



NEW MEXICO POLICIES & PROCEDURES

SECTION CONTENTS

SCSEP TERMINATION

THE DOCUMENT CONTAINED HEREIN IS SUBJECT TO CHANGE.

VERSION: 8.2025

NEW MEXICO STATE ALTSD—SCSEP Termination Policy
NEW MEXICO EMPLOYMENT PROGRAM BUREAU
POLICIES AND PROCEDURES

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1.0 PURPOSE

- (A)** The purpose of this policy is to establish the Aging and Long-Term Services Department's (ALTSD) and Senior Community Service Employment Program's (SCSEP) Termination Policy In compliance with 20 C.F.R. section 641.580.

1. DEFINITIONS

- A. Host Agency – A not-for-profit organization or public agency selected by the Aging & Long-Term Services Department (ALTSD) in which eligible trainee(s) are placed in training positions(s).
- B. Termination – Voluntary or involuntary separation from a program, specifically, from the SCSEP.

2. POLICY

The ALTSD SCSEP Termination Policy specifies the conditions under which a participant may be terminated from the program and the process by which involuntary termination will be handled. At enrollment, each SCSEP participant receives a written copy and a verbal explanation of the policy from ALTSD SCSEP staff. A thirty (30) days' written notice is given before any termination is effective. Termination notices will include termination dates, references to the SCSEP manual or policy, description of reason for termination, and supporting documentation (if applicable), and participants' rights to grieve and appeal. Participants may not be terminated based on age. No upper age limit applies for participation in the SCSEP. All terminations are subject to the grievance process. Participants may contest these actions by following the procedure outlined in our Grievance Policy.

3. PROCEDURE

- A. A participant *shall* be terminated from an ALTSD SCSEP training position if any of the following occur:
- If the participant knowingly provides false information and was incorrectly declared eligible for the SCSEP based upon such information. If this occurs, the participant will be placed on leave without pay immediately and a written notice of disenrollment will be sent to the participant within thirty days.
 - If the participant was incorrectly declared eligible for SCSEP through no fault of the participant. For instance, a participant may be declared eligible through an error in calculating includable income. If this occurs, the participant will promptly be sent a notice of disenrollment in thirty days. The participant will be able to continue participating in the SCSEP until the date of exit stated in the notice.
 - If the participant is found to be ineligible at recertification. Annually, or more frequently if there is a substantial change in circumstances, each participant's age, income, residency, family size and employment status are reexamined in order to determine if he or she continues to be eligible for the program. During this examination a participant may be found to no longer be eligible due to a change in

circumstances, such as increased income or reduced family size. If this occurs, the participant will immediately be sent a notice of disenrollment in thirty days. The participant will be able to continue participating in the SCSEP until the date of exit stated in the notice.

- If the participant becomes employed while enrolled in SCSEP, and does not notify the program and remains in his/her training position. To qualify for enrollment in the SCSEP program, a participant must be unemployed. All participants are informed, at the time of enrollment, that they must remain unemployed to continue to be eligible for the program and must inform SCSEP staff immediately if they become employed. A participant who is discovered to be employed while enrolled will be immediately placed on leave without pay and sent a notice of disenrollment within thirty days.

- If the participant engages in willful misconduct or intentional disregard of program policies and rules, such as the behaviors listed below. Mere negligence, inadvertence, incapacity, or incompetence are not reasons for termination from an SCSEP training position. If a participant's violation of SCSEP policy is not of a serious nature, the participant will be given two documented opportunities to correct his/her behavior before being terminated from the SCSEP program. These opportunities may involve placement in new community service assignments with a new host agency. If a participant's violation of SCSEP policy is of a serious nature, immediate action to remove the participant from the host agency will be initiated. In such a case, the participant will be immediately placed on leave without pay and sent a notice of disenrollment in thirty days. Examples of situations requiring this course of action include, but are not limited to:
 - Gross misconduct, such as physical or extreme verbal violence at the workplace.
 - Intentionally causing danger to the health and safety of oneself or others in the workplace.

B. A participant *may* also be terminated for cause from a SCSEP training position for reasons including:

1. Falsification of official records, such as timesheets;
2. Intentional disclosure of confidential or private information obtained from a host agency, SCSEP staff, or SCSEP administration;
3. Physical violence or intentional destruction or theft of property;
4. Obscene, abusive, harassing, or threatening language or behavior;
5. Sexual harassment;
6. Causing an imminent threat to health or safety of self or others;
7. Working while under the influence of illegal or non-prescribed, consciousness-altering drugs or alcohol;
8. Violation of the ALTSD SCSEP leave policy, including taking leave without pay for non-medical reasons without prior approval, failure to return from an approved leave at the approved time without notice or good cause, inability to return to work after four pay-periods of leave without pay for medical reasons, and failure to provide documentation from a medical provider of illness exceeding three days when requested by the participant's supervisor or SCSEP staff;
9. Frequent tardiness or unauthorized absences without good cause or without informing the supervisor (generally, three instances of absence without good cause or without proper notice may warrant termination);
10. Refusal to comply with an Individual Employment Plan (IEP) without good cause, such as refusal to:
 - Accept at least three job offers or referrals, with no extenuating circumstances;

- Accept training opportunities or follow through with objectives to achieve goals that are outlined in the IEP;
 - Accept a new community service assignment to enhance skill development in support of IEP goals;
 - Accept supportive services that will enhance one's ability to engage in a community service assignment consistent with the IEP; or
 - Participate in services offered by SCSEP staff, such as job search or resume writing.
11. Refusal to cooperate with recertification, assessment, or IEP processes; or
 12. Insubordination: intentional refusal to carry out the direct instructions of a supervisor, or ALTSD SCSEP staff, providing there are no extenuating circumstances.
- Participants may remain in the SCSEP program for a maximum of 48 months (4 years). This is called the durational limit. Once you reach this limit, you will exit the program. Our policy does not allow any extensions, regardless of personal circumstances. To assist participants in preparing for transition out of SCSEP, the participant will be notified in writing at two key points:
 1. Six months before exit, participants will receive a written notice informing them that they are six months away from reaching the 48-month limit. This will begin the transition planning process. .
 2. Thirty days before exit, participants will receive a second written notice. The participant may continue participating in the SCSEP program until the date listed in that notice. SCSEP staff will work with the participant through the transition to create an Individual Employment Plan (IEP) that supports their transition out of the program. This plan may include referrals to Workforce Innovation and Opportunity Act (WIOA) services and other community-based employment and training programs. If a participant believes their exit from the program was handled incorrectly or unfairly, they may file a grievance as detailed within the Grievance Policy section of the SCSEP handbook for details on how to submit a grievance and what to expect during the process.

Revision History

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