



# NEW MEXICO POLICIES & PROCEDURES

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## SECTION CONTENTS

### ALLOCATION AND ELIGIBILITY TO EMPLOYMENT PROGRAMS BUREAU

THE DOCUMENT CONTAINED HEREIN IS SUBJECT TO CHANGE.

VERSION: 8.2025

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**NEW MEXICO EMPLOYMENT PROGRAM BUREAU**  
**POLICIES AND PROCEDURES**  
Updated for (20 CFR §641.140)

**1.0 PURPOSE**

- A. The purpose of this policy is to establish the Aging and Long-Term Services Employment Bureau Procedures for position allocation and eligibility to SCSEP Senior Community Service Employment Program.

**1. POLICY**

The department follows the following position allocation and eligibility requirements for SCSEP and SEP.

**2. PROCEDURE**

A. Position SCSEP allocation. The department will follow an equitable distribution plan according to Section 507 of the Older Americans Act (42 U.S.C. section 3056e) and 20 C.F.R. Sections 641.140, 641.360, 641.365, and 641.879 (as amended) and endeavor to allocate positions to each county in New Mexico based on the projected percentage of individuals meeting the eligibility requirements of this section.

- When allocating positions, the equitable distribution of all senior community service employment program resources available through federal contractors operating in New Mexico will be considered.
- When a participant exits subsidized on-the-job training and a vacancy occurs, the vacant position is removed from the host agency and will be placed in a statewide pool and reassigned as follows:
  - (a) Any inequities in the equitable distribution plan will be noted, and the most underserved counties will have priority to receive the position.
  - (b) Applicants will be sought or taken from a waiting list, if one exists;
  - (c) Federally mandated priorities and preferences will be implemented in accordance with Section 518 of the Older Americans Act (42 U.S.C. section 3056p) and 20 C.F.R. Sections 641.515 through 641.530 (as amended).
  - (d) Chosen applicants will be assessed for their employment goals.
  - (e) Host agencies that provide training that matches the applicant's goals will be chosen.
  - (f) In the event of more than one host agency that matches applicant goals, priority will be given to the host agency that demonstrates the ability to provide training resulting in the unsubsidized employment of participants.

- B. Eligibility requirements are:
- An applicant shall be 55 years of age or older to be determined eligible; no applicant may be determined ineligible because of advanced age, and no upper age limitation may be used;
  - An applicant's income shall meet the eligibility requirements specified in the Older Americans Act in order to be determined eligible;
  - An applicant shall be a resident of New Mexico, unless a cross-border agreement with a neighboring state exists, to be determined eligible;
  - Any additional requirements of the Older Americans Act, such as that an applicant be unemployed, will be implemented; and
  - After completing an application, an applicant may need to disclose additional information or submit to additional screening in order to qualify for a specific placement at the discretion of the department and the host agency, including, but not limited to: background checks or proof of applicable licensure; (for example, work with young children or vulnerable adults may require a criminal background check, large vehicle operation may require a special driver's license, operation of heavy equipment or lifting heavy loads may require additional medical disclosure) failure to fully disclose information relevant to meeting the qualifications for a position may result in termination, change, or lack of placement.
- C. An eligible applicant who has been accepted as a participant shall be offered a physical examination at the time of enrollment and annually thereafter. The participant may waive this benefit and shall do so in writing.
- D. Senior community service employment program trainee participants are excluded from membership in the Public Employees Retirement Association.
- E. Eligible participants shall be placed in on-the-job training positions that provide community service. Participants may not engage in political activities pursuant to 42 U.S.C. section 3056(b)(1)(P) and as implemented at 20 C.F.R. Section 641.836 (as amended).
- F. Wages shall be at least the prevailing federal, state or local minimum wage, whichever is higher.
- G. In compliance with the Fair Labor Standards Act of 1938, 29 U.S.C. Chapter 8 Section 201 et seq. (as amended), participants are not allowed to donate extra volunteer hours at work sites unless the volunteer work is substantially different than that required by their subsidized positions.
- H. The department may transfer a participant from one host agency to another.
- I. The department shall determine whether an agency or organization is eligible to be designated a host agency, pursuant to 42 U.S.C. section 3056(b)(1)(D) and as implemented at 20 C.F.R. Sections 641.140 and 641.844 (as amended). Before a position can be assigned to the host agency, a proper agreement shall be executed.
- J. The department shall develop and maintain policy and procedure manuals. Such manuals will designate participant benefits and other policies and procedures to enable the smooth operation of the program.
- K. Participants shall be reimbursed for mileage, per diem, and other expenses only in accordance with policies and procedures developed by the department.
- L. No waivers of the eligibility requirement under the senior community service employment program may be granted by the department.

## Revision History

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