



Job Training: Addendum 2

AFL-CIO 2008 Transition Project

Recommendations for the Obama Administration

Senior Community Service Employment Program (SCSEP) Regulation

Description

Since 1968, DOL's Employment and Training Administration (ETA) has administered the Senior Community Service Employment Program (SCSEP), which was reauthorized by the Older Americans Act in 2006. It was funded at \$521 million in FY 2008 and currently provides about 100,000 low-income adults, 55 years of age and older, with part-time subsidized jobs in local nonprofit and public agencies. According to a 2006 Congressional Research Service report, SCSEP is the "primary job creation program for adults since the elimination of public service employment under the Comprehensive Employment and Training Act (CETA)."

In an August 14, 2008, Notice of Proposed Rulemaking (NPRM), DOL proposed regulations for SCSEP which violates OMB's Bolten memo. The NPRM generated nearly 400 separate comments from SCSEP grantees and aging organizations and agencies. Many of the comments shared the concern expressed by Obey and Harkin (in their 9/26/08 letter to the DOL OIG) "about the Department's proposal to shift the focus of this program away from community service employment and to achieve by regulation what the DOL failed to achieve during the 2006 reauthorization of the Older Americans Act."

As the OIG report states: "The proposed regulation does not meet the standards laid out in White House Chief of Staff Joshua Bolten's memorandum of May 9, 2008. The May 9, 2008, memorandum stated that all proposed regulations should be issued no later than June 1, 2008, and final regulations no later than November 1, 2008. The proposed SCSEP regulation was not issued until August 14, 2008 and, to date, the final regulations have not been issued."

The November 21, 2008, OIG report is available at:

<http://www.oig.dol.gov/public/reports/oa/2009/25-09-001-03-360.pdf>.

Key Priorities for a New Administration

a. Priorities for Day 1

1. Withdraw regulation. ETA should be asked to either withdraw the proposed regulations or be prohibited from finalizing them. The OIG "did not find any direct inconsistency between the Department's proposed SCSEP regulations and the Older Americans Act," but also recognized that agency regulations are by their very nature "interpretive." On 12/3/08, a DOL contractor stated at a training session in Iowa that grantees should expect final regulations in January 2009, which is consistent with this statement from the OIG report: "According to one senior ETA official, the agency is on a 'normal' schedule for publishing the final rule for the 2006 OAA no later than March 2009."

b. Priorities for First Hundred Days – None