the provision of services to older Oklahomans;
- (D) conducting public forums and seeking input on the needs, conditions, programs, or issues involving older Oklahomans; and
- (E) advising the AS director on all matters pertaining to:
 - (i) development and implementation of policies, budget appropriations, planning, regulations, and standards;
 - (ii) effective and efficient administration of division programs;
 - (iii) development of training and educational programs; and
 - (iv) administration of AS functions.

(c) **Cross reference.** Refer to Oklahoma Administrative Code 340:105-10-12.

SUBCHAPTER 10. POLICIES AND PROCEDURES MANUAL FOR TITLE III OF THE OLDER AMERICANS ACT OF 1965, AS AMENDED

PART 3. STATE AGENCY

340:105-10-11. ~~Responsibilities of State Agency~~ responsibilities

Revised 9-15-21

(a) **Policy.** The State Agency has responsibilities related to the provisions of the Older Americans Act (OAA) to:

- (1) develop a State Plan on Aging as prescribed by the Administration ~~on Aging~~ for Community Living;
- (2) administer the State Plan on Aging;
- (3) coordinate all state activities related to the OAA purposes ~~of the OAA~~ and actively pursue resource development at all levels of the aging network;
- (4) serve as an effective and visible advocate for older ~~persons~~ Oklahomans;
- (5) divide the state into planning and service areas for the purpose of designating Area Agencies on Aging (~~AAAs~~) (AAA);
- (6) serve as a clearinghouse for the exchange of information pertinent to older ~~persons~~ Oklahomans;
- (7) provide consultation, technical assistance, and training to ~~AAA~~ AAAs and Title III project staffs related to their responsibilities under Title III of the OAA;
- (8) develop ~~policy~~ rules and program standards, as appropriate, to carry out the mission of the OAA at all levels of the Title III aging network; ~~and by:~~
 - (A) convening intra and interagency task forces to review program issues and make recommendations for policy development;
 - (B) submitting proposed policy for review and comment to the appropriate:
 - (i) Title III aging network entities; and
 - (ii) Oklahoma Human Services staff; and
 - (C) distributing the codified rules to the Title III aging network; and
- (9) determine election regarding nutrition services incentive program (NSIP) cash payments in lieu of agricultural commodities and products purchased by the United States Secretary of Agriculture for all or any portion thereof.

(b) **Authority.** The authority for this Section ~~is Section~~ are Sections 305(a)(1) and 311(d)(1) of the OAA of 1965, as amended.

(c) **Procedures.** Procedures are outlined separately in this Part for ~~each area~~ areas of responsibility identified in (a) of this Section.

(d) **Cross references.** ~~See OAG~~ Refer to Oklahoma Administrative Code 340:105-10-13 through 340:105-10-25.

340:105-10-12. State Council on Aging

Revised ~~9-15-15~~

(a) **Policy.** The State of Oklahoma has a State Council on Aging meeting the requirements for the Older Americans Act (OAA), and Aging Services (AS) need for statewide representation ~~from~~ of older Oklahomans and service providers.

(b) **Authority.** The authority for this Section is Section 305 of the OAA of 1965, as amended and the Oklahoma State Council on Aging Bylaws.

(c) **Procedures** Cross reference. ~~The State Council on Aging is composed of 30 members, at least 18 of whom are 60 years of age or older, residents of the state, and have demonstrated an interest in, knowledge of, and exhibited achievements with respect to the concerns of older persons. Refer to Oklahoma Administrative Code 340:105-1-10.~~

~~(1) Members of the State Council on Aging include:~~

~~(A) one member appointed by the Governor;~~

~~(B) one member appointed by the President Pro Tempore of the State Senate;~~

~~(C) one member appointed by the Speaker of the House of Representatives; and~~

~~(D) 27 members appointed by the Director of Human Services (Director) and include:~~

~~(i) five members who are 60 years of age or older and are participating consumers or volunteers working regularly in aging programs chosen from Area Agency on Aging (AAA) advisory council nominees. Each AAA advisory council submits one nominee for consideration from their respective planning and service areas. The consumer or volunteer nominee members chosen include residents of rural counties and represent citizens from varied economic levels whose duration and frequency of work, past and present, is considered.~~

~~(ii) one nominee member is submitted by entities (I) through (XIII):~~

~~(I) Oklahoma Association of Area Agencies on Aging;~~

~~(II) Oklahoma State Department of Health;~~

~~(III) Oklahoma State Department of Mental Health, gerontological representative;~~

~~(IV) Oklahoma Senior Corps Directors Association;~~

~~(V) Oklahoma State Nutrition Directors Association;~~

~~(VI) Oklahoma Indian Council on Aging;~~

~~(VII) Oklahoma AARP;~~

~~(VIII) Oklahoma Federation of Chapters of the National Association of Retired Federal Employees;~~

~~(IX) Oklahoma Alliance on Aging;~~

~~(X) Oklahoma Retired Educators Association;~~

~~(XI) Silver Haired Legislature Alumni; and~~

~~(XII) Oklahoma Health Care Authority; and~~

- (iii) ~~10 at-large members nominated and appointed by the Director to ensure ethnic, geographical, and demographical balance.~~
- (2) ~~Duties of the State Council on Aging include:~~
 - (A) ~~communicating the needs, conditions, and concerns of older Oklahomans with entities including the:~~
 - (i) ~~Director and the AS director;~~
 - (ii) ~~State of Oklahoma Governor's Office;~~
 - (iii) ~~Oklahoma State Legislature;~~
 - (iv) ~~United States Oklahoma Congressional Delegates;~~
 - (v) ~~state agencies;~~
 - (vi) ~~federal agencies; and~~
 - (vii) ~~general public;~~
 - (B) ~~reviewing and commenting on all policies, budget appropriations, planning regulations, and legislation that benefit or adversely impact older Oklahomans, and advocating for their concerns and issues while maintaining high visibility and a strong voice;~~
 - (C) ~~monitoring and evaluating the provision of services to older Oklahomans;~~
 - (D) ~~conducting public forums and seeking input on the needs, conditions, programs, or issues involving older Oklahomans; and~~
 - (E) ~~advising the AS director on all matters pertaining to:~~
 - (i) ~~development and implementation of policies, budget appropriations, planning, regulations, and standards;~~
 - (ii) ~~effective and efficient administration of division programs;~~
 - (iii) ~~development of training and educational programs; and~~
 - (iv) ~~administration of AS functions.~~

340:105-10-13. State Plan on Aging

Revised ~~6-1-089-15-21~~

(a) **Policy.** In order to receive Older Americans Act (OAA) funding, the State Agency must have a developed and approved a State Plan on Aging (State Plan). ■ 1 This plan ~~The State Plan~~ must be on file with the Administration on Aging ~~(AoA)~~ for Community Living (ACL) and ~~must be~~ available for public review.

(b) **State Plan.** The Oklahoma Human Services (OKDHS) Aging Services (AS) State Plan encompasses and delineates the programmatic commitments that AS, as the designated State Unit on Aging, administers, coordinates, or supervises during a given multi-year period. AS develops the State Plan for approval by the Governor of Oklahoma and for gubernatorial submission to the Assistant Secretary for Aging.

(c) **State Plan Requirements.** At a minimum, the ~~plan~~ State Plan must include:

- (1) ~~identification by the State of the sole state agency that has been designated to develop and administer the plan~~ State Plan;
- (2) ~~statewide program objectives to implement the requirements under Title III of the OAA and any objectives established by the federal Assistant Secretary for Aging through the rulemaking process;~~
- (3) ~~a resource allocation plan,~~ and budget, indicating the proposed use of all Title III funds administered by the State Agency and the distribution of Title III funds to each planning and service area (PSA);

- (4) identification of ~~the PSA and of Area Agencies on Aging (AAA)~~ geographic boundaries of each ~~PSA and of Area Agencies on Aging~~;
- (5) prior federal fiscal year information related to ~~the~~:
 - (A) number of ~~low income~~ low-income, minority older ~~persons~~ Oklahomans;
 - (B) methods used to attempt to satisfy the service needs of ~~such minority older persons~~ Oklahomans; and
 - (C) methods used to attempt to satisfy the service needs of ~~older persons who reside~~ Oklahomans residing in rural areas;
- (6) all assurances and provisions ~~as outlined~~ in the OAA and regulations ensure:
 - (A) preference is given to older ~~persons~~ Oklahomans in ~~the~~ greatest economic and social need and to older Oklahomans at risk for institutional placement with particular attention given to those ~~older persons~~ residing in rural areas; ~~low-income, minority older persons, Oklahomans;~~ and older Oklahomans with limited English proficiency in the provision of services under the plan;
 - (B) all services under the OAA are provided without use of any means tests;
 - (C) all services provided under Title III meet ~~any~~ existing state and local health and safety licensing requirements for the provision of those services;
 - (D) older ~~persons~~ Oklahomans are provided opportunities to voluntarily contribute to the cost of services; and
 - (E) other such assurances as are needed for compliance with ~~the~~ OAA, regulations, other applicable federal ~~law,~~ and state ~~statutes,~~ and state ~~policy laws;~~ and
- (7) ~~listing of the~~ State Council on Aging membership and responsibilities.

(d) **State Plan Objectives.** The State Plan identifies the objectives AS proposes to achieve during the multi-year period and the plan(s) of action implemented in order to meet the identified objectives.

(1) The State Plan:

- (A) identifies the manner in which the state is divided into planning and service areas and the designation of AAAs; and
- (B) sets forth the resource allocations under the program by providing information regarding the methods, data, and rationale used in developing the State Plan and formulating planning priorities.

(2) Prior to submitting the State Plan to the Governor, AS holds a public hearing(s) on the proposed State Plan, per Part 1321.27 of Title 45 of the Code of Federal Regulations (45 C.F.R. Part 1321.27). Public notice of each hearing is provided as required. A summary of the State Plan is available for review. The complete State Plan is available through AS.

- (A) The State Council on Aging and the public have an opportunity to review and comment on the State Plan.
- (B) AS revises the State Plan as appropriate, following State Council on Aging and public comments.
- (C) AS submits the State Plan to the Governor.

~~(b)(e)~~ **Authority.** The authority for this Section is Section 307 of the OAA of 1965, as amended and Title 45 of the Code of Federal Regulations, C.F.R. Part 1321.17.

~~(e)(f)~~ **Cross references.** See OAG Refer to Oklahoma Administrative Code 340:105-10-14 and 340:105-1-4.

INSTRUCTIONS TO STAFF 340:105-10-13

Revised ~~6-1-089~~-15-21

1. The procedures for Oklahoma Human Services (OKDHS) Aging Services Division (ASD) (AS) staff to implement the policy for the State Plan on Aging (State Plan) development are listed in (1) - (17) of this Instruction. ~~The ASD AS~~ **staff:**

- (1) obtains State Plan development guidelines from the Administration on Aging (AoA) for Community Living (ACL) regional office;**
- (2) elects to utilize a one-, two-, three-, or four-year format, and annually submits a resource allocation;**
- (3) outlines a State Plan development timeline;**
- (4) gathers identified priority needs from the Area Agencies on Aging;**
- (5) develops a data profile on older Oklahomans from available census data;**
- (6) conducts statewide needs-assessment activities, including but not limited to, public hearings or administration of survey instruments to older consumers, service providers, state agencies, and other interested parties;**
- (7) analyzes the results of needs-assessment activities, and outlines identified statewide priority needs;**
- (8) outlines and evaluates the existing service delivery system, including services, coordination, advocacy, and training activities;**
- (9) presents a summary of needs and priorities to the State Council on Aging;**
- (10) develops a draft summary of the State Plan including:
 - (A) a summary of the Older Americans Act, ~~as amended~~;**
 - (B) a profile of older Oklahomans, including all pertinent census data;**
 - (C) an outline of the identified needs of older Oklahomans;**
 - (D) a description and evaluation of the current service delivery system, ~~and an evaluation of same~~;**
 - (E) State Plan goals and objectives;**
 - (F) State Council on Aging membership and responsibilities; and**
 - (G) a resource allocation plan;****
- (11) presents a State Plan summary to the State Council on Aging and other interested entities two weeks prior to conducting a public hearing(s) ~~on the plan~~;**
- (12) publicizes the public hearing(s) at least two weeks prior to the public hearing(s) outlining dates, times, and locations, and ensures that older persons Oklahomans, public officials, and other interested parties have reasonable opportunities to participate;**
- (13) conducts a public hearing(s) and incorporates written and verbal comments into the revised plan State Plan, as appropriate;**
- (14) submits the revised plan State Plan to the State Council on Aging for approval;**

- (15) submits the revised plan State Plan to the Oklahoma Department of Human Services (OKDHS), ~~Aging Services Division~~ AS director, for approval;
- (16) submits the final plan version to ~~(the OKDHS),~~ Director, for approval; and
- (17) submits final plan it to A&A ACL regional office for approval.

340:105-10-24. Policy and program standards [REVOKED]

- ~~(a) **Policy.** The State Agency on Aging develops policies governing all aspects of programs operated under Title III of the Older Americans Act.~~
- ~~(b) **Authority.** The authority for this Section is Part 1321.11(a) of Title 45 of the Code of Federal Regulations.~~
- ~~(c) **Procedures.** The State Agency develops policies governing all aspects of programs operated under Title III of the Older Americans Act by:

 - ~~(1) convening intra and/or interagency task forces to review program issues and make recommendations for policy development;~~
 - ~~(2) submitting proposed policy for review and comment to:

 - ~~(A) appropriate Title III aging network entities; and~~
 - ~~(B) Oklahoma Department of Human Services:

 - ~~(i) Policy Management Unit, which prepares and submits it to the Commission for Human Services; and~~
 - ~~(ii) Executive Office; and~~~~~~
 - ~~(3) distributing the codified rules to the Title III aging network.~~~~
- ~~(d) **Cross references.** See OAC 340:105-10-11(a)(8).~~

PART 5. AREA AGENCIES ON AGING

340:105-10-32. Area Agency on Aging advisory council

Revised ~~6-4-08~~ 9-15-21

- (a) **Policy.** Each Area Agency on Aging (AAA) establishes and maintains an advisory council. The council carries out advisory functions ~~which~~ that further the AAA's mission of developing and coordinating community-based systems of services for all older persons Oklahomans in the planning and service area.
 - (1) The advisory council is separate and distinct from the AAA governing board and is composed of:
 - (A) more than 50 percent older persons Oklahomans, including minority persons who are participants or who are eligible to participate in Title III programs, and family caregivers of such persons;
 - (B) representatives of older persons Oklahomans;
 - (C) representatives of health care provider organizations, including providers of veterans' health care, if when appropriate;
 - (D) representatives of supportive services providers;
 - (E) persons with leadership experience in the private and voluntary sectors;
 - (F) local elected officials; ~~and~~
 - (G) the general public; and
 - (H) representatives of each county within the service area.

- (2) The advisory council may not be composed of:
 - (A) State Agency staff or governing board members;
 - (B) AAA staff or governing board members;
 - (C) Title III project staff or governing board members; or
 - (D) any other persons that may give an appearance of a potential conflict of interest.

(b) **Authority.** The authority for this Section is Title 45 of the Code of Federal Regulations, Part 1321.57.

(c) **Procedures.**

- (1) The advisory council is responsible for advising the AAA in regard to:
 - (A) developing and administering the Area Plan;
 - (B) conducting public hearings;
 - (C) representing the interests of older persons Oklahomans; and
 - (D) reviewing and commenting on all community policies, programs, and actions which that affect older persons with the intent of assuring maximum coordination and responsiveness to older persons Oklahomans.

(2) The AAA is responsible for supporting the efforts of the advisory council. The AAA:

- (A) schedules meetings of the full council at least quarterly and provides staff assistance to same;
- (B) keeps the council informed of all matters relating to Area Plan development and administration;
- (C) maintains close contact with advisory council officers;
- (D) assists the council in developing bylaws. The bylaws, at a minimum, address the:
 - (i) size and composition of the council;
 - (ii) tenure and selection procedures for members;
 - (iii) frequency of meetings; and
 - (iv) functions of the council;
- (E) provides reimbursement for travel and other allowable expenses to council members, as appropriate;
- (F) submits the Area Plan and subsequent amendments to the council for review and comment before they are submitted to the State Agency for approval; and
- (G) conducts annual training for advisory council members to provide orientation to the rights and responsibilities of advisory council members.

(d) **Cross references.** See ~~OAG~~ Refer to Oklahoma Administrative Code 340:105-10-31(a)(1).

340:105-10-41. Title III direct services waivers

Revised 9-15-21

(a) **Policy.** Provisions under the Older Americans Act (OAA), including subsequent amendments, specify which Title III direct services are authorized or prohibited under the law. Direct services otherwise prohibited by OAA may be permitted by the State Agency if, in the State Agency's judgment ~~of the State Agency~~, provision of the services is:

- (1) necessary to ensure an adequate supply of the services;

(2) related to the administrative functions of the Area Agency on Aging (AAA); or

(3) more economical and of comparable quality. ■ 1

(b) **Authority.** The authority for this Section is Section 307(a)(8) of the OAA of 1965, as amended.

(c) **Procedures.** A recipient of a direct service waiver (DSW) must employ a minimum of one staff person dedicated to a waived service, for at least 40 hours per week ~~dedicated to a waived service~~. Exceptions to the 40 hours per week requirement may be considered by the State Agency on an individual case by case basis. State Agency denial may result in the issuance of a revised request for proposal by the AAA. The State Agency determines that one or more of the criteria listed in (a) of this Section are met for an AAA to provide direct services when the requirement of:

(1) ~~necessary the necessity~~ to ensure an adequate supply of services is considered met. The AAA can document that it ~~has did not received receive~~ any proposals to deliver a service in all, or a portion of the planning and service area, after the AAA has carried out the request for proposals (RFP) process, ~~in accordance with per~~ Oklahoma Administrative Code (OAC) 340:105-10-101;

(2) services related to AAA administrative functions is considered met. Services consist of advocacy, assessment and screening, follow-up and evaluation, information and assistance (I&A), and placement. The State Plan on Aging:

(A) indicates all AAAs are allowed to directly provide I&A services; and

(B) names the AAAs allowed to directly provide case management services; or

(3) more economical and of comparable quality is considered met. The AAA service grant application substantiates that, according to AAA standard RFP evaluation criteria, it proposes to provide a priority service ~~that is~~ more cost effective and of a comparable quality. The cost is calculated on a per unit of service basis.

(d) **Competitive bidding process.** Sub-contracting with a third party entity to provide services under the DSW appears to side-step the competitive bidding process and is not allowed.

~~(d)~~(e) **Cross references.** See Refer to OAC 340:105-10-40 and 340:105-10-101.

INSTRUCTIONS TO STAFF 340:105-10-41

Revised 9-15-21

1. The Area Agency on Aging (AAA) requests and documents the justification for ~~the granting of to grant~~ authority to provide a direct service for the duration of the approved Area Plan, or for all or part of the period of a proposed Area Plan.

(1) The AAA submits a completed direct service waiver (DSW) application packet to the State Agency.

(2) When submitting a DSW, additional steps are followed when a grant application received in response to an request for proposals (RFP) is denied by the AAA. The steps in (A)–(D) need to occur.

(A) Aging Services (AS) may request all grant applications received in response to an RFP which were considered and denied for which the AAA is now requesting a DSW.

(B) AS reviews the denied grant applications and compares them with the AAA DSW application packet.

(C) AS makes a determination to approve or deny the AAA DSW request.

(D) AAA provides AS documentation of the efforts to publicize the availability of funds, in addition to the completed DSW application packet, when the reason for the AAA DSW request is based on lack of a service provider response to an RFP.

PART 7. PROGRAM STANDARDS FOR SERVICES FUNDED UNDER TITLE III OF THE OLDER AMERICANS ACT OF 1965, AS AMENDED

340:105-10-50.1. Title III services taxonomy

Revised ~~9-15-14~~9-15-21

(a) **Rule.** Parts B, C, D, and E of Title III of the Older Americans Act of 1965, as Amended ~~amended~~, authorize the development of a variety of services to meet the needs of older persons. A comprehensive listing of services that may be funded, service definitions, and service units are included in (1) through (15) of this subsection.

(1) Personal care - one hour; provides personal assistance, stand-by assistance, supervision, or cues.

(2) Homemaker - one hour; provides assistance preparing meals, shopping for personal items, ~~managing money~~, using the ~~telephone~~ phone, or doing light housework.

(3) Chore - one hour; provides assistance with heavy housework, yard work, or sidewalk maintenance.

(4) Home delivered meal - one meal; provides a qualified person at ~~the person's place of~~ his or her residence, a meal that:

(A) complies with the most recent Dietary Guidelines for Americans;

(B) provides, when one meal is served, a minimum of 33 and 1/3 percent of the current dietary reference intakes (DRI) as established by the Food and Nutrition Board of the Institute of Medicine of the National Academy of Sciences;

(C) provides, when two meals are served together, a minimum of 66 and 2/3 percent of the DRI allowances; and

(D) provides, when three meals are served together, 100 percent of the DRI allowances.

(5) Adult day care or adult day health - one hour; provides personal care for dependent adults in a supervised, protective, and congregate setting during some portion of a day. Services offered in conjunction with adult day care or adult day health typically include social and recreational activities, training, counseling, and services, such as rehabilitation, medication assistance, and home health aide services for adult day health.

(6) Case management - one hour; provides assistance either in the form of access or care coordination in circumstances where the older person is experiencing diminished functioning capacities, personal conditions, or other characteristics requiring the provision of services by formal service providers or family caregivers. Case management activities include:

(A) assessing needs;

(B) developing care plans;

(C) authorizing and coordinating services among providers; and

(D) providing follow-up and reassessment, as required.

(7) Congregate meal - one meal; provides a qualified person in a congregate or group setting, a meal that:

(A) complies with the most recent Dietary Guidelines for Americans, published by the Assistant Secretary for Aging and the Secretary of Agriculture;

(B) provides, when one meal is served, a minimum of 33 and 1/3 percent of the DRI as established by the Food and Nutrition Board of the Institute of Medicine of the National Academy of Sciences;

(C) provides, when two meals are served together, a minimum of 66 and 2/3 percent of the DRI allowances; and

(D) provides, when three meals are served together, 100 percent of the DRI allowances.

(8) Nutrition counseling - one session per participant; provides individualized guidance to a person who is at nutritional risk because of health or nutrition history, dietary intake, medication use, chronic illnesses, or to caregivers. Counseling is provided one-on-one by a registered dietician and addresses the options and methods for improving nutrition status.

(9) Assisted transportation - one one-way trip; provides assistance and transportation, including escort to a person who has difficulties, physical or cognitive, using regular vehicular transportation.

(10) Transportation - one one-way trip; provides transportation using a vehicle for a person who requires help in going from one location to another and does not include any other activity.

(11) Legal assistance - one hour; provides legal advice, counseling, and representation by an attorney or other person acting under the supervision of an attorney.

(12) Nutrition education - one session per participant; a program promoting better health by providing accurate and culturally sensitive nutrition, physical fitness, or health information, as it relates to nutrition, information, and instruction to participants, caregivers, or both in a group or individual setting overseen by a dietitian or person of comparable expertise.

(13) Information and assistance - one contact; a one-on-one contact between a service provider and an older client or caregiver. Activities involving contact with multiple current or potential clients or caregivers, such as publications, publicity campaigns, and other mass media activities are not counted as a unit of service. Internet website hits are counted only when information is requested and supplied. This service for older Oklahomans:

(A) provides ~~older persons with~~ current information on services available within their communities;

(B) links ~~older persons~~ them with the opportunities and services available within their communities; and

(C) establishes adequate follow-up procedures, to the maximum extent practicable.

(14) Outreach - one contact; provides persons with intervention initiated by an agency or organization for the purpose of identifying potential clients or their caregivers and encouraging their use of existing services and benefits. Outreach is a one-on-one contact between a service provider and an older client or caregiver.

Activities involving contact with multiple current or potential clients or caregivers, such as publications, publicity campaigns, and other mass media activities, are not counted as a unit of service.

(15) Funded "Other" category.

(A) Advocacy or representation - one hour; provides action taken on behalf of an older person to secure the person's rights or benefits. Advocacy or representation includes receiving, investigating, and working to resolve disputes or complaints. It does not include services provided by an attorney or person under the supervision of an attorney.

(B) Education or training - one session; provides formal and informal opportunities for older persons to acquire knowledge, experience, or skills. Includes individual or group events designed to increase awareness.

(C) Health promotion - one event; provides Administration ~~on~~ for Community Living—approved evidence-based health promotion or disease prevention programs and activities demonstrated to be evidence-based to participants, caregivers, or both, in a group or individual setting, and are on the approved list by Administration for Community Living. ~~The Administration on Community Living uses a graduated or tiered set of criteria for defining evidence-based interventions. Health promotion programs can fall within any of the tiers with the goal for all activities to move toward the highest-level criteria. ■-4~~

(D) Home repair - one job; provides minor repairs, modifications, or maintenance on a home owned and occupied by an eligible participant, up to \$250 annually, per participant.

(E) Coordination of services - unit to be determined by Aging Services (AS); provides for the administration or delivery of a service for which direct cost is not funded by Title III. The Area Agency on Aging (AAA) contacts AS regarding use of this category.

(F) National Family Caregiver Support Program service categories are:

(i) information services - one activity; provides caregivers information on resources and services available to the public or persons within their communities. Information services are for activities directed to large audiences of current or potential caregivers, such as disseminating publications, conducting media campaigns, and other similar activities;

(ii) access assistance – one contact; assists caregivers in obtaining access to the services and resources available within their communities. To the maximum extent practicable, access assistance ensures persons receive the services needed by establishing adequate follow-up procedures. Internet website hits are counted only when information is requested and supplied;

(iii) counseling - one session per participant; assists caregivers in the areas of health, nutrition, and financial literacy, and in making decisions and solving problems relating to their caregiver roles. This includes counseling to persons, support groups, and caregiver training of individual caregivers and families;

(iv) respite care - one hour; provides temporary, substitute supports or living arrangements for care recipients in order to provide a brief period of relief or rest for caregivers. When the specific service units purchased via a direct

payment, such as cash or voucher can be tracked or estimated, the service unit is reported by hour; otherwise, the unit of service is one payment. Respite care is:

- (I) in-home respite, such as personal care, homemaker, and other in-home respite;
- (II) respite provided by attendance of the care recipient at a senior center or other nonresidential program; or
- (III) institution respite provided by placing the care recipient in an institutional setting, such as a nursing home for a short period of time as a respite to the caregiver or summer camp as a respite for grandparents caring for children; and
- (v) supplemental services – provides services on a limited basis to complement the care provided by caregivers. The unit and service are determined by AS. The AAA contacts AS regarding use of this category.

(b) **Authority.** The authority for this Section is the Office of Management and Budget Notice of Action 0985-0008 and Sections 339 and 371 through 373 of the Older Americans Act of 1965, as Amended.

(c) **Procedures.** The AAA:

- (1) incorporates provisions of the rule into its policies and procedures manual;
- (2) provides technical assistance to prospective service project applicants regarding the rule in the development of services; and
- (3) utilizes the rule as an indicator in the evaluation of service project proposals.

(d) **Cross references.** Refer to Oklahoma Administrative Code 340:105-10-40 and 340:105-10-51.

INSTRUCTIONS TO STAFF 340:105-10-50.1 [REVOKED]

~~1. Use the following graduated criteria, tiers, for defining evidence-based interventions.~~

~~1. Minimal criteria is:~~

- ~~(1) demonstrated through evaluation to be effective for improving the health and wellbeing or reducing disease, disability, and/or injury among older adults; and~~
- ~~(2) ready for translation, implementation, and/or broad dissemination by community-based organizations using appropriately credentialed practitioners.~~

~~2. Intermediate criteria is:~~

- ~~(1) published in a peer-review journal;~~
- ~~(2) proven effective with older adult population, using some form of a control condition, such as pre-post study, or case control design; and~~
- ~~(3) some basis in translation for implementation by community level organization.~~

~~3. Highest-level criteria is:~~

- ~~(1) undergone experimental or quasi-experimental design;~~
- ~~(2) level at which full translation has occurred in a community site; and~~
- ~~(3) level at which dissemination products are developed and available to the public.~~

340:105-10-68. Congregate meals service standards

Revised 9-15-21

(a) **Policy.** The congregate meals service includes the provision of nutrition education and at least one hot or other appropriate meal five or more days per week, at least 250 days per year. The congregate meals service:

(1) is located at congregate settings, including adult day care facilities and multigenerational meal sites, except in rural areas where such frequency is not feasible as defined by the Assistant Secretary for Aging;

(2) provides at least 25 meals per day, including home delivered meals, at each site unless a written waiver is received from the State Agency on this requirement.

(A) Funding for a site serving less than 25 meals per day may be withdrawn and reallocated when the site does not have a waiver approved by from Aging Services Division ~~(ASD) (AS)~~. A waiver request must be submitted annually. An ~~ASD AS~~ approved waiver may be withdrawn when a congregate meals site is not determined viable.

(B) A congregate meals site ~~on the list of those serving less than 25 meals per day with a previously approved waiver from ASD on file~~ is reviewed annually for continued viability by the congregate meals project and Area Agency on Aging (AAA). ~~ASD AS~~ is notified by the AAA in writing when a congregate meals site consistently serves 25 or more meals per day, ~~and is removed from the list. Only congregate meals sites without an ASD approved waiver on file must submit requests annually;~~ and

(3) complies with standards outlined in this Section, and Oklahoma Administrative Code (OAC) 340:105-10-51, and 340:105-10-69 through 340:105-10-80.

(b) **Authority.** The authority for this Section is Section 331 of the Older Americans Act of ~~1965, as amended~~ and Part 1321.11(a) of Title 45 of the Code of Federal Regulations.

(c) **Procedures.** The procedures for implementing this Section include the AAA:

(1) incorporating the provisions in this Section into the Title III policies and procedures manual;

(2) providing orientation to congregate meals service staff on the policy;

(3) monitoring compliance with the policy;

(4) providing ongoing technical assistance to Title III projects regarding the policy;

(5) constructing a list of all cooking and satellite meal sites annually serving less than 25 meals per day;

(6) submitting the list and a written request for a waiver at least ~~30~~ 30-calendar days prior to awarding funding for any nutrition project that proposes in the grant application to provide less than 25 meals per day at any site and, does not have an ASD AS approved waiver on file. The written request includes:

(A) the status of each site, such as cooking or satellite;

(B) the average number of eligible meals served per site, per day;

(C) the average number of other meals served per site, per day;

(D) documentation of the rural nature of the site;

(E) pertinent demographics; and

(F) other factors that justify the waiver; and

(7) maintaining approved waiver requests on file at the AAA and congregate meals project office for review by auditors.

(d) **Cross references.** See Refer to OAC 340:105-10-50.1(a)(4), (7), and (12); 340:105-10-51; 340:105-10-69 through 340:105-10-80; and 340:105-10-86.

340:105-10-69. Congregate meals service eligibility

Revised 9-15-21

(a) **Policy.** Individuals are eligible to participate in the congregate meals service in one of the categories listed in (1) - (2) of this subsection. ■ 1

(1) Persons eligible to participate in the congregate meals program with an opportunity to contribute to the cost of meals include:

(A) persons 60 years of age ~~or~~ and older and their spouses of any age;

(B) ~~disabled~~ persons ~~under~~ with a disability younger than 60 years of age who reside with persons ~~over~~ 60 years of age and older, when the care and maintenance of the ~~disabled persons~~ person with a disability otherwise prevents the older person from participating in the program and, when the participation of such individuals does not prevent the participation of older persons and their spouses. The ~~disabled~~ person with a disability must accompany the eligible older participant to the site and must be ~~judged~~ determined by the nutrition project management to pose no threat to the ~~well-being~~ wellbeing of the older participants;

(C) ~~disabled~~ persons ~~under~~ persons with a disability younger than 60 years of age who reside in housing facilities occupied primarily by older persons and ~~at which~~ where congregate nutrition services are provided, when the participation of such individuals does not pose a threat to the ~~well-being~~ wellbeing of the older participants, and when such participation does not prevent the participation of older persons and their spouses;

(D) persons ~~under~~ younger than 60 years of age who provide ~~meal-related~~ meal-related volunteer services, when the participation of such individuals does not prevent the participation of older persons and their spouses; and

(E) ~~staff members of the~~ nutrition program staff members, who are 60 years of age ~~or~~ and older, when such participation does not prevent the participation of other older persons and their spouses.

(2) Other persons who may participate in the program but ~~who~~ must pay the full cost of meals include:

(A) ~~staff members of the~~ nutrition program staff members, who are ~~under~~ younger than 60 years of age, when such participation does not prevent the participation of older persons and their spouses;

(B) visitors when such participation does not prevent the participation of older persons and their spouses; and

(C) older persons who are in the care of an agency or organization that is receiving reimbursement for the cost of the participant's meal, such as nursing homes, residential care facilities, and adult day care programs. In this situation, the agency or organization is billed for the full cost of the participant's meal. The agency or organization is also responsible for making meal reservations and for providing attendant assistance, as needed.

(b) **Authority.** The authority for this Section is Section 339(2)(H) and (I) of the Older Americans Act of 1965, as amended and Title 45 of the Code of Federal Regulations, Part 1321.17(f)(12).

(c) **Cross references.** ~~See OAC~~ Refer to Oklahoma Administrative Code 340:105-10-50.1(a)(7), 340:105-10-51, 340:105-10-68, and 340:105-10-70.

INSTRUCTIONS TO STAFF 340:105-10-69

Revised 9-15-21

1. **Persons listed in this Section (a)(1)(A) through (C) complete the assessment procedures outlined in ~~OAC~~ Oklahoma Administrative Code 340:105-10-70, and the nutrition site's daily reservation process in order to participate in the meal program. Nutrition site volunteers and staff members 60 years of age ~~or~~ and older participate in the meal program during regular meal service hours only after the site manager has determined that all eligible participants ~~have been~~ are served. Staff members ~~under~~ younger than 60 years of age and visitors may participate in the meal program only after the site manager has determined that all older persons, their spouses, disabled persons ~~under~~ younger than 60 years of age, site volunteers, and staff members 60 years of age ~~or~~ and older ~~have been~~ are served.**

340:105-10-71. Congregate meals service facilities

Revised 6-4-08/9-15-21

(a) **Policy.** Each congregate meals service provider secures and maintains adequate facilities for the preparation and delivery of the meals service, nutrition education, and funded supportive services.

(b) **Authority.** The authority for this Section is Part 1321.11(a) of Title 45 of the Code of Federal regulations Regulations, and Section 1247 of Title 21 of the Oklahoma Statutes, as amended (21 O.S. § 1247).

(c) **Procedures.**

(1) The grantee agency locates congregate meals service sites in areas accessible to the target group of eligible persons in a community and, where possible, within walking distance for concentrations of such persons.

(2) The grantee agency arranges for all applicable health, fire, safety, and sanitation inspections for project offices and congregate meals sites in the manner described in (A) ~~and (B)~~ through (F) of this paragraph.

(A) The fire and safety inspections are conducted annually by local fire officials or other designated local official in the absence of a local fire marshal using established local standards.

(B) In the absence of local standards, standards developed and adopted by ~~the~~ Oklahoma Department of Human Services (OKDHS) with the cooperation of the State Fire Marshal and the Oklahoma State Department of Health are applicable.

■ 1

(C) Standards are based upon the use and occupancy of the site by Title III funded projects and are adequate to protect the health and safety of participants.

(D) County health department sanitation inspections are completed at least annually.

(E) All inspection reports are on file with the grantee agency.

(F) ~~Grantee~~ The grantee agency responds, as directed by the inspecting agency, to all cited deficiencies.

(3) The Area Agency on Aging annually conducts evaluations for Americans with Disabilities Act (ADA) compliance at all project offices and congregate meals sites. The grantee agency ensures that project facilities comply with ~~Section~~ 21 O.S. § 1247, as amended, that mandates all public facilities be smoke free and ~~post~~ posts such designation as required by law.

(4) The project arranges for the separation of dining and food preparation areas at sites where food is prepared and served in the same facility.

(5) Where feasible, the project provides ample space and time for the provision of supportive services, per Oklahoma Administrative Code (OAC) 340:105-10-54.

(6) The project provides appropriate furnishings for older persons, including sturdy tables and chairs, and arranges the furnishings to provide adequate aisle space for persons using mobility aids, such as walkers and wheelchairs.

(7) The project provides table settings that are approved by the project advisory council. If When disposable dinnerware is used, it is of sturdy ~~quality~~ to prevent spillage, leakage, and breakage.

(8) The project posts, in conspicuous locations, information regarding:

(A) the rights of eligible persons to equal opportunity and access to services;

(B) the full cost of the meal to be paid by ineligible persons, such as visitors ~~under~~ younger than 60 years of age, who are served meals;

(C) the suggested contribution for eligible participants toward the cost of the meal, as determined by the project or site advisory council. All participant contributions are for the cost of the meal and are not solicited for other items, such as utilities and coffee;

(D) menus for a minimum of one week in advance;

(E) grievance procedures for participants;

(F) an evacuation plan;

(G) a toll free information and assistance ~~telephone~~ phone number;

(H) a current health inspection certificate from the local health department;

(I) a Smoke Free Facility; ~~and~~

(J) a summary of the site or project, if applicable; and

(K) an emergency management plan including at a minimum, the location of the nearest emergency shelter(s) available to participants.

(d) **Cross references.** See Refer to OAC 340:105-10-50.1(a)(7), 340:105-10-51, 340:105-10-54, 340:105-10-68 through 340:105-10-70, 340:105-10-72 through 340:105-10-80, and 340:105-10-86.

INSTRUCTIONS TO STAFF 340:105-10-71

Revised ~~6-1-089~~-15-21

1. Standards developed and adopted by the ~~Department of Oklahoma Human Services OKDHS~~ with the cooperation of the State Fire Marshal and the Oklahoma State Department of Health as applicable are listed in (1) - (22) of this Instruction.

(1) A sufficient number of exits are made available. Any space providing seating for 50 or less ~~fewer~~ has at least one exit ~~which goes~~ that exits directly to the outside. Any space providing seating for more than 50 has at least two exits remotely located from each other.

(A) Exit doors swing in the direction of travel. Exit doors remain unlocked during Title III program hours of operation ~~of the Title III program~~.

(B) Exit signs are illuminated and have an audible component. ~~If~~ When the exit door is not visible from inside the space, directional exit signs mark the path of travel to the exit.

(2) Panic hardware is installed on exit doors for occupant loads of 100 or more persons. An evacuation plan is posted.

(3) Pathways are accessible and clear of obstructions.

(4) The building in which the program is housed is clearly numbered, ~~and the exterior well lighted,~~ and appropriate program signage is visible. The building number is visible from the street.

(5) Fire extinguishers are inspected and charged yearly. Fire extinguishers are located in an appropriate place, and staff and volunteers are trained in their use. Extinguisher locations are plainly marked. The number of fire extinguishers is appropriate for the size of the facility.

(6) Fire drills are conducted and documented quarterly and evacuation time is appropriate. Employees and volunteers are trained in drill procedures.

(7) Tornado drills are conducted and documented annually. Employees and volunteers are trained in drill procedures.

(8) Electrical outlets are appropriate for use, free of damage, and not overloaded. Extension cords are used properly and outlets and switch plates are covered.

(9) Wiring is free of damage and located so as to be trip-free.

(10) Heating and air conditioning are in good working condition, and are properly cleaned and maintained. The fuel supply is safe, and the heater closet is not used for storage.

(11) Flammable liquids are used and stored properly. They are stored away from the means of egress.

(12) Walking and working surfaces are clean, dry, and unobstructed.

(13) Outside storage is accomplished in such a way that trash is stored in proper containers and grounds maintenance is ~~conducted as needed~~ to prevent a hazardous or unsafe environment.

(14) Kitchen floors are free of slip and trip ~~hazard~~ hazards. Cloth, paper, and other combustibles in the kitchen are stored away from open flames. Staff and volunteers are aware of, and practice safety requirements.

(15) Food products are stored separately from cleaning products.

(16) Cooking appliances are vented, properly separated from combustibles, with filters cleaned and washed regularly, and have no grease accumulation.

(17) The hood extinguishing system contains the correct number of properly located, secure, open nozzles. The fuel shutoff is connected, the manual pull is accessible and clear, the heads clean, and hood are clean, and the inspection tag is current.

(18) The water heater(s) contains a pop off valve. Water heaters, furnaces, and heating units are checked by a qualified service person once per year. Heating units are properly vented and enclosed. Closets ~~in which~~ where heating units or water heaters are located are not used for storage.

(19) Smoke Free Facility is clearly marked and ~~and~~ enforced.

(20) Hazardous materials are stored properly, with an information sheet available. The responding fire station is informed of hazardous materials.

(21) The road(s) leading to the facility is readily accessible.

(22) The facility is located with reasonable access to adequate water supply.

SUBCHAPTER 11. STATE LONG-TERM CARE OMBUDSMAN PROGRAM

PART 37. STATE LONG-TERM CARE OMBUDSMAN PROGRAM

340:105-11-249. Area Agency on Aging ombudsman supervisor I

Revised ~~7-4-12~~ 9-15-21

(a) **Definition.** Under the program supervision of the Office of the State Long-Term Care Ombudsman and the general direction of the director of an Area Agency on Aging, the ombudsman supervisor I provides leadership in development, coordination, and implementation of the Long-Term Care Ombudsman Program and receives, investigates, and resolves complaints made by or on behalf of residents of long-term care facilities.

(b) **Examples of duties.** Examples of duties include:

- (1) recruiting, screening, training, and supervising ombudsman volunteers using guidelines provided by state ombudsman staff;
- (2) publicizing the services of the State Long-Term Care Ombudsman Program and issues affecting older residents of long-term care facilities through media releases, public speaking, and other means;
- (3) coordinating with state ombudsman staff in complaint investigation and resolution, identification of priority issues, and certification of new ombudsman volunteers;
- (4) maintaining confidentiality of files and other information pertaining to complaints and complainants;
- (5) keeping the director of the designated area ombudsman entity informed of the current situation and needs at the local level, recommending plans for meeting needs, and advising the director of resources required for their implementation;
- (6) being available to residents of long-term care facilities in the planning and service areas (PSA), visiting each facility regularly, and working cooperatively with administrators and staff; and

(7) serving as a consultant to community organizations and agencies on issues and needs affecting older long-term care facility residents, techniques of working with these older people, and the solution of special problems.

(c) **Education and experience.** The required education and experience is graduation from a standard four year high school and two years of responsible full-time paid employment in social, health, or aging services or related occupation that involves meeting the public an accredited four-year college or university with major course work in social work, gerontology, sociology, general social sciences, or a related field including, but not limited to, health care.

(1) ~~Any equivalent full-time study in an accredited college or university may be substituted for the required work experience.~~ Any ombudsman employed as an ombudsman supervisor I prior to this effective date is deemed as eligible for the position.

(2) ~~Passing the General Educational Development (GED) test is accepted in lieu of graduation from a standard four year high school.~~

(d) ~~Salary range:~~ **Salary range.** The comparable job family descriptor (JFD) for this position is Adult Protective Services Specialist, #H26A. A person in this position may not be hired at a salary more than the midpoint, nor paid more than the maximum of the approved salary range for Oklahoma Department of Human Services (OKDHS) Office of Personnel Management (OPM) Pay Band I. For the purpose of determining annual salary longevity pay shall is not be considered.

340:105-11-250. Area Agency on Aging ombudsman supervisor II

Revised ~~7-1-12~~9-15-21

(a) **Definition.** Under the program supervision of the Office of the State Long-Term Care Ombudsman and the general direction of the director of an Area Agency on Aging, the ombudsman supervisor II provides leadership in development, coordination, and implementation of the Long-Term Care Ombudsman Program and receives, investigates, and resolves complaints made by, or on behalf of, residents of long-term care facilities.

(b) **Examples of duties.** Examples of duties include:

(1) recruiting, screening, training, and supervising ombudsman volunteers using guidelines provided by state ombudsman staff;

(2) publicizing the services of the State Long-Term Care Ombudsman Program and issues affecting older residents of long-term care facilities through media releases, public speaking, and other means;

(3) coordinating with state ombudsman staff in complaint investigation and resolution, identification of priority issues, and certification of new ombudsman volunteers;

(4) maintaining confidentiality of files and other information pertaining to complaints and complainants;

(5) keeping the director of the designated area ombudsman entity informed of the current situation and needs at the local level, recommending plans for meeting needs, and advising the director of resources required for their implementation;

(6) being available to residents of long-term care facilities in the planning and service areas (PSA), visiting each facility regularly, and working cooperatively with administrators and staff; and

(7) serving as a consultant to community organizations and agencies on issues and needs affecting older long-term care facility residents, techniques of working with these older people, and the solution of special problems.

(c) **Education and experience.** The required education and experience is:

(1) graduation from an accredited four year college or university with major course work in social work, health, gerontology, general social sciences, or related field; ~~or~~ and one year of fulltime ombudsman or other applicable advocacy experience; or

(2) ~~an equivalent combination of education and experience, substituting one year of full-time paid experience in such areas as community organization, public health, social work, or related field for each year of the required education, with a maximum substitution of two years.~~ after one year of employment, an ombudsman supervisor I may promote to a level II position.

(d) Salary range. The comparable job family descriptor (JFD) for this position is an Adult Protective Services Specialist, #H26B. A person in this position may not be hired at a salary more than the midpoint nor paid more than the maximum of the approved salary range ~~for Oklahoma Department of Human Services (OKDHS) Office of Personnel Management (OPM) Pay Band J~~. For the purpose of determining annual salary longevity pay ~~shall~~ is not be considered.

Subchapter 12. Senior Community Service Employment Program (SCSEP)

PART 1. INTRODUCTION

340:105-12-1. Purpose

Issued 9-15-21

This Subchapter provides Senior Community Service Employment Program (SCSEP) administration rules, per the Community Service Senior Opportunities Act (CSSOA), per Section 3056 et seq. of Title 42 of the United States Code (42 U.S.C. §§ 3056, et seq.; and Public Law 114-144, Part 641 of Title 20 of the Code of Federal Regulations operating under Title V of the Older Americans Act. The Governor designated Oklahoma Human Services Aging Services (AS) in July 2014, to administrator SCSEP. The rules in this Subchapter outline operating policy for each level of the program including AS and sub-grantees.

340:105-12-2. Background

Issued 9-15-21

The Older American Act was passed by Congress in 1965 to provide assistance to states in the development of comprehensive coordinated systems of services to older persons. The Senior Community Service Employment Program (SCSEP) is the only federally-sponsored employment and training program targeted specifically to low-income older individuals who want to enter or re-enter the workforce. SCSEP was established to foster individual economic self-sufficiency and promote useful opportunities in community services activities for unemployed, low-income persons who are 55 years of age and older, particularly persons who have poor employment

prospects, and to increase the number of persons who may enjoy the benefits of unsubsidized employment in both the public and not-for-profit sectors.

340:105-12-3. Definitions

Issued 9-15-21

The following words and terms, when used in this Subchapter, shall have the following meanings as applicable to the Senior Community Service Employment Program (SCSEP), per Section 641.140 of Title 20 of the Code of Federal Regulations (20 C.F.R. § 641.140), unless the context clearly indicates otherwise:

"Additional indicators" means retention in unsubsidized employment for one year; participant satisfaction, employers, and host agencies per the services provided; and other indicators of performance that the United States (U.S.) Department of Labor (DOL) Secretary (Secretary) determines appropriate to evaluate services and performance, per Section 513(b)(2) of the Older Americans Act (OAA § 513(b)(2)).

"At risk for homelessness" means an individual is likely to become homeless and he or she lacks the resources and support networks needed to obtain housing.

"Authorized position level" means the number of SCSEP enrollment opportunities that can be supported for a 12-month period based on the average national unit cost. The authorized position level is derived by dividing the total amount of funds appropriated for a program year by the national average unit cost per participant for that program year as determined by the United States (U.S.) Department of Labor (DOL). The national average unit cost includes all costs of administration, other participant costs, and participant wage and benefit costs as defined in OAA § 506(g).

"Co-enrollment" means any individual who meets the qualifications for SCSEP participation and is also enrolled as a participant in Workforce Innovation and Opportunity Act (WIOA) or another employment and training program, as provided in the Individual Employment Plan.

"Community service" means:

(A) social, health, welfare, and educational services including literacy tutoring, legal and other counseling services and assistance, including tax counseling and assistance and financial counseling, and library, recreational, and other similar services;

(B) conservation, maintenance, or restoration of natural resources;

(C) community betterment or beautification;

(D) antipollution and environmental quality efforts;

(E) weatherization activities;

(F) economic development; and

(G) other such services essential and necessary to the community as the Secretary determines by rule to be appropriate.

"Community service assignment" means part-time, temporary employment paid with grant funds in projects at host agencies through which eligible individuals are engaged in community service and receive work experience and job skills that can lead to unsubsidized employment.

"Core indicators" means hours, in the aggregate, of community service employment; entry into unsubsidized employment; retention in unsubsidized

employment for six months; earnings; the number of eligible individuals served; and most-in-need.

"Core services" means services described in Section 134(d)(2) of the Workforce Innovation and Opportunity Act (WIOA).

"Department" or "DOL" means the U.S. Department of Labor, including its agencies and organizational units.

"Disability" means a disability attributable to a mental or physical impairment, or a combination of mental and physical impairments that results in substantial functional limitations in one or more areas of major life activity, per Section 3002(13) of Title 42 of the United States Code (42 U.S.C. § 3002(13)) The areas are:

(A) self-care;

(B) receptive and expressive language;

(C) learning;

(D) mobility;

(E) self-direction;

(F) capacity for independent living;

(G) economic self-sufficiency;

(H) cognitive functioning; and

(I) emotional adjustment.

"Equitable distribution report" means a report based on the latest available Census or other reliable data that lists the optimum number of participant positions in each designated area in the state, and the number of authorized participant positions each sub-grantee serves in that area, taking into account the needs of underserved counties and incorporated cities as necessary. This report provides a basis for improving the distribution of SCSEP positions.

"Frail" means an individual 55 years of age and older who is determined to be functionally impaired because he or she is unable to perform at least two activities of daily living without substantial human assistance, including verbal reminding, physical cueing, or supervision; or at the option of the State, is unable to perform at least three such activities without such assistance; or due to a cognitive or other mental impairment, requires substantial supervision because the individual behaves in a manner that poses a serious health or safety hazard to the individual or to another individual.

"Grant period," "project period," or "award period" means the time period between the effective date of the grant award and the ending date of the award, including any modifications extending the period of performance, whether by the DOL's exercise of options contained in the grant agreement or otherwise.

"Greatest economic need" means the need resulting from an income level at or below the poverty guidelines established by the U.S. Department of Health and Human Services and approved by the Office of Management and Budget (OMB).

"Greatest social need" means the need caused by non-economic factors that include physical and mental disabilities; language barriers; and cultural, social, or geographical isolation, including isolation caused by racial or ethnic status, which restricts the ability of an individual to perform normal daily tasks or threatens the capacity of the individual to live independently.

"Homeless" means, per 42 U.S.C. § 11302(a), an individual who lacks a fixed, regular, and adequate nighttime residence; and an individual who has a primary nighttime residence that is

(A) a supervised publicly or privately operated shelter designed to provide temporary living accommodations, including welfare hotels, congregate shelters, and transitional housing for the mentally ill;

(B) an institution that provides a temporary residence for individuals intended to be institutionalized; or

(C) a public or private place not designed for, or ordinarily used as, regular sleeping accommodations for human beings.

"Host agency" means a public agency or a private nonprofit organization exempt from taxation under 501(c)(3) of the Internal Revenue Code of 1986 that provides a training work site and supervision for one or more participants. Political parties cannot be host agencies. A host agency may be a religious organization as long as the projects in which participants are trained do not involve the construction, operation, or maintenance of any facility used, or to be used, as a place for sectarian religious instruction or worship.

"Native American" means a person who is a member of a Native American tribe.

"Native American tribe" means any tribe, band, nation, or other organized group or community of Native Americans, including an Alaska Native village or regional or village corporation as defined in or established pursuant to the Alaska Native Claims Settlement Act, 43 U.S.C. §§1601 et seq., per 42 U.S.C. § 3002(27) that is:

(A) recognized as eligible for the special programs and services provided by the United States to Native Americans because of their status as Native Americans; or

(B) located on, or in proximity to, a Federal or State reservation or rancheria.

"Individual employment plan (IEP)" means a plan for a participant based on his or her job assessment conducted by the sub-grantee or sub-recipient, or a recent assessment or plan developed by another employment and training program, and a related service strategy.

"Intensive services" means services authorized by Section 134(d)(3) of the Workforce Investment Act (WIA § 134(d)(3)).

"Jobs for Veterans Act" means Public Law 107-288 (2002). Section 2(a) of the Jobs for Veterans Act, codified at 38 U.S.C. § 4215(a), provides a priority of service DOL employment and training programs for veterans, and certain spouses of veterans, who otherwise meet the eligibility requirements for participation. Priority is extended to veterans. Priority is also extended to the spouse of a veteran who died of a service-connected disability; the spouse of a member of the Armed Forces on active duty who has been listed for a total of more than 90-calendar days as missing in action, captured in the line of duty by a hostile force, or forcibly detained by a foreign government or power; the spouse of any veteran who has a total disability resulting from a service connected disability; and the spouse of any veteran who died while a disability was in existence, per 20 C.F.R. § 641.520(b).

"Job ready" means individuals who do not require further education or training to perform work that is available in their labor market.

"Limited English proficiency" means individuals who do not speak English as their primary language and who have a limited ability to read, speak, write, or understand English.

"Local Workforce Investment Area" or "local area" means an area designated by the Governor of Oklahoma, per WIA § 116.

"Local Board " means a Local Workforce Investment Board established, per WIA § 117.

"Low employment prospects" means the likelihood that an individual will not obtain employment without the assistance of SCSEP or another workforce development program. Persons with low employment prospects have a significant barrier to employment. Significant barriers to employment may include, but are not limited to, lacking a substantial employment history, basic skills, or English-language proficiency; lacking a high school diploma or the equivalent; having a disability; being homeless; or residing in socially and economically, isolated rural or urban areas where employment opportunities are limited.

"Low literacy skills" means the individual computes or solves problems, reads, writes, or speaks at or below the eighth grade level or is unable to compute or solve problems, read, write, or speak at a level necessary to function on the job, in the individual's family, or in society.

"Most-in-need" means participants with one or more of the characteristics in (A) through (M). Participants who:

(A) have a severe disability;

(B) are frail;

(C) are 75 years of age and older;

(D) are age-eligible, but are not receiving benefits under Title II of the Social Security Act;

(E) reside in an area with persistent unemployment and have severely limited employment prospects;

(F) have limited English proficiency;

(G) have low literacy skills;

(H) have a disability;

(I) reside in a rural area;

(J) are veterans;

(K) have low employment prospects;

(L) have failed to find employment after using services provided per Title I of the WIOA of 2016, per 29 U.S.C. § 2801 et seq.; or

(M) are homeless or at risk for homelessness, per OAA § 513(b)(1)(E).

"National sub-grantee" means a public or non-profit private agency or organization, or Tribal organization, that receives a grant, per Title V of the OAA 42 U.S.C. § 3056 et seq. to administer a SCSEP project, per OAA § 506(g)(5).

"OAA" means the Older Americans Act, 42 U.S.C. §§ 3001 et seq., as amended.

"One-Stop Center" means the One-Stop Center system in a WIOA local area that must include a comprehensive One-Stop Center through which One-Stop partners provide applicable core services and provides access to other programs and services carried out by the One-Stop partners, per WIOA § 134(c)(2).

"One-Stop delivery system" means a system under which employment and training programs, services, and activities are available through a network of eligible One-Stop partners, ensuring information about, and access to, core services is available regardless of where the individuals initially enter the workforce investment system, per WIOA § 134(c)(2).

"One-Stop partner" means an entity described in the WIOA § 121(b)(1), such as required partners, or an entity described in WIOA § 121(b)(2).

"Other participant (enrollee) costs" means the costs of participant training, including the payment of reasonable costs to instructors, classroom rental, training supplies, materials, equipment, and tuition, that may be provided before or during a community service assignment, in a classroom setting, or under other appropriate arrangements; job placement assistance, including job development and job search assistance; participant supportive services to enable a participant to successfully participate in a project, including the payment of reasonable costs of transportation, health care and medical services, special job-related or personal counseling, incidentals, such as work shoes, badges, uniforms, eyeglasses, and tools, child and adult care, temporary shelter, and follow-up services; and outreach, recruitment and selection, intake orientation, and assessments, per OAA § 502(c)(6)(A)(ii)–(v).

"Pacific Island Americans and Asian Americans" means Americans having origins in any of the original peoples of the Far East, Southeast Asia, the Indian Subcontinent, or the Pacific Islands, per OAA § 518(a)(5).

"Participant" means an individual who is determined to be eligible for SCSEP, is given a community service assignment, and is receiving any service funded by the program.

"Persistent unemployment" means the annual average unemployment rate for a county or city is more than 20 percent higher than the national average for two out of the last three years.

"Poor employment prospects" means the significant likelihood that an individual will not obtain employment without the assistance of the SCSEP or another workforce development program. Persons with poor employment prospects have a significant barrier to employment; significant barriers to employment include, but are not limited to:

- (A) lacking a substantial employment history, basic skills, or English-language proficiency;
- (B) lacking a high school diploma or the equivalent;
- (C) having a disability;
- (D) being homeless; or
- (E) residing in socially and economically isolated rural or urban areas where employment opportunities are limited.

"Program operator" means a sub-grantee or sub-recipient that receives SCSEP funds from a SCSEP sub-grantee or a higher-tier SCSEP sub-recipient and performs the activities in (A) through (C) for all its participants. The activities are:

- (A) eligibility determination;
- (B) participant assessment; and
- (C) development of and placement into community service assignments.

"Program Year" means the one-year period beginning on July 1 and ending on June 30.

"Project" means an undertaking by a sub-grantee or sub-recipient in accordance with a grant or contract agreement that provides service to communities and training and employment opportunities to eligible individuals.

"Recipient" means sub-grantee. As used here, "recipient" includes "recipient" as defined in 2 C.F.R. § 200 (gg) and "sub-grantee" as defined in 2 C.F.R. § 200.

"Residence" means an individual's declared dwelling place or address as demonstrated by appropriate documentation.

"Rural" means an area not designated as a metropolitan statistical area by the Census Bureau; segments within metropolitan counties identified by codes 4 through 10 in the Rural Urban Commuting Area (RUCA) system; and RUCA codes 2 and 3 for census tracts that are larger than 400 square miles and have population density of less than 30 people per square mile.

"SCSEP" means the Senior Community Service Employment Program authorized under Title V of the OAA.

"Secretary" means the Secretary of the U.S. Department of Labor.

"Service area" means the geographic area served by a local SCSEP project in accordance with a grant agreement.

"Severe disability" means a severe, chronic disability attributable to mental or physical impairment, or a combination of mental and physical impairments, per 42 U.S.C. 3002(48):

(A) is likely to continue indefinitely; and

(B) results in substantial, functional limitation in three or more of the areas of major life activity in (i) through (vii) that are:

(i) self-care;

(ii) receptive and expressive language;

(iii) learning;

(iv) mobility;

(v) self-direction;

(vi) incapacity for independent living; and

(vii) economic self-sufficiency.

"Severely limited employment prospects" means the substantial likelihood that an individual will not obtain employment without the assistance of the SCSEP or another workforce development program. Persons with severely limited employment prospects have more than one significant barrier to employment; significant barriers to employment may include, but are not limited to:

(A) lacking a substantial employment history, basic skills, and/or English-language proficiency;

(B) lacking a high school diploma or the equivalent;

(C) having a disability;

(D) being homeless; or

(E) residing in socially and economically isolated rural or urban areas where employment opportunities are limited.

"State sub-grantee" means the entity designated by the Governor, or the highest government official, to enter into a grant with the Department to administer a State or Territory SCSEP project under the OAA. Except as applied to funding distributions, per OAA §506, this definition applies to the 50 States, Puerto Rico, the District of Columbia,

and Territories: Guam, American Samoa, U.S. Virgin Islands, and the Commonwealth of the Northern Mariana Islands.

"State Plan" means a Plan that the Governor, or the highest government official, of a state must submit to the Secretary that outlines a four-year strategy, and describes the planning and implementation process, for the statewide provision of community service employment and other authorized activities for eligible individuals, per SCSEP, 20 C.F.R. § 641.300.

"Sub-grantee" means an entity receiving financial assistance directly from the Department to carry out SCSEP activities. The sub-grantee is the legal entity that receives the award and is legally responsible for carrying out the SCSEP, even if only a particular component of the entity is designated in the grant award document. Sub-grantees include public and nonprofit private agencies and organizations, state agencies, tribal organizations, and Territories, that receive SCSEP grants from the Department. As used here, "sub-grantee" includes "sub-grantee" as defined in 2 C.F.R. § 200 and "recipient" as defined in 2 C.F.R. § 200 (gg).

"Sub-recipient" means the legal entity to which a sub-award of financial assistance is made by the sub-grantee, or by a higher-tier sub-recipient, and that is accountable to the sub-grantee for the use of the funds provided. As used here, "sub-recipient" includes "sub-grantee" as defined in 2 C.F.R. § 200 and "sub-recipient" as defined in 2 C.F.R. § 200.

"Supportive services" means services, such as transportation, health and medical services, special job-related or personal counseling, incidentals, such as work shoes, badges, uniforms, eyeglasses, and tools, child and adult care, housing, including temporary shelter, follow up services, and needs-related payments, which are necessary to enable an individual to participate in activities authorized under the SCSEP OAA §§ 502(c)(6)(A)(iv) and 518(a)(7).

"Title V of the OAA" means 42 U.S.C. §§ 3056 et seq., as amended.

"Training services" means those services authorized by WIOA § 134(d)(4).

"Tribal organization" means the recognized governing body of any Native American tribe, or any legally established organization of Native Americans that is controlled, sanctioned, or chartered by such governing body 42 U.S.C. 3002(54).

"Unemployed" means an individual who is without a job and who wants and is available for work, including an individual who may have occasional employment that does not result in a constant source of income, per OAA § 518(a)(8).

"Veteran" means an individual who is a "covered person" for purposes of the Jobs for Veterans Act, per 38 U.S.C. 4215(a)(1).

"Workforce Innovation and Opportunity Act (WIOA)" means Workforce Innovation and Opportunity Act of 2014, Public Law 114-144 and WIOA 29 U.S.C. 3101 et seq.

PART 2. STATE AGENCY

340:105-12-4. State plan

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Oklahoma Human Services is required to have a State Plan in place. The Governor, or the highest designee, must submit a plan to the United States Department of Labor

Secretary that outlines a four-year strategy, and describes the planning and implementation process for the statewide provision of community service employment and other authorized activities for eligible individuals, per Senior Community Service Employment Program Section 641.300 of the Older Americans Act.

340:105-12-5. State Agency responsibilities

Issued 9-15-21

Oklahoma Human Services Aging Services is responsible under Title V Senior Community Service Employment Program (SCSEP) to:

- (1) develop and implement the state SCSEP plan with the assistance of sub-grantees and National SCSEP providers;
- (2) have an equitable distribution of authorized positions in the aggregate;
- (3) adhere to provisions set forth in the Older Americans Act and federal regulations promulgated under the Act;
- (4) enroll and serve minority, eligible participants in proportion to the minority eligible participants' numbers within the geographical jurisdiction of the program;
- (5) provide a sub-grantee with:
 - (A) technical assistance related to SCSEP;
 - (B) SCSEP information required to accomplish the sub-grantee's agreement responsibilities; and
 - (C) monthly SCSEP monitoring of programmatic and the financial systems and expenditures, including sub-recipients and local project operators on a regular basis to ensure compliance with cost allocations as specified in the regulations;
- (6) monitor the performance of the sub-grantees for compliance with the terms, conditions, and performance criteria included within the sub-grantee agreement, such as accurate and timely financial reports, and maintaining all requirements for customer and employee satisfaction surveys;
- (7) submit required SCSEP narrative reports quarterly to the United States (U.S.) Department of Labor (DOL);
- (8) review performance measures on a quarterly basis and relay that information to sub-recipient;
- (9) allocate SCSEP funds to a sub-recipient; and
- (10) monitor the sub-recipient:
 - (a) for use of the allocated funds; and
 - (b) to ensure the non-federal share of total SCSEP costs are used for in-kind services at a fair market value to services and facilities contributed; and
- (11) to adhere to performance measures and indicators as determined annually by the U.S. DOL;
- (12) to collaborate with all authorized grantees with minimal disruption to participants;
- (13) to select sub-grantees giving consideration to areas with a substantial population of individuals with barriers to employment. Special consideration is given to organizations with demonstrated expertise in serving individuals with barriers to employment, including former recipients of national grants; and
- (14) corrective action and follow-up procedures for sub-recipients and local project operators to remedy identified problems.

340:105-12-6. Contract withdrawal

Issued 9-15-21

(a) Oklahoma Department of Human Services (OKDHS) terminates the contract in whole or in part for convenience when it is OKDHS' best interest. OKDHS terminates the contract by delivering to the contractor, a Notice of Termination for Convenience, specifying the terms and effective date of contract termination. The contract termination date is a minimum of 30-calendar days from the date OKDHS issues the Notice of Termination for Convenience.

(b) The sub-grantee may terminate the contract for default or other just cause with a 30-calendar day written request. OKDHS may terminate the contract for default or any other just cause upon written notification to the contractor.

(c) Notice of termination must be in writing, and electronic notification is sufficient.

(d) When the contract is terminated, OKDHS is liable only for products and services delivered and accepted and for costs and expenses, exclusive of profit, reasonably incurred prior to the date upon which the notice was received.

340:105-12-7. Coordination and resource development

Issued 9-15-21

Oklahoma Human Services and sub-grantees collaborate with other organizations to maximize opportunities for participants to obtain workforce development, education, and supportive services to help them move into unsubsidized employment. These organizations may include, but are not limited to, workforce investment boards, American Job Centers (One-Stop Centers), vocational rehabilitation providers, disability networks, basic education and literacy providers, and community colleges.

PART 3. PROGRAM STANDARDS FOR SERVICES FUNDED UNDER TITLE V – SENIOR COMMUNITY SERVICE EMPLOYMENT PROGRAM OF THE OLDER AMERICANS ACT

340:105-12-8. Participant

Issued 9-15-21

An individual is determined to be eligible for the program after being assessed by Senior Community Service Employment Program staff and assigned to a community service assignment to receive services funding and legally filling an authorized position.

340:105-12-9. Program eligibility and data validation

Issued 9-15-21

To be eligible for Senior Community Service Employment Program (SCSEP) the following criteria is met and documentation is kept in the participant's paper case file.

(1) Applicants must be 55 years of age and older at the time of enrollment. Age is calculated from the eligibility-determination date. Acceptable documentation to prove age is:

(A) a driver license;

(B) a federal, state, or local government identification card;

(C) a hospital record of birth;

(D) a birth certificate;

- (E) a passport;
- (F) school records or an identification (ID) card;
- (G) Form DD-214, Report of Separation or Discharge Paper;
- (H) tribal records;
- (I) a baptismal record;
- (J) a work permit;
- (K) a cross-match with Oklahoma Department of Vital Statistics;
- (L) public assistance or social services records; or
- (M) a Social Security award letter;

(2) Applicants must be Oklahoma residents.

(A) Residence is defined as an individual's declared dwelling place or address as demonstrated by appropriate documentation. No minimum length of residence is required.

(B) A homeless individual is considered a resident of the state in which she or he is applying.

(C) Residents of other states may be accepted if there is an approved multi-state agreement.

(D) Documentation of residence is required. Residence is verified based on any of the documents in (i) through (xi). The documents are:

(i) a lease or rental agreement;

(ii) an approved cross-border or multi-state agreements;

(iii) a state, federal, or tribal ID card;

(iv) a driver license;

(v) a home utility bill or other billing statement, such as a cell phone bill providing documentation of residence or mailing address, when different than the address on a license or ID;

(vi) a document from a public or private institution, such as an independent-living housing, community-based residential facility, or assisted living, or from the Housing Authority;

(vii) an official government, mail dated within the last 30-calendar days;

(viii) Social Security statement;

(ix) bank statement;

(x) homeowners or rental insurance policy or statement; or

(xi) voter registration card.

(3) Applicants must be legally eligible to work in the United States (U.S.).

(A) U.S. citizenship is not a requirement for enrollment; however, an Employment Eligibility Verification Form (I-9) is required by law for all citizens and non-citizens.

(B) Documentation of eligibility to work is required.

(4) Applicants must be currently unemployed.

(A) An individual may be considered unemployed when without a job, when he or she wants and is available for work, including an individual who may have occasional employment that does not result in a constant source of income.

(B) Documentation of the individual's unemployed status is required.

(C) Unemployment is verified based on self-attestation documentation.

(5) Applicants must meet revised income inclusions and exclusions for determining eligibility.

(6) Recertification of income eligibility of each individual is at least once every 12 months, or more frequently when circumstances warrant.

340:105-12-10. Applicant recruitment and selection process

Issued 9-15-21

Sub-grantees:

(1) develop and implement methods to recruit and select eligible participants to ensure maximum participation in the program;

(2) use income definitions and income inclusions and exclusions for Senior Community Service Employment Program (SCSEP) eligibility to determine and document participant eligibility;

(3) develop and implement methods to recruit minority populations to ensure at least proportional representation in assigned service areas; and

(4) develop and implement strategies to recruit applicants who have priority of service as defined in OAA Section 518(b) (1)-(2) and by the Jobs for Veterans Act (JVA). Individuals with priority include those who:

(A) are covered persons in accordance with the JVA, covered persons who are SCSEP-eligible must receive services instead of or before non-covered persons;

(B) are 65 years of age and older;

(C) have a disability;

(D) have limited English proficiency;

(E) have low literacy skills;

(F) reside in a rural area;

(G) have low employment prospects;

(H) have failed to find employment after utilizing services provided through the One-Stop Delivery System; or

(I) are homeless or are at risk for homelessness.

340:105-12-11. Senior Community Service Employment Program (SCSEP) orientation

Issued 9-15-21

(a) Sub-grantees provide orientation for SCSEP host agencies and participants, including information regarding:

(1) project goals and objectives;

(2) participant rights and responsibilities;

(3) customer service agencies or host agencies;

(4) training opportunities;

(5) available supportive services; and

(6) availability of free physical examinations.

(b) Sub-grantees must address the topics listed in (a)(1) - (5) and provide sufficient orientation to applicants and participants regarding:

(1) SCSEP goals and objectives;

(2) grantee and local project roles, policies, and procedures;

(3) documentation requirements;

- (4) holiday and sick leave;
- (5) assessment process;
- (6) development and implementation of Individual Employment Plans;
- (7) participant progress evaluation;
- (8) health and safety issues related to each participant's assignment;
- (9) supervisors and host agency roles;
- (10) maximum individual duration policy, including the possibility of a waiver, when applicable;
- (11) termination policy; and
- (12) grievance procedure.

340:105-12-12. Assessment and Individual Employment Program (IEP)

Issued 9-15-21

The sub-grantee:

- (1) assesses participants at least twice per 12-month period;
- (2) uses assessment information to determine the most appropriate community service assignments (CSAs) for participants;
- (3) establishes an initial goal of unsubsidized employment for all participants;
- (4) updates the IEP at least as frequently as assessments occur, twice per 12-month period;
- (5) modifies the IEP as necessary to reflect other approaches to self-sufficiency when it becomes clear that unsubsidized employment is not feasible;
- (6) includes an IEP provision to transition to other services for participants who reach the individual durational limit or would not otherwise achieve unsubsidized employment;
- (7) rotates participants to a new host agency, or a different assignment within the host agency, based on a rotation policy approved by United States Department of Labor in the grant agreement and, only when an individualized determination concludes that the rotation is in the participant's best interest. Such rotation must further the acquisition of skills listed in the IEP; and
- (8) develops a system to transition participants to unsubsidized employment or other assistance before each participant's maximum enrollment duration expires.

340:105-12-13. Participant wages

Issued 9-15-21

The sub-grantee provides participants with the highest applicable required federal, state, or local minimum wage for time spent in orientation, training, and community service assignments.

340:105-12-14. Required participant benefits

Issued 9-15-21

The sub-grantee ensures rules and procedures are in place regarding benefits provided to participants. Sub-grantees:

- (1) provide the cost of physical examinations;
- (2) offer physical examinations to participants upon program entry, and each year thereafter, as a benefit of enrollment;

- (3) obtain a written waiver from each participant who declines a physical examination;
- (4) do not obtain a copy or use the results of the physical examination to establish eligibility or for any other purpose;
- (5) provide workers' compensation benefits equal to those provided by federal or state law;
- (6) cover unemployment compensation, when required by state law;
- (7) establish written policies relating to compensation for scheduled work hours during which the participant's host agency is closed for federal holidays, which are:
 - (A) New Year's Day;
 - (B) Dr. Martin Luther King, Jr. Day;
 - (C) President's Day;
 - (D) Memorial Day;
 - (E) Independence Day;
 - (F) Labor Day;
 - (G) Columbus Day;
 - (H) Veterans Day;
 - (I) Thanksgiving; and
 - (J) Christmas;
- (8) establish written policies relating to approved breaks in participation and any necessary administrative and sick leave that is not part of an accumulated sick leave program;
- (9) do not use grant funds to pay the cost of pension benefits, annual leave, accumulated sick leave, or bonuses; or
- (10) follow procedures for payroll and workers' compensation to include:
 - (A) making all required payments for participant payroll and pay workers' compensation premiums on a timely basis; and
 - (B) ensuring host agencies do not pay workers' compensation costs for participants.

340:105-12-15. Prohibited participant benefits

Issued 9-15-21

Participants may not carry over allowable benefits or unused sick leave and holidays from one program year to the next.

340:105-12-16. Participant leave of absence

Issued 9-15-21

(a) Participant leave of absence is not considered part of the durational limits of program participation when correctly entered into SCSEP Performance and Results QPR (SPARQ) unless otherwise notified by the United States Department of Labor (DOL).

(b) Leave of absence of any kind is unpaid leave unless otherwise notified by DOL.

340:105-12-17. Workforce Innovation and Opportunity Act coordination

Issued 9-15-21

- (a) A Memorandum of Understanding (MOU) and Infrastructure Agreement are established for each service area. The sub-grantee operating a Senior Community Service Employment Program (SCSEP) project in a local area is involved in the MOU negotiation with the Local Workforce Investment Board.
- (b) MOU details the SCSEP sub-grantee's involvement in the One-Stop delivery system.

340:105-12-18. Collaboration and leveraged resources

Issued 9-15-21

Collaboration with other organizations is essential to maximize opportunities for participants to obtain workforce development, education, and supportive services to help them move into unsubsidized employment. These organizations may include, but are not limited to, workforce investment boards, American Job Centers (One-Stop Centers), vocational rehabilitation providers, disability networks, basic education and literacy providers, and community colleges.

340:105-12-19. Supportive services

Issued 9-15-21

Sub-grantees are responsible for supportive and follow-up services.

(1) **Supportive services.** Sub-grantees:

(A) provide supportive services, as needed, to help participants participate in their community service assignment and to obtain and retain unsubsidized employment; and

(B) establish criteria to assess the need for supportive services and to determine when participants will receive supportive services, including after obtaining, unsubsidized employment.

(2) **Follow-up.** To ensure continued successful employment and to verify mandated core performance measures, such as earnings and retention in unsubsidized employment for six months, SCSEP staff provides follow-up services within the first 180-calendar days of entry into unsubsidized employment. Staff:

(A) determines if the job is an appropriate match for the participant and the employer;

(B) maintains contact with the participant within the first 180-calendar days of entry into unsubsidized employment in order to verify retention in unsubsidized employment for six months;

(C) documents wages earned by at least one of the methods in (i) – (iii) that are:

(i) a written statement from the employer;

(ii) pay stubs; or

(iii) detailed case notes indicating the name of the employer, the timeframe worked, and the wage; and

(D) may reconsider a participant for reenrollment when it is determined during the follow-up process that the former participant became unemployed.

340:105-12-20. Customer Service Assignment (CSA) and host agencies

Issued 9-15-21

The sub-grantee:

(1) bases the initial CSA on the assessment done at enrollment;

- (2) selects only designated 501(c)(3) organizations or public agencies as host agencies;
- (3) puts in place procedures to ensure adequate supervision of participants at host agencies;
- (4) ensures safe and healthy working conditions at CSA through annual monitoring;
- (5) ensures host agencies develop and implement methods for recruiting new host agencies and provides training options that enable participants to increase skill level and transition to unsubsidized employment; and
- (6) ensures maintenance of effort conditions when selecting a new host agency.

340:105-12-21. Maintenance of effort

Issued 9-15-21

The sub-grantee ensures that Customer Service Assignments (CSA) do not reduce the number of employment opportunities or vacancies that would otherwise be available to individuals who are not Senior Community Service Employment Program participants. The sub-grantee specifically ensures that CSAs do not:

- (1) displace currently employed workers, including partial displacement, such as a reduction in non-overtime work, wages, or employment benefits;
- (2) impair existing contracts or result in the substitution of federal funds for other funds in connection with work that would otherwise be performed; or
- (3) assign, or continue to assign, a participant to perform the same work or substantially the same work, as that performed by an individual who is on layoff.

340:105-12-22. Durational limits

Issued 9-15-21

(a) **Average project duration.** An average project duration of 27 months or less is maintained, unless Educational Training Administration (ETA) approves an extension to 36 months.

(b) **Individual durational limits.** Unless otherwise notified by the United States Department of Labor, participants are allowed to participate in the program for no longer than 48 consecutive or inconsecutive months, unless approved policy allows for an extension and the participant meets extension criteria.

- (1) The individual durational limit of 48 months does not automatically entitle participants to remain in the program for the entire 48 months.
- (2) Participants are notified of policy pertaining to the maximum duration requirement, including the possibility of an extension if applicable, at the time of enrollment and each year thereafter, and whenever ETA has approved a change of policy.
- (3) Participants are terminated when reaching the 48-month durational limit and are provided a written 30-day notice prior to the program exit.
- (4) Eligibility and other programmatic considerations, such as the participant's Individual Employment Program, are taken into account.
- (5) Approved leave of absence does not count toward the aggregate limits for the average project durational limit, nor the individual durational limit. Participants do not receive pay during approved breaks.

340:105-12-23. Performance data validation

Issued 9-15-21

Participant data is collected via the SCSEP Performance and Results QPR (SPARQ) system only for its respective service area to comply with the requirements of the Senior Community Service Employment Program (SCSEP) Data Collection and SCSEP Data Validation Handbooks. Participant paper case files and information entered into SPARQ are used to verify compliance with data validation.

340:105-12-24. Right of return and reenrollment

Issued 9-15-21

Participants must meet eligibility criteria for reenrollment as required for initial enrollment, per Oklahoma Administrative Code 340:105-12-15.

340:105-12-25. OKjobMatch.com and SCSEP Performance and Results QPR (SPARQ)

Issued 9-15-21

The United States Department of Labor requires the use of the SCSEP Performance and Results QPR (SPARQ) system. Data obtained from the SPARQ system is used to track program performance. Sub-grantees ensure all participant and program information is entered in SPARQ, updated on a regular basis, and all participants must be registered in OKjobMatch.com to assist with job search activities. SPARQ is utilized to track the average durational limit for the sub-grantee and individual durational limits reflected in the QPR and management reports. Approved leave of absences do not count toward the aggregate limits for both the project and the individual when properly entered into SPARQ.

340:105-12-26. Case file documentation requirements

Issued 9-15-21

Sub-grantees maintain:

- (1) documentation of waivers of physical examinations by participants;
- (2) documentation of the provision of complaint procedures to participants;
- (3) documentation of eligibility determinations and recertification;
- (4) records of grievances and outcomes;
- (5) records required for data validation; and
- (6) documentation of monitoring reports for sub-grantees and host agencies.

PART 4. FISCAL AND ADMINISTRATIVE POLICIES FOR TITLE V SUB-GRANTEES

340:105-12-27. Maintenance of files and privacy information

Issued 9-15-21

Sub-grantees are responsible for:

- (1) record retention and:
- (2) maintaining participant files for three-program years after the program year in which the participant received final follow-up activity;

(3) ensuring that all participant records are securely stored by the grantee or sub-recipient and access is limited to appropriate staff in order to safeguard personal identifying information;

(4) ensuring all participant medical records are securely stored separately by the grantee or sub-recipient from all other participant records and access is limited to authorized staff for authorized purposes;

(5) establishing safeguards to preclude tampering with electronic media, such as personal identification numbers (PINs) and SCSEP Performance and Results QPR (SPARQ) logins;

(6) ensuring that the Educational Training Administration and national office are immediately notified by the grantee in the event of any potential security breach of PINs, whether electronic files, paper files, or equipment are involved; and

(7) complying with, and ensure that authorized users under its grant comply with, all SPARQ access and security rules.

340:105-12-28. Data collection and reporting

Issued 9-15-21

The sub-grantee:

(1) ensures the collection and reporting of all required data according to specified time schedules;

(2) ensures the use of United States Department of Labor approved data collection forms and the SCSEP Performance and Results QPR (SPARQ) system;

(3) ensures those capturing and recording data are familiar with the latest instructions for data collection, including Educational Training Administration issuances, such as Training and Educational Guidance Letters, Data Collection and Data Validation Handbooks, and the Older Worker Community of Practice;

(4) ensures data is entered directly into the Web Data Collection System (WDCCS)/SPARQ;

(5) presents complete data files in the specified electronic format, as well as hard copy case files, to the grantee when the sub-grantee ceases to administer the program; and

(6) enters complete data related to any participants acquired upon becoming sub-grantee, including participants who are in the follow-up period.

340:105-12-29. Termination

Issued 9-15-21

(a) The sub-grantee provides a 30-calendar day written notice for all terminations that states the reason for termination and informs the participants of grievance procedures and rights to appeal.

(b) The participant can be involuntarily terminated for:

(1) fraud in providing eligibility information;

(2) the grantee or sub-recipient incorrectly determines a participant is eligible;

(3) ineligibility at recertification;

(4) reaching the individual durational limit and not qualify for an extension, when available;

(5) becoming employed, but not notifying the grantee or sub-recipient;

(6) refusing to accept a reasonable number of job offers or referrals, with no extenuating circumstances with approval from the United States Department of Labor (DOL); and

(7) cause with DOL approval.

(c) The participant is given an opportunity to correct behavior or conduct, or failure to comply with the Individual Employment Program requirements, except in cases involving serious harm or imminent threat to health, safety, or property. If at any point, the participant makes a positive effort or his or her lack of action is justified, corrective action is discontinued.

340:105-12-30. Grievance procedures

Issued 9-15-21

(a) **General.** Senior Community Service Employment Program (SCSEP) sub-grantee employees, participants, and applicants are provided the opportunity to make complaints involving alleged violations of federal law or SCSEP operating procedures to the sub-grantee and Oklahoma Human Services (OKDHS) Aging Services (AS). SCSEP grievance policy is based on the principle that appropriate resolution of complaints will, whenever possible, be accomplished at the lowest level possible. This policy includes three components described as requirements of, and actions to be taken by:

(1) AS as the grantee;

(2) sub-grantees; and

(3) the United States (U.S.) Department of Labor (DOL).

(b) **Sub-grantee requirements and actions.** All sub-grantee employees, participants, and applicants must be informed of their rights to file complaints directly with the sub-grantee and the OKDHS AS, and their right of appeal.

(A) Sub-grantees have written grievance procedures for complaint resolution that comply with this policy, and are used to resolve SCSEP employees, participants, and applicant grievances.

(B) Procedures must be consistently and fairly applied. Complaints must be dealt with in a timely manner.

(C) Sub-grantee procedures provide a definition of grievance and specify any complaints that do not constitute a grievance under its procedures, and include an appeals process.

(D) A copy of the grievance procedures is included in the participant handbook and receipt of these procedures is documented with the *Participant Handbook Acknowledgement*.

(E) Sub-grantee grievance procedures include:

(i) **Informal meeting.** The grievant is given an opportunity to meet with the SCSEP Project Coordinator, immediate supervisor, or other appropriate sub-grantee-designated personnel to present the grievance informally to resolve the problem. The grievant must present his or her complaint within 30-calendar days of the incident or occurrence.

(l) An informal meeting is scheduled and conducted with the parties within 15-calendar days of receipt of the complaint. Proceedings are documented in writing and copies are submitted to both parties.

(II) A supervisor, coordinator, or designated personnel provides a written grievance response to participants within 10-calendar days of the informal meeting.

(III) The written response advises the grievant that if he or she is not satisfied with the informal meeting decision, he or she has the right to appeal it in writing to the sub-grantee's executive director within five-calendar days.

(IV) The sub-grantee's executive director's contact information is provided to the grievant with the written response to the informal meeting.

(ii) **Formal meeting.** When the informal meeting does not resolve the issue, a formal process must be followed. The formal meeting must occur within 15-calendar days after the receipt of the grievant's written appeal.

(2) Procedure requirements for implementing this Section are that the:

(A) grievance is presented in writing to the sub-grantee's executive director. The sub-grantee documents the receipt of a written grievance. Copies of written statements relevant to the grievance are made available to both parties;

(B) sub-grantee's executive director, or a panel designated by the executive director, such as the board of directors, hear from representatives of each party. Minutes are made of the hearing;

(C) sub-grantee's executive director or grievance panel render a decision and submit it in writing to the parties involved within 15-calendar days of the formal meeting by certified mail;

(D) minutes, along with written statements and other documentation presented at the hearing, and be maintained in the sub-grantee's files for at least five years after the final disposition of the grievance; and

(E) decision of the sub-grantee's executive director or panel may be appealed to AS.

(e) **Time limit for resolution of sub-grantee level grievance resolution.** Sub-grantee level grievances must be resolved within 60-calendar days of the sub-grantee receiving the complaint.

(f) **Filing grievances directly to OKDHS AS and sub-grantee grievance resolution appeals to OKDHS AS.** Grievances filed directly to OKDHS AS or sub-grantee grievance resolution appeals are in accordance with OKDHS per Oklahoma Administrative Code 340:2-5-43 and 340:2-5-44.

(g) **U.S. DOL requirements and actions.** Grievants, who are dissatisfied with AS grievance resolution and appeals process results, may appeal to DOL. Per 20 C.F.R. Part 641 § 641.910(b), DOL does not review final determinations made under OKDHS AS SCSEP grievance procedures, except to determine if procedures were followed; or to review alleged federal law investigation violations other than those related to nondiscrimination requirements of Title VI of the Civil Rights Act of 1964; Rehabilitation Act of 1974 § 504; Workforce Investment Act of 1998 § 188, or their implementing regulations. DOL appeals must be filed with the Chief, Division of Adult Services, Employment and Training Administration, U.S. Department of Labor, 200 Constitution Avenue, NW, Washington, DC 20210.

(h) **Civil Rights Act or Rehabilitation Act questions or complaints.** Questions about, or complaints alleging a violation of, the administrative requirements of Title VI of the Civil Rights Act of 1964; the Rehabilitation Act of 1973 § 504; or their implementing regulations may be directed or mailed to the Director, Civil Rights Center, U.S. Department of Labor, Room N-4123, 200 Constitution Avenue, NW., Washington, DC 20210.

340:105-12-31. Optional United States Department of Labor (DOL) policy requests
Issued 9-15-21

Grantees that wish to make optional requests must submit each request in a separate, clearly-titled document. To receive Employment and Training Administration (ETA) approval, requests must adhere to the statute and regulations and provide a substantive rationale such as improved program management, better service to participants, or least disruption possible to participants. DOL provides guidance in the most current Training and Employment Guidance Letter regarding instructions. Approvals for optional requests expire at the end of each program year, and grantees must submit a new request to exercise these options.

Optional policy requests are made to DOL only by the grantee. Policy requests include, but are not limited to, Change 48-Month Individual Durational Limit (IDL) per Section 641.570(a)(3) of Title 20 of the Code of Federal Regulations (20 C.F.R. § 641.570(a)(3), Additional Funds for Participant Training and Supportive Services (ATSS) per Section 502(c)(6)(C) of the Older Americans Act, Increase in Administrative Cost Limitations per 20 C.F.R. § 641.870, rotational policy, or on the job experience and Cross-Border Agreements per 20 C.F.R. § 641.515(c).

340-106-12-32. Required United States Department of Labor (DOL) forms
Issued 9-15-21

(a) Sub-grantees use DOL forms for the Senior Community Service Employment Program to include the:

- (1) Participant Handbook Acknowledgment;
- (2) Family Size Verification;
- (3) Family Income Worksheet;
- (3) Host Agency Agreement;
- (4) Host Agency Orientation; and
- (5) Job Search Activity Documentation.

(b) The DOL Participant Handbook or completion of forms do not constitute a contract or a guarantee to obtain work.

340:105-12-33. Budget revisions for Title V sub-grantees
Issued 9-15-21

(a) **Policy.** The following budget revisions require grantor-agency approval by a revised notification of grant award (NGA). Revisions are:

- (1) a budget increase of more than 10 percent in any single-line, approved line item;
- (2) a change in the cost sharing ratio;
- (3) a change in the project period and budget year dates;

- (4) a change in the award recipient; and
- (5) any change in the personnel or equipment line items.

(b) **Authority.** The authority for this section is Part 641 of Title 42 of the Code of Federal Regulations.

(c) **Procedures.** The procedures for implementing this Section are:

- (1) the sub-grantee submits a proposed budget, with any of the outlined revisions listed in (a) of this Section, to the grantor-agency for approval;
- (2) if the revision is approved, the grantor-agency issues a revised NGA; and
- (3) the grantee-agency revises the budget as approved.

340:105-12-34. Fiscal and project performance monitoring and reporting requirements

Issued 9-15-21

(a) Accurate data is entered daily and submitted by the 15th of the month following the end of each quarter, (October 15th, January 15th, April 15th, and July 15th), to SCSEP Performance and Results QPR (SPARQ), as required. Those capturing and recoding data must:

- (1) be familiar with the latest instructions for data collection, including the United States Department of Labor administrative issuances, such as Older Workers Bulletins, Training and Employment Guidance Letters, Data Collection Handbook, and internet postings;
- (2) safeguard personal identification numbers (PIN);
- (3) notify the Oklahoma grantee immediately in the event of any potential PIN security breach;
- (4) ensure users comply with all SPARQ access and security rules; and
- (5) turn over complete data files for DAILE and SCSEP databases (SPARQ), and hard copy case files, when the second party ceases to administer SCSEP.

(b) **Administration costs.**

The sub-recipient's administration costs cannot exceed the approved level of administration funding for SCSEP funds received for a program year. Administrative costs are the allocable portion of necessary and reasonable allowable costs associated with performing general administrative and coordination functions, including:

- (1) accounting, budgeting, financial, and cash management;
- (2) procurement and purchasing;
- (3) property management;
- (4) payroll;
- (5) coordinating the resolution of findings arising from audits, reviews, investigations, and incident reports;
- (6) audit;
- (7) general legal services;
- (8) preparing administrative reports; and
- (9) other activities necessary for general administration.

(c) **Enrollee wage or fringe (EWF).** Sub-recipients must assign participants' wage and benefits costs to EWF. A minimum percentage of SCSEP funds must be used to pay for wages and benefits in accordance with federal guidelines. Failure to meet performance

standards may lead to a disallowance in administration and other enrollee costs. EWF costs include, but are not limited to, the costs of:

- (1) participant wages, such benefits as are required by law, compensation for scheduled work hours during which a host agency is closed for a federal holiday, and necessary sick leave that is not part of an accumulated sick leave program; and
- (2) participant training, per Section 641.540 of Title 20 of the Code of Federal Regulations (20 C.F.R. § 641.540);

(d) **Other enrollee costs.** Sub-recipient's other enrollee costs may include the allocable portion of necessary and reasonable allowable costs associated with:

- (1) costs related to instructors, classroom rental, training supplies, materials, equipment, and tuition provided in a classroom setting or under other appropriate arrangements;
- (2) job placement assistance, including job development and job search assistance;
- (3) supportive services, including the reasonable costs of transportation, health care and medical services; special job-related or personal counseling; incidentals, such as work shoes, badges, uniforms, eyeglasses, and tools; child and adult care; temporary shelter; and follow-up service;
- (4) outreach;
- (5) recruitment and selection; and
- (6) intake orientation and assessment.

(e) **Match requirements.** Non-federal share is required and is cash or in-kind. Sub-recipients:

- (1) determine the non-federal share of costs per 29 C.F.R. § 97.24 for governmental units or 29 C.F.R. § 95.23 for nonprofit and commercial organizations;
- (2) follow the uniform allowable cost requirements that apply to their organization;
- and
- (3) must meet all match requirements as specified in their sub-award.

PART 5. SUB-GRANTEE RESPONSIBILITIES

340:105-12-35. Coordination and resource

Issued 9-15-21

Each sub-grantee is expected to work and collaborate with its local Workforce Innovation and Opportunity Act (WIOA) One Stop, and American Job Center (AJC) office and to further collaborate with local and regional providers for supportive services that may alleviate barriers to employment for participants.

340:105-12-36. Equitable distribution

Issued 9-15-21

Sub-grantees must manage slot allotment within equitable distribution guidelines set by the United States Department of Labor, to the extent feasible, providing potential participants with equal access to the program. Over-enrollment must be managed to minimize impact on participants and avoid layoffs.

340:105-12-37. Title V host agency monitoring and evaluation

Issued 9-15-21

(a) Prior to a host agency acting as a training site for participants, a host agency must understand and agree to:

(1) bear the cost of any training materials, background checks, and required health screenings;

(2) provide a safety orientation to all assigned participants;

(3) inform the project office of any changes to a participant's work schedule or training responsibilities;

(4) notify the project office if the participant's supervisor is paid with federal funds by checking the appropriate box on the host agency agreement;

(5) consider qualified participants for permanent positions within the agency as they become available;

(6) adhere to the sub-grantee's right to set participant training hours based on the available budget and other program considerations in the county where the participant is assigned; and

(7) ensure participants are not unsupervised or left alone at any time.

(b) The sub-grantee is responsible to provide technical assistance and training when required by the grantee or requested by host agency, and to annually monitor each host agency for safety conditions, documenting findings in the host agency file.

340:105-12-38. National or state emergencies or mandates

Issued 9-15-21

(a) Sub-grantees are responsible for ensuring host agencies have disaster and emergency action plans in place.

(b) When, due to a national or state emergency or mandate and a change to the individual durational limit is directed, participants are eligible for continued program participation for the length of time specified by the mandate. When there is not an active host agency assignment available for the participant, he or she is entered into an unpaid approved break in participation until he or she is able to be placed in a paid training activity. The approved break in participation is not counted against the new durational limit. At the time a participant resumes active training, his or her additional participation count begins. Remaining eligibility is only calculated for time spent in the paid training or community service assignment. Participants are notified of the option for continued eligibility. If the participant opts for continued Senior Community Service Employment Program services, he or she is provided their 12-month transitional notice with their new eligibility expiration date.