

## CHAPTER 10

## SENIOR INTERNSHIP PROGRAM (SIP)

[Prior to 5/20/87, see Aging, Commission on the [20] rules 8.67 to 8.70]

**321—10.1(231) Scope and purpose.**

**10.1(1) Scope.** The senior internship program (SIP) encourages and promotes employment opportunities in both public and private sectors for individuals aged 55 and older. All procedures and rules used to operate this program shall be in accordance with Title V of the Older Americans Act as amended October 17, 2006, and implemented under 20 CFR 641, these rules, and the contractual agreement between the department and the subproject sponsor.

**10.1(2) Purpose.** The purpose of the senior internship program (SIP) is to promote meaningful employment opportunities for persons aged 55 and older under two different funding sources and differing criteria for eligibility: The first eligibility group receives federal dollars authorized under Title V of the Older Americans Act as amended October 17, 2006 (OAA Amendments), Pub L. No. 06-501, U.S.C. 3056, and implemented under 20 CFR Part 641 (April 9, 2004) to promote part-time, work-based training opportunities in local communities for unemployed, low-income individuals. The second eligibility group is funded by state appropriations and offers the services needed to assist underemployed or unemployed job seekers in such areas as skill assessment, résumé and interview assistance, completion of applications, and job counseling. The goal of both groups is to obtain unsubsidized employment for eligible individuals.

**321—10.2(231) Definitions.** Words and phrases used in this chapter shall be as defined in 321—Chapter 1 unless the context of the rule indicates otherwise. The following definitions also apply to this chapter. The appearance of an acronym after a defined term indicates that the definition was taken from that source.

*“Assessment of job skills”* means a process by which the senior internship program coordinator develops a written history of the work experience and related qualities that an individual possesses that would make the individual marketable as an employee.

*“Authorized position”* means an enrollment opportunity with the Senior Community Services Employment Program (SCSEP), or Title V, allocated by the department of elder affairs during a program year.

*“Core services”* means labor market information, an initial assessment of skill levels, and job search and placement assistance offered to a job applicant.

*“Eligible individual”* means a person who is 55 years of age or older who is served by SIP and who meets one of the two eligibility groups’ criteria.

*“Equitable distribution”* means the ratio of the total Title V authorized positions operated by the department and national sponsors compared to the number of authorized positions established on the basis of the eligible population.

*“Host agency”* means a public agency, private nonprofit organization, or private sector employer, other than a political party, exempt from taxation under Section 501(c)(3) of the Internal Revenue Code, which provides a work site and supervision for a participant.

*“Individual employment plan”* or *“IEP”* means the plan developed in partnership with a participant to reflect the participant’s needs as indicated by the assessment, as well as the expressed interests and desires of the participant.

*“Low income”* (SIP) means any person or persons whose actual individual or family income is not more than 125 percent of the poverty guidelines issued annually by the U.S. Department of Labor in accordance with Section 507(2) of the Older Americans Act.

*“National sponsor”* means Experience Works, AARP, Senior Services of America, Inc., or any other national organization which is allocated positions by the U.S. Department of Labor.

*“One-stop delivery system”* means a workforce system connecting employment, education, and training services into a coherent network of resources at the local, state, and national levels.

*“Physical examination”* means a medical examination performed by a physician or a medical professional under the supervision of a physician to determine if a participant is capable of fulfilling the duties of a work assignment.

*“Physical examination waiver”* means a signed statement by a participant or an applicant which verifies that the participant or applicant was offered the opportunity to take a physical examination but refused.

*“Quarterly progress report”* means the report on participant activity and characteristics submitted to the U.S. Department of Labor from information gathered from the subproject sponsors at the end of every three-month period during the fiscal year.

*“Senior Community Services Employment Program”* or *“SCSEP”* means the U.S. Department of Labor’s commonly referred to name for the Title V program.

*“Senior internship program”* or *“SIP”* means the program established under Iowa Code section 231.52.

*“Senior internship program coordinator”* means a person employed by the subproject sponsor whose responsibility is to develop jobs, advocate for the employment of eligible individuals, and provide employment services for eligible individuals, including Title V participants.

*“Subproject sponsor”* means a public or private nonprofit organization that provides program services on behalf of the grantee. Subproject sponsors are required to follow all applicable laws, rules, regulations and policy advisories.

*“Temporary position”* means the authorized positions which exceed the number allocated by the U.S. Department of Labor.

*“Termination”* means a separation from the program.

*“Title V”* means that portion of the federal Older Americans Act with that designation.

*“Unsubsidized employment”* means a position where wages, fringe benefits and other expenses for a terminated participant are not paid with SIP funds.

*“Workforce Investment Act of 1998”* means the law providing the framework for a national workforce preparation and employment system designed to meet both the needs of the nation’s businesses and the needs of job seekers and those who want to further their careers.

*“Work site”* means the actual location where participants perform their duties.

### **321—10.3(231) Eligibility for service.**

**10.3(1)** To be eligible for participation for core services in the SIP, an applicant shall:

- a. Be aged 55 or older;
- b. Be a current resident of the state of Iowa; and
- c. Be unemployed or underemployed at the time of application.

**10.3(2)** To be eligible for the SIP Title V subsidized employment program, participants shall meet the following criteria:

- a. Be aged 55 or older;
- b. Be unemployed; and
- c. Meet income guidelines established annually by the U.S. Department of Labor relating to Title V eligibility.

**10.3(3)** Priority eligibility. A person who is eligible for Title V and who has priority status as defined in paragraph 10.5(2)“c” will be given first consideration for a Title V position.

### **321—10.4(231) Funding.**

**10.4(1)** SIP shall be funded by:

- a. Title V of the Older Americans Act as amended October 17, 2006.
- b. SIP state appropriations.
- c. Other nonfederal sources.

**10.4(2)** Title V funds and state funds shall be allotted among the SIP subproject sponsors according to the number of Title V slots designated for contracted projects.

**10.4(3)** If two or more subproject sponsors combine resources, the subproject sponsors shall be treated as one agency for funding purposes.

**10.4(4)** Title V funds and SIP state funds shall not be carried over.

**10.4(5)** Federal Title V funds and SIP state appropriations shall be allocated through a contractual agreement between the department and the subproject sponsor.

**321—10.5(231) Program requirements.**

**10.5(1) *Participating agencies.*** Public, private and not-for-profit organizations will be contacted to respond to a request for proposal (RFP). Agencies will be selected to operate SIP through the request for proposal process, and those selected will become subproject sponsors as defined in paragraph 10.6(2) “a.”

**10.5(2) *Subproject sponsor responsibilities.*** Sponsor responsibilities for SIP shall include the following:

*a.* Implementation of recruitment methods that ensure that the maximum number of eligible individuals have access to and participate in employment opportunities and the Title V program; and

*b.* Subproject sponsors shall designate a member of their staff as a senior internship program coordinator to ensure program performance; and

*c.* For persons identified eligible for the Title V portion of the program, all procedures and rules shall be in accordance with Title V of the Older Americans Act as amended October 17, 2006, and 20 CFR 641. For Title V participants, subproject sponsors shall:

(1) Minimize the number of vacant part-time positions;

(2) List all vacant positions with the local workforce development center;

(3) Enroll individuals in the Title V program according to the priorities established by the U.S. Department of Labor;

(4) Ensure that recruitment efforts are targeted toward minority, limited English-speaking eligible individuals and individuals with the greatest economic need;

(5) Meet the state performance measures established in the request for proposal:

1. The first year a subproject sponsor fails to meet required performance measures, technical assistance will be provided and a corrective action plan will be required;

2. After the second consecutive year of failure to meet required performance measures, the funds and Title V positions will be reallocated;

(6) Develop job opportunities for job-ready participants by the following methods:

1. Coordinate with the local workforce development center in registering and placing older workers;

2. Contact and educate private employers concerning the resources older workers bring to the labor force and assist the employer in developing job sharing, job restructuring and other techniques to increase opportunities for older workers;

3. Encourage host agencies to employ the participant in their regular workforce as originally agreed; and

4. Coordinate with other local employment and training programs in identifying jobs or training opportunities for participants;

(7) Follow up on each participant twice during the first 90 days of unsubsidized employment:

1. Follow-up shall occur at 30 and 90 days with the results documented in participants' individual employment plans; and

2. Participants found to be unemployed shall be considered for reenrollment;

(8) Assist participants in accessing approved training sessions;

(9) Provide participants and host agencies with orientation to program purposes, goals and requirements;

(10) Provide access to supportive services where needed by a participant for participation in the program;

(11) Provide written job descriptions to participants immediately after entry into the program;

(12) Provide each participant with a copy of the host agency grievance procedures and the subproject sponsor's grievance procedures;

(13) Complete an individual employment plan (IEP) for each Title V participant based on an assessment conducted by the subproject sponsor and updated semiannually with the participant to use as an ongoing development plan;

(14) Ensure outreach to those in greatest economic need, including minorities and limited English-speaking individuals;

(15) Maintain the authorized enrollment level and provide for temporary positions unless approval has been received from the department to operate at a decreased level;

(16) Perform evaluations of each host agency at least annually;

(17) Coordinate and cooperate with national sponsors in the establishment of authorized positions in each county in accordance with equitable distribution requirements as appropriate;

(18) Maintain records and reports required by the U.S. Department of Labor and the department of elder affairs;

(19) Comply with maintenance of effort (MOE) requirements; and

(20) Provide or arrange through third parties a percentage of the cost of the project as designated in the subproject sponsor contractual agreement:

1. Subproject sponsor contributions may be cash or in-kind or a combination of both.

2. Projects may generate a fee for service or charge a host agency fee in accordance with current U.S. Department of Labor administrative regulations and the terms and conditions of the grant award. Such program income shall be added to the federal funds committed to the project and shall be used to further eligible project or program objectives.

**10.5(3)** *Program coordination with one-stop delivery system.*

a. Subproject sponsors shall coordinate the SIP with the one-stop delivery system as established under Section 134(c) of the Workforce Investment Act of 1998 (29 U.S.C. 2864(c)) to ensure opportunities for unsubsidized employment.

b. Subproject sponsors shall enter into a memorandum of understanding with the local workforce investment board in accordance with Section 121(c) of the Act.

c. Subproject sponsors shall provide a copy of the current memorandum of understanding to the department.

**10.5(4)** *Department responsibilities.* The department shall:

a. Issue a request for proposal for application for senior internship funds;

b. Monitor subproject sponsors at least annually as required in subrule 10.7(2);

c. Provide training and technical assistance to subproject sponsors;

d. Provide training workshops for SIP coordinators and other subproject sponsor employment staff, subject to availability of funding;

e. Coordinate the allocation of authorized positions with national sponsors according to equitable distribution requirements;

f. Report to the U.S. Department of Labor annually on the status of equitable distribution efforts;

g. Submit to the governor a state senior employment services coordination plan consistent with the provisions of Title V;

h. Report to the U.S. Department of Labor as required by Title V of the federal Older Americans Act;

i. Coordinate the SIP with the department of workforce development, the department of education, the department of economic development, and other agencies which provide employment services to elder Iowans; and

j. Maintain records as required by 321—subrule 5.13(1).

**10.5(5)** *Complaint procedures.* The department shall resolve complaints of applicants, participants, subproject sponsors and host agencies by following these procedures:

a. Any adverse action taken against a participant shall be issued to the participant in writing, stating the reasons for the determination, the participant's right to appeal, and the procedures to follow in the appeal process.

*b.* Subproject sponsors shall develop complaint procedures and an appeal process to resolve any issue arising between the sponsor and a participant or applicant. Procedures shall provide the following as a minimum:

(1) An opportunity for an informal conference and immediate resolution at the lowest level possible;

(2) Formal procedures for filing the complaint in writing for review by the subproject sponsor or the designee of the subproject sponsor;

(3) The right of the participant to appeal the subproject sponsor's final decision in writing to the department within 15 days of the date of the decision; and

(4) All lower-level appeals provided by the subproject sponsor must be exhausted before appealing to the department.

*c.* The department shall determine whether the complaint is of a nature to initiate an informal review or a contested case proceeding as set forth in rule 321—2.9(231) and 321—Chapter 13.

*d.* Complaints alleging a violation of law may be appealed to the U.S. Department of Labor if not resolved by the host agency, subproject sponsor or the department within 60 days of the original filing.

*e.* Complaints alleging discrimination on the basis of race, color, sex, national origin, handicap or age which are not resolved by the host agency, the subproject sponsor or the department within 60 days may be filed with the Director, Office of Civil Rights, U.S. Department of Labor, Washington, DC 20210. These complaints will be handled in accordance with the procedures in 29 CFR Parts 31 and 32 (July 1, 1990).

*f.* Complaints not alleging discrimination or violation of statute may be appealed to the department pursuant to paragraph 10.5(5) "c" but are not subject to appeal to the U.S. Department of Labor.

### **321—10.6(231) Funding criteria.**

**10.6(1) *Application.*** Application for SIP funds shall be made by proposals submitted to the department.

**10.6(2) *Award.*** The department shall select subproject sponsors in accordance with the following criteria:

*a.* The subproject sponsor shall be a public, private or nonprofit organization with proven management and administrative capabilities to provide employment and training services to older workers;

*b.* The department may choose among competing subproject sponsors based upon the department's determination of the sponsor's ability to comply with requirements set forth in a request for proposal;

*c.* Factors which may be considered include evaluations of the existing management and administrative capabilities of the organization;

*d.* Upon review and approval of the application by the department, the applicant shall be notified of grant approval through a notification of grant award;

*e.* Formal procedures for selecting a subproject sponsor will include the rebidding of a contract for services every five years. Contracts will be awarded following the request for proposal competition and may be renewed for a one-year budget period on a noncompetitive basis. Awards will be subject to availability of funds, satisfactory progress of the project, and a determination that continued funding is in the best interest of the department and the project; and

*f.* At the the department's discretion, approved positions and funds may be reallocated from one subproject sponsor to another during the program year to further achieve the required performance levels.

**10.6(3) *Denial of award.*** An application for SIP funding by a subproject sponsor may be denied if the subproject sponsor does not perform according to the guidelines of these rules or fails to meet the requirements of the Older Americans Act as amended October 17, 2006.

**10.6(4) *Appeal.*** An appeal to a proposed decision made pursuant to these rules may be made according to the procedures contained in Iowa Code chapter 17A and 321—Chapter 13 and must be filed within 30 days of the issuance of the proposed decision.

**10.6(5) Reallocation.** Reallocation of Title V funds may be made by the director according to the criteria defined in 321—paragraph 5.8(1)“b.”

**321—10.7(231) Monitoring and record keeping.**

**10.7(1) Subproject sponsor duties.** The subproject sponsor shall:

- a. Submit performance, fiscal and program reports to the department of elder affairs in accordance with procedures established by the department;
- b. Maintain files on each Title V participant containing the following: Immigration and Naturalization Service I-9 (Proof of Citizenship), application, enrollment form, recertifications (if applicable), skills assessments, training record, terms of employment agreement, physical examination report (or properly executed waiver), individual employment plan (IEP), job description, performance evaluations, disciplinary actions, payroll records, and termination forms (if applicable); and
- c. Maintain files for each host agency or work site, which shall include:
  - (1) The host agency or work site agreement containing relevant program requirements;
  - (2) Evidence that the host agency or work site participant supervisor has received orientation; and
  - (3) Host agency or work site evaluation reports.

**10.7(2) Department duties.** The department shall:

- a. Conduct desk monitoring of the SIP. The department may conduct on-site monitoring if circumstances require an inspection of subproject sponsor records;
- b. Conduct an on-site assessment of each SIP subproject at least annually. The subproject sponsor shall be informed in writing of findings and recommended corrective actions. Assessment reports and responses shall be kept on file at the department and shall be open to inspection by authorized state and federal officials;
- c. Maintain files on Title V participants that include applications, recertifications, physical examination records, physical examination waivers, and termination forms (if applicable); and
- d. Maintain financial records as required by statute, regulation, administrative rule, or technical bulletin.

**321—10.8(231) Severability.** Should any rule, subrule, paragraph, phrase, sentence or clause of this chapter be declared invalid or unconstitutional for any reason, the remainder of this chapter shall not be affected thereby.

These rules are intended to implement Iowa Code chapter 231.

[Filed 5/20/82, Notice 3/17/82—published 6/9/82, effective 7/14/82]

[Filed 5/1/87, Notice 2/25/87—published 5/20/87, effective 6/24/87]<sup>1</sup>

[Filed 10/25/91, Notice 7/10/91—published 11/13/91, effective 12/18/91]

[Filed emergency 2/15/02 after Notice 1/9/02—published 3/6/02, effective 2/15/02]

[Filed 2/21/06, Notice 11/23/05—published 3/15/06, effective 5/1/06]

[Filed 12/28/07, Notice 9/12/07—published 1/30/08, effective 3/5/08]

<sup>1</sup> Effective date of Chapter 10 delayed 70 days by the Administrative Rules Review Committee.