

October 14, 2008

Thomas M. Dowd, Administrator  
Office of Policy Development and Research  
U.S. Department of Labor  
200 Constitution Avenue, NW, Room N-5641  
Washington, DC 20210

**Subject: RIN 1205-AB48 – Proposed SCSEP Regulations**

Dear Mr. Dowd:

In 2006, DOL awarded Goodwill Industries International (GII) with its first SCSEP grant. As one of the newest SCSEP grantees, GII has worked with the U.S. Department of Labor as a national intermediary to local agencies in six states. Between July 1, 2007 and June 30, 2008, Goodwill's SCSEP program enrolled and served 2,100 older adults in six communities. These older workers participated in community service employment placements in local public and non-profit organizations to learn new job skills. SCSEP participants contributed a total of 1,186,407 community service hours at locations such as housing agencies, food banks, libraries, schools, senior centers, and child care centers. More than 300 participants exited the program for employment, with an average starting wage of \$9.84.

In response to the Department of Labor's Employment and Training Administration's notice of proposed rulemaking for the Senior Community Service Employment Program (SCSEP) included in the Federal Register on August, 14, 2008, Goodwill Industries International, Inc. (GII) is submitting the following comments.

**New Definitions (641.140)**

GII believes that the definition of "equitable distribution report" should be modified to allow the use of other reliable data, in addition to Census data, to determine the optimum number of participation positions in each designated area in the state. It has been GII's experience that the current census data often does not accurately reflect the current number of SCSEP-eligible individuals, especially those in sparsely populated areas. Several of GII's six sub grantees have gone to great lengths to identify and enroll the SCSEP-eligible individuals that Census data – nearly nine years out of date – asserts are living in remote areas of their territories. As a result, GII is using newer data sets to help it to locate SCSEP eligible participants in remote areas. When available, use of such data sets, in addition to the Census should be allowable sources in equitable distribution reports.

### **What is the Relationship Between the SCSEP and the Workforce Investment Act? (641.200)**

GII agrees that coordination between SCSEP and the WIA system can be improved. In an effort to facilitate such coordination, many SCSEP grantees have assigned staff to work at local One-Stops as part of their MOU. However, GII believes that efforts to align SCSEP and WIA should recognize the challenges that the workforce system has experienced when serving older Americans. For example, *Most One-Stop Career Centers Are Taking Multiple Actions to Link Employers and Older Workers*, A GAO Report issued in April 2008, noted that WIA's performance measures may create a disincentive to serving older workers. "One factor, the performance measure tracking participants' earnings, may create disincentives for serving older workers who are more likely to work part-time, which provides lower wages." While there are certainly advantages to participants for SCSEP to be a required partner in the One-Stop Delivery System, the program must be able to maintain its independent integrity as Congress clearly intended when it reauthorized OAA in 2006.

### **When Will a Department Compete SCSEP Grant Awards? (641.490)**

GII urges the Department to make its decision on when to hold a national SCSEP competition using the national baseline for all organizations. We question whether the proposal to add one additional grant year for some, but not all, grantees will create a complicated competitive grant cycle in which grant applicants compete for SCSEP grants at different times depending upon the number of grants that are due for competition in any given year. Such a process would remove the opportunity for new and incumbent organizations to compete with all national organizations, and would only serve to exacerbate the difficulties of SCSEP participant transition from one provider to another.

### **What Responsibility Do Grantees/Sub-Recipients Have to Place Participants in Unsubsidized Employment? (641.550)**

GII understands the Department's intent to emphasize placement in unsubsidized employment in SCSEP's regulations. However, the proposed rules could prevent SCSEP programs from using alternative employment placement strategies such as self-directed job searches that are supported by SCSEP sub-recipients. Self-directed job searches contributes to participant self-sufficiency and job search skills, and provides them useful tools for self-reliance. Alternatives, such as self-directed job searches supported by sub-recipients should, where appropriate, be an acceptable alternative for promoting placement in unsubsidized employment.

### **Is There a Time Limit for Participation in the Program? (641.570)**

GII is concerned about the Department's proposal to implement a one-year per participant limit on program participation beyond the 48-month limitation that was established when the Older Americans Act was reauthorized in 2006. GII believes implementation of such a regulation should be delayed until after the Department, in coordination with other Federal agencies and states, creates or identifies acceptable alternative programs and resources to SCSEP for those individuals who are unable to exit the program for unsubsidized employment but who rely on the program for income, support services, and social interaction.

GII understands that the Department's intent is to limit long-term placements; however, GII is concerned that the Department's proposed regulation could needlessly discourage SCSEP sub-

recipients from serving older Americans who are most in need as defined in the reauthorized OAA. Furthermore, we believe that the performance requirement that “each grantee must manage its SCSEP project in such a way that the grantee does not exceed an average participation cap for all participants of 27 months (in the aggregate)” accomplishes this goal. This is especially critical for areas of the country, including rural areas and economically distressed areas, where social services are scarce.

Sincerely,

A handwritten signature in black ink that reads "Jim Gibbons". The signature is written in a cursive, flowing style.

Jim Gibbons  
President and CEO