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| Denver Department of Human Services  | Department Manager       |
| Family and Adult Services Division   | Division Manager (Legal) |
| Effective Date: June 1, 1998<br>Revision Date: October 15, 2005            | Division Manager (FA)    |
| Subject Area: Employment/Supportive Services                               | Policy Manager           |
| Subject: Community Service/Community Based Training Programs (Operational) |                          |
| Number: 98-7-E/SS  |                          |
| Cross Reference Number:  |                          |

PURPOSE:

The purpose of this Division policy is to establish policy direction and uniform guidance for the administration of the Community Service Program.

BACKGROUND INFORMATION

The Colorado Department of Human Services Staff Manual Volume III, section 3.626.g defines Community Service as described below.

Colorado Works Agency Letter TCW-99-5 notifies county departments of human services of the implications and applications of the Fair Labor Standards Act (FLSA) on work activities under the Colorado Works programs and provides three options to meet the intent of FLSA.

**Community service programs - This includes programs but not limited to Job Corps and Volunteer in Service to America (VISTA) programs. Counties may define additional community service program activities in their county performance plan. These programs are reviewed regularly due to available funding.**

Community Service (CS) is a community based training program that will enable TANF participants to develop appropriate work skills *and/or behaviors which prepare them for long term self-sufficiency*, as well as benefit the community. Community service may be used as:

- *As a stand-alone activity*
- *65% of a blended activity (expanded community service) with education, training or family stability/enhancement making up the other 35% of the scheduled hours per week/month.*

- *or, a part-time activity concurrently with other part-time activities,*
- *and, in between or to supplement other activities in order to achieve participation requirements.*

## POLICY

CS is an allowable and countable training activity for TANF participants in Denver County and will be administered *in accordance* with the guidelines and procedures set forth in this policy.

The Denver Department of Social Services will provide and bear the cost of worker's compensation to TANF participants engaged in approved CS assignments if worker's compensation is not otherwise provided.

## PROCEDURES:

### 1. Program Administration

Community service training sites may be created and/or authorized by the Office of Economic Development Division of Workforce Development (OED-DWD), formerly known as Mayor's Office of Workforce Development, a contracted Community Based Organization (CBO), or directly by the TANF program case manager (PCM).

- a. OED-DWD Authorization – the TANF PCM refers appropriate customers to OED-DWD for assessment and site assignment. The assignment is based on the customer's employment goal and the skills to be developed. *DWD, with the exception of Work Pool, will complete the Community Based Volunteer Services Program Assignment Agreement (DW-201) with the customer and the site supervisor noting the start and end dates and the hours of participation. Work Pool will complete an Action Plan with the customer in place of the Community Based Volunteer Serves Program Assignment Agreement. DWD will monitor progress and performance and provide regular reports to the TANF PCM.*
- b. Contract CBO Authorization (CBO) – The TANF PCM and/or DWD refers appropriate customers to a contracted CBO for assessment and site assignment. The assignment is based on the customer's employment goal and the skills to be developed. The CBO will complete the Community Based Volunteer Services Program Assignment Agreement (DW-201) with the customer and the site supervisor noting the start and end dates and the hours of participation, *and* monitor progress and performance.
- c. TANF PCM Authorization – The TANF PCM may authorize a customer to develop or utilize other sites in the community. The assignment is based on the customer's employment goal and the skills to be developed. The assignment may be used in preparation for formal education or training, as a blended activity during education or training or post-education or training.

The TANF PCM will complete the *Community Based Volunteer Services Program Assignment Agreement (DW-201)* with the customer the site supervisor noting the start and end dates and the hours of participation and monitor progress and performance.

2. **Community Service Sites**

CS sites may be government or other public agencies, non-profit organizations, private employers, self-employers and other business entities. They must adhere to the Department of Labor rules and regulations. CS sites need not be located in Denver County, but must be accessible to Denver County TANF participants.

CS sites must:

- a) Provide a structured meaningful training experience;
- b) Provide appropriate supervision to the participant;
- c) Provide accurate progress and attendance reports *to the referring worker* and email or phone the appropriate OED, TANF and/or CBO staff when customer performance or behavior is an issue;

Examples of appropriate CS sites include but are not limited to: schools, churches, community centers, human service providers, public agencies and non-profit organizations. CS assignments may include court-ordered activities as long as the activities fulfill CS requirements and procedures.

**Fair Labor Standards Act (FSLA)**

Denver County follows Option 3, provided by the Colorado Department of Human Services (CDHS) in Agency Letter TCW-99-5-A "Application of Fair Labor Standards Act to Work Activities Under Colorado Works." Option 3 allows counties to establish all work experience or community service sites as training sites. Department of Labor guidance states that welfare recipient who is engaged in training that meets the following six criteria for training is not affected by the FSLA:

- a) Training is similar to that given in a vocational school;
- b) Training is for the benefit of the trainees;
- c) Trainees do not displace regular employees;
- d) Employers derive no immediate advantage from the trainee's activities;
- e) Trainees are not entitled to a job after training is completed, and
- f) Employers and trainees understand that the trainee is not paid.

4. **Community Service Program Assignment Agreement and Guidelines**

A Community Service Program Assignment Agreement (DW-201) must be

completed for each CS assignment.

- a) The CS *activity* must be incorporated into the IRC/Action Plan.
- b) IRCs should include a statement that CS *may* be used in between, or to supplement, other activities in order to achieve participation requirements.
- c) *Community Based Training Services Program Assignment Agreement, with the exception of Work Pool*, must be dated and include the signature of the CS site supervisor, the TANF participant and the authorizing agency.
- d) *Work Pool will complete an Action Plan with the customer in place of the Community Based Training Services Program Assignment Agreement.*

*The TANF participant must adhere to all policies and procedures in the Assignment Agreement of otherwise documented by the program.*

The TANF participant is responsible to maintain and report actual hours worked on a monthly basis. The tool used to report attendance will be determined by the authorizing agency. The attendance report must be provided to the PCM by the *seventh calendar day* of the month following the month of CS participation. *The compiled monthly reports from DWD and CBO will be provided to the TANF PCM by the tenth calendar day of the month.* The length of a CS assignment is determined by the needs and goals of the CS participant, but shall generally not exceed six months. The estimated length of each CS assignment will be included in the IRC/Action Plan. Progress and performance will be regularly monitored and appropriate action taken.

TANF participants who are not participating in CS as stipulated by the IRC and CS Assignment Agreements are subject *adverse actions, including TANF sanctions and case closures*. **TANF participants receiving a notice of adverse action are eligible to request a hearing in accordance with Division of Family Employment Resources Participant Requested Appeal Process Policy 97-1-CW.**

### Questions or Comments

Questions or comments concerning this policy should be directed to:

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