

### § 626.3

34 and will be administered by the Department of Labor (Department or DOL) Directorate of Civil Rights.

(c) General authority for the JTPA regulations is found at section 169 of the Act. Specific statutory authorities other than section 169 are noted throughout the JTPA regulations.

#### § 626.3 Purpose, scope, and applicability of the Job Training Partnership Act regulations.

(a) Parts 626 through 638 of this chapter and part 1005 of chapter IX (Veterans' employment programs under title IV, part C of the Job Training Partnership Act) establish the Federal programmatic and administrative requirements for JTPA grants awarded by the Department of Labor to eligible grant recipients.

(b) Parts 626 through 638 of this chapter and part 1005 of chapter IX apply to recipients and subrecipients of JTPA funds.

#### § 626.4 Table of contents for the Job Training Partnership Act regulations.

The table of contents for the regulations under the Job Training Partnership Act, 20 CFR parts 626–638 and 1005,<sup>1</sup> is as follows:

##### PART 626—INTRODUCTION TO THE REGULATIONS UNDER THE JOB TRAINING PARTNERSHIP ACT

Sec.

626.1 Scope and purpose of the Job Training Partnership Act.

626.2 Format of the Job Training Partnership Act regulations.

626.3 Purpose, scope and applicability of the Job Training Partnership Act regulations.

626.4 Table of contents for the Job Training Partnership Act regulations.

626.5 Definitions.

##### PART 627—GENERAL PROVISIONS GOVERNING PROGRAMS UNDER THE ACT

###### *Subpart A—Scope and Purpose*

627.100 Scope and Purpose of Part 627.

###### *Subpart B—Program Requirements*

627.200 Governor/Secretary agreement.

627.205 Public service employment prohibition.

<sup>1</sup>Part 1005 was removed at 59 FR 26601, May 23, 1994.

### 20 CFR Ch. V (4–1–03 Edition)

627.210 Nondiscrimination and nonsectarian activities.

627.215 Relocation.

627.220 Coordination with programs under title IV of the Higher Education Act including the Pell grant program.

627.225 Employment generating activities.

627.230 Displacement.

627.235 General program requirements.

627.240 On-the-job training.

627.245 Work experience.

627.250 Interstate agreements.

###### *Subpart C—Payments, Supportive Services and Benefits and Working Conditions*

627.300 Scope and purpose.

627.305 Payments.

627.310 Supportive Services.

627.315 Benefits and working conditions.

###### *Subpart D—Administrative Standards*

627.400 Scope and purpose.

627.405 Grant agreement and funding.

627.410 Reallotment and reallocation.

627.415 Insurance.

627.420 Procurement.

627.422 Selection of service providers.

627.423 Funding restrictions for “high-risk” recipients and subrecipients.

627.424 Prohibition of subawards to debarred and suspended parties.

627.425 Standards for financial management and participant data systems.

627.430 Grant payments.

627.435 Cost principles and allowable costs.

627.440 Classification of costs.

627.445 Limitations on certain costs.

627.450 Program income.

627.455 Reports required.

627.460 Requirements for records.

627.463 Public access to records.

627.465 Property management standards.

627.470 Performance standards.

627.471 Reorganization plan appeals.

627.475 Oversight and monitoring.

627.477 Governor's determination of substantial violation.

627.480 Audits.

627.481 Audit resolution.

627.485 Closeout.

627.490 Later disallowances and adjustments after closeout.

627.495 Collection of amounts due.

###### *Subpart E—Grievances Procedures at the State and Local Level*

627.500 Scope and purpose.

627.501 State grievance and hearing procedures for noncriminal complaints at the recipient level.

627.502 Grievance and hearing procedures for noncriminal complaints at the SDA and SSG levels.

627.503 Recipient-level review.

627.504 Noncriminal grievance procedure at employer level.

## Employment and Training Administration, Labor

§ 626.4

### *Subpart F—Federal Handling of Noncriminal Complaints and other Allegations*

- 627.600 Scope and purpose.
- 627.601 Complaints and allegations at the Federal level.
- 627.602 Resolution of investigative findings.
- 627.603 Special handling of labor standards violations under section 143 of the Act.
- 627.604 Alternative procedure for handling labor standards violations under section 143—Binding arbitration.
- 627.605 Special Federal review of SDA and SSG-level complaints without decision.
- 627.606 Grant officer resolution.
- 627.607 Grant Officer resolution of Governor's failure to promptly take action.

### *Subpart G—Sanctions for Violations of the Act*

- 627.700 Scope and purpose.
- 627.702 Sanctions and corrective actions.
- 627.703 Failure to comply with procurement provisions.
- 627.704 Process for waiver of State liability.
- 627.706 Process for advance approval of a recipient's contemplated corrective actions.
- 627.708 Offset process.

### *Subpart H—Hearings by the Office of Administrative Law Judges*

- 627.800 Scope and purpose.
- 627.801 Procedures for filing request for hearing.
- 627.802 Rules of procedure.
- 627.803 Relief.
- 627.804 Timing of decisions.
- 627.805 Alternative dispute resolution.
- 627.806 Other authority.

### *Subpart I—Transition Provisions*

- 627.900 Scope and purpose.
- 627.901 Transition period.
- 627.902 Governor's actions.
- 627.903 Actions which are at the discretion of the Governor.
- 627.904 Transition and implementation.
- 627.905 Guidance on contracts and other agreements.
- 627.906 Determinations on State and SDA implementation.

## PART 628—PROGRAMS UNDER TITLE II OF THE JOB TRAINING PARTNERSHIP ACT

### *Subpart A—Scope and Purpose*

- 628.100 Scope and purpose of part 628.

### *Subpart B—State Planning*

- 628.200 Scope and purpose.
- 628.205 Governor's coordination and special services plan.
- 628.210 State Job Training Coordinating Council.
- 628.215 State Human Resource Investment Council.

### *Subpart C—State Programs*

- 628.300 Scope and purpose.
- 628.305 State distribution of funds.
- 628.310 Administration.
- 628.315 Education coordination and grants.
- 628.320 Services for older individuals.
- 628.325 Incentive grants, capacity building and technical assistance.

### *Subpart D—Local Service Delivery System*

- 628.400 Scope and purpose.
- 628.405 Service delivery areas.
- 628.410 Private Industry Council.
- 628.415 Selection of SDA grant recipient and administrative entity.
- 628.420 Job training plan.
- 628.425 Review and approval.
- 628.426 Disapproval or revocation of the plan.
- 628.430 State SDA submission.

### *Subpart E—Program Design Requirements for Programs Under Title II of the Job Training Partnership Act*

- 628.500 Scope and purpose.
- 628.505 Eligibility.
- 628.510 Intake, referrals, and targeting.
- 628.515 Objective assessment.
- 628.520 Individual service strategy.
- 628.525 Limitations.
- 628.530 Referrals of participants to non-title II programs.
- 628.535 Limitations on job search assistance.
- 628.540 Volunteer program.
- 628.545 Linkages and coordination.
- 628.550 Transfer of funds.

### *Subpart F—The Adult Program*

- 628.600 Scope and purpose.
- 628.605 Eligibility.
- 628.610 Authorized services.

### *Subpart G—The Summer Youth Employment and Training Program*

- 628.700 Scope and purpose.
- 628.701 Program goals and objectives.
- 628.702 Enriched Educational Component.
- 628.703 Private Sector Summer Jobs.
- 628.704 Eligibility.
- 628.705 SYETP authorized services.
- 628.710 Period of program operation.

### *Subpart H—Youth Training Program*

- 628.800 Scope and purpose.
- 628.803 Eligibility.
- 628.804 Authorized services.

### PARTS 629–630 [RESERVED]

## PART 631—PROGRAMS UNDER TITLE III OF THE JOB TRAINING PARTNERSHIP ACT

**§ 626.4**

**20 CFR Ch. V (4-1-03 Edition)**

*Subpart A—General Provisions*

- 631.1 Scope and purpose.
- 631.2 Definitions.
- 631.3 Participant eligibility.
- 631.4 Approved training rule.

*Subpart B—Additional Title III Administrative Standards and Procedures*

- 631.11 Allotment and obligation of funds by the Secretary.
- 631.12 Reallotment of funds by the Secretary.
- 631.13 Classification of costs at State and substate levels.
- 631.14 Limitations on certain costs.
- 631.15 Federal reporting requirements.
- 631.16 Complaints, investigations, and penalties.
- 631.17 Federal monitoring and oversight.
- 631.18 Federal by-pass authority.
- 631.19 Appeals.

*Subpart C—Needs-Related Payments*

- 631.20 Needs-related payments.

*Subpart D—State Administration*

- 631.30 Designation or creation and functions of a State dislocated worker unit or office and rapid response assistance.
- 631.31 Monitoring and oversight.
- 631.32 Allocation of funds by the Governor.
- 631.33 State procedures for identifying funds subject to mandatory Federal reallotment.
- 631.34 Designation of substate areas.
- 631.35 Designation of substate grantees.
- 631.36 Biennial State plan.
- 631.37 Coordination activities.
- 631.38 State by-pass authority.

*Subpart E—State Programs*

- 631.40 State program operational plan.
- 631.41 Allowable State activities.

*Subpart F—Substate Programs*

- 631.50 Substate plan.
- 631.51 Allowable substate program activities.
- 631.52 Selection of service providers.
- 631.53 Certificate of continuing eligibility.

*Subpart G—Federal Delivery of Dislocated Worker Services Through National Reserve Account Funds*

- 631.60 General.
- 631.61 Application for funding and selection criteria.
- 631.62 Cost limitations.
- 631.63 Reporting.
- 631.64 General Administrative Requirements.
- 631.65 Special Provisions for CAETA and DDP.

*Subpart H [Reserved]*

*Subpart I—Disaster Relief Employment Assistance*

- 631.80 Scope and Purpose.
- 631.81 Availability of funds.
- 631.82 Substate allocation.
- 631.83 Coordination.
- 631.84 Allowable projects.
- 631.85 Participant eligibility.
- 631.86 Limitations on disaster relief employment.
- 631.87 Definitions.

**PART 632—INDIAN AND NATIVE AMERICAN EMPLOYMENT AND TRAINING PROGRAMS**

*Subpart A—Introduction*

- 632.1 [Reserved]
- 632.2 Scope and purpose.
- 632.3 Format for these regulations.
- 632.4 Definitions.

*Subpart B—Designation Procedures for the Native American Grantees*

- 632.10 Eligibility requirements for designation as a Native American grantee.
- 632.11 Designation of Native American grantees.
- 632.12 Alternative arrangements for the provision of services, nondesignation.
- 632.13 Review of denial of designation as a Native American grantee, or rejection of a comprehensive annual plan.

*Subpart C—Program Planning, Application and Modification Procedures*

- 632.17 Planning process.
- 632.18 Regional and national planning meetings.
- 632.19 Grant application content.
- 632.20 Submission of grant applications.
- 632.21 Application disapproval.
- 632.22 Modification of a Comprehensive Annual Plan (CAP) and/or Master Plan.
- 632.23 Termination and corrective action of a CAP and/or Master Plan.

*Subpart D—Administrative Standards and Procedures*

- 632.31 General.
- 632.32 Financial management systems.
- 632.33 Audits.
- 632.34 Program income.
- 632.35 Native American grantee contracts and subgrants.
- 632.36 Procurement standards.
- 632.37 Allowable costs.
- 632.38 Classification of costs.
- 632.39 Administrative cost plan.
- 632.40 Administrative staff and personnel standards.
- 632.41 Reporting requirements.
- 632.42 Grant closeout procedures.
- 632.43 Reallocation of funds.

## Employment and Training Administration, Labor

## § 626.4

632.44 Sanctions for violation of the Act.

### *Subpart E—Program Design and Management*

632.70 Waiver of regulations under parts 632 and 636.

632.75 General responsibilities of Native American grantees.

632.76 Program management systems.

632.77 Participant eligibility determination.

632.78 Training activities.

632.79 Employment activities.

632.80 Other activities.

632.81 Payments to participants.

632.82 Benefits and working conditions for participants.

632.83 FICA.

632.84 Non-Federal status of participants.

632.85 Participant limitations.

632.86 Nondiscrimination and nonsectarian activities.

632.87 Equitable provision of services to the eligible population and significant segments.

632.88 General responsibilities of the Department.

632.89 Performance standards.

### *Subpart F—Prevention of Fraud and Program Abuse*

632.115 General.

632.116 Conflict of interest.

632.117 Kickbacks.

632.118 Nepotism.

632.119 Political patronage.

632.120 Political activities.

632.121 Lobbying activities.

632.122 Unionization and antiunionization activities; work stoppages.

632.123 Maintenance of effort.

632.124 Theft or embezzlement from employment and training funds; improper inducement; obstruction of investigations and other criminal provisions.

632.125 Responsibilities of Native American grantees, subgrantees and contractors for preventing fraud and program abuse and for general program management.

### *Subpart G [Reserved]*

### *Subpart H—Job Training Partnership Act Programs Under Title IV, Section 401*

632.170 Eligibility for funds.

632.171 Allocation of funds.

632.172 Eligibility for participation in Title IV, Section 401.

632.173 Allowable program activities.

632.174 Administrative costs.

### *Subpart I—Summer Youth Employment and Training Programs*

632.250 General.

632.251 Eligibility for funds.

632.252 Allocation of funds.

632.253 Special operating provision.

632.254 Program startup.

632.255 Program planning.

632.256 Submission of applications.

632.257 Eligibility for participation.

632.258 Allowable activities.

632.259 Vocational exploration program.

632.260 Worksite standards.

632.261 Reporting requirements.

632.262 Termination date for the summer program.

632.263 Administrative costs.

## PART 633—MIGRANT AND SEASONAL FARMWORKER PROGRAMS

### *Subpart A—Introductory Provisions*

633.102 Scope and purpose of Title IV, Section 402 programs.

633.103 Format for these regulations.

633.104 Definitions.

633.105 Allocation of funds.

633.106 Eligibility for allocable funds.

633.107 Eligibility for participation in Section 402 programs.

### *Subpart B—Grant Planning and Application Procedures*

633.201 Grant planning and application procedures in general.

633.202 Announcement of State planning estimates and invitation to submit a grant application.

633.203 Review of funding request.

633.204 Responsibility review.

633.205 Notification of selection.

### *Subpart C—Program Design and Administrative Procedures*

633.301 General responsibilities.

633.302 Training activities and services.

633.303 Allowable costs.

633.304 Section 402 cost allocation.

633.305 General benefits and working conditions for program participants.

633.306 Retirement benefits.

633.307 Packages of benefits.

633.308 Non-Federal status of participants.

633.309 Recordkeeping requirements.

633.310 Bonding.

633.311 Management information systems.

633.312 Grantee contracts and subgrants.

633.313 Administrative staff and personnel standards.

633.314 Reports required.

633.315 Replacement, corrective action, termination.

633.316 Closeout procedures.

633.317 Reallocation of funds.

633.318 Nondiscrimination and nonsectarian activities.

633.319 Lobbying, political activities and unionization.

633.320 Nepotism.

633.321 Performance standards for Section 402 programs.

633.322 Sanctions for violation of the Act.

**§ 626.4**

**20 CFR Ch. V (4-1-03 Edition)**

**PART 634—LABOR MARKET INFORMATION PROGRAMS UNDER TITLE IV, PART E OF THE JOB TRAINING PARTNERSHIP ACT**

*Comprehensive Labor Market Information System*

- 634.1 General.
- 634.2 Availability of funds.
- 634.3 Eligible recipients.
- 634.4 Statistical standards.
- 634.5 Federal oversight.

**PART 635 [RESERVED]**

**PART 636—COMPLAINTS, INVESTIGATIONS, AND HEARINGS**

- 636.1 Scope and purpose.
- 636.2 Protection of informants.
- 636.3 Complaint and hearing procedures at the grantee level.
- 636.4 Grievance procedures at the employer level.
- 636.5 Exhaustion of grantee level procedure.
- 636.6 Complaints and investigations at the Federal level.
- 636.7 Subpoenas.
- 636.8 Initial and final determination; request for hearing at the Federal level.
- 636.9 Opportunity for informal review.
- 636.10 Hearings before the Office of Administrative Law Judges.
- 636.11 Final action.

**PART 637—PROGRAMS UNDER TITLE V OF THE JOB TRAINING PARTNERSHIP ACT**

*Subpart A—General Provisions*

- Sec.
- 637.100 Scope and purpose.
- 637.105 Definitions.

*Subpart B—Program Planning and Operation*

- 637.200 Allotments to States.
- 637.205 Notice of intent to participate.
- 637.210 Incentive bonus program applications.
- 637.215 Review and approval of applications for incentive bonus payments.
- 637.220 Eligibility criteria for individuals to be counted in determining incentive bonuses.
- 637.225 Determination of incentive bonus.
- 637.230 Use of incentive bonuses.

*Subpart C—Additional Title V Administrative Standards and Procedures*

- 637.300 Management systems, reporting and recordkeeping.
- 637.305 Federal monitoring and oversight.
- 637.310 Audits.

*Subpart D—Data Collection [Reserved]*

**PART 638—JOB CORPS PROGRAM UNDER TITLE IV-B OF THE JOB TRAINING PARTNERSHIP ACT**

*Subpart A—Purpose and Scope*

- 638.100 General.

*Subpart B—Definitions*

- 638.200 Definitions.

*Subpart C—Funding, Site Selection, and Facilities Management*

- 638.300 Eligibility for funds and eligible deliverers.
- 638.301 Funding procedures.
- 638.302 Center performance measurement.
- 638.303 Site selection and facilities management.
- 638.304 Historical preservation.
- 638.305 Capital improvements.
- 638.306 Protection and maintenance of contract center facilities owned or leased by Job Corps.
- 638.307 Facilities surveys.

*Subpart D—Enrollment, Transfers, Terminations, and Placements in the Job Corps*

- 638.400 Eligibility for participation.
- 638.401 Outreach and screening of participants.
- 638.402 Enrollment by readmission.
- 638.403 Selective service.
- 638.404 Transfers.
- 638.405 Extensions of enrollment.
- 638.406 Federal status of students.
- 638.407 Terminations.
- 638.408 Transportation.
- 638.409 Placement and job development.

*Subpart E—Center Operations*

- 638.500 Orientation program.
- 694.501 Student handbook.
- 638.502 Job Corps basic education program.
- 638.503 Vocational training.
- 638.504 Occupational exploration programs.
- 638.505 Scheduling of training.
- 638.506 Purchase of vocational supplies and equipment.
- 638.507 Work experience.
- 638.508 Sale of services or objects.
- 638.509 Leisure-time employment.
- 638.510 Health care and services.
- 638.511 Drug use and abuse.
- 638.512 Sexual behavior and harassment.
- 638.513 Death.
- 638.514 Residential support services.
- 638.515 Recreation/avocational program.
- 638.516 Laundry, mail, and telephone service.
- 638.517 Counseling.
- 638.518 Intergroup relations program.
- 638.519 Incentives system.
- 638.520 Student government and leadership program.

## Employment and Training Administration, Labor

## § 626.5

- 638.521 Student welfare associations.
- 638.522 Evaluation of student progress.
- 638.523 Food service.
- 638.524 Allowances and allotments.
- 638.525 Clothing.
- 638.526 Tort and other claims.
- 638.527 Federal employees' compensation.
- 638.528 Social Security.
- 638.529 Income taxes.
- 638.530 Emergency use of personnel, equipment, and facilities.
- 638.531 Limitations on the use of students in emergency projects.
- 638.532 Annual leave.
- 638.533 Other student absences.
- 638.534 Legal services to corpsmembers.
- 638.535 Voting rights.
- 638.536 Religious rights.
- 638.537 Disclosure of information.
- 694.538 Disciplinary procedures and appeals.
- 638.539 Complaints and disputes.
- 638.540 Cooperation with agencies and institutions.
- 638.541 Job Corps training opportunities.
- 638.542 Child care services.
- 638.543 Community relations program.

### *Subpart F—Applied Vocational Skills Training (VST)*

- 638.600 Applied vocational skills training (VST) through work projects.
- 638.601 Applied VST budgeting.

### *Subpart G—Experimental, Research, and Demonstration Projects*

- 638.710 Experimental, research, and demonstration projects.

### *Subpart H—Administrative Provisions*

- 638.800 Program management.
- 638.801 Staff training.
- 638.802 Student records management.
- 638.803 Safety.
- 638.804 Environmental health.
- 638.805 Security and law enforcement.
- 638.806 Property management and procurement.
- 638.807 Imprest and petty cash funds.
- 638.808 Center financial management and reporting.
- 638.809 Audit.
- 638.810 Reporting requirements.
- 638.811 Review and evaluation.
- 638.812 State and local taxation of Job Corps deliverers.
- 638.813 Nondiscrimination, nonsectarian activities.
- 638.814 Lobbying; political activities; unionization.
- 638.815 Charging fees.

[59 FR 45815, Sept. 2, 1994, as amended at 60 FR 58229, Nov. 27, 1995]

## § 626.5 Definitions.

In addition to the definitions contained in section 4 of the Act, the following definitions of terms used in the Act or parts 626-631 of this chapter apply as appropriate to programs under titles I, II, and III of the Act:

*Accrued expenditures* means charges made to the JTPA program. Expenditures are the sum of actual cash disbursements, the amount of indirect expense incurred, and the net increase (or decrease) in the amounts owed by the recipient for the goods and other property received, for services performed by employees, contractors, subgrantees, subcontractors, and other payees, and other amounts becoming owed under programs for which no current services or performance are required, such as annuities, insurance claims, and other benefit payments.

*Act* means the Job Training Partnership Act.

*ALJ* means an administrative law judge in the Office of Administrative Law Judges of the U.S. Department of Labor.

*Awarding agency* means: (1) With respect to a grant, the Department of Labor; and (2) with respect to a subgrant or contract, the party that awarded the subgrant or contract.

*Capacity building* means the systematic improvement of job functions, skills, knowledge, and expertise of the personnel who staff and administer employment and training and other closely related human service systems. Capacity building is designed to enhance the effectiveness, to strengthen the caliber of customer services provided under the Act and other Federal, State, and local employment and training programs, and improve coordination among them. Capacity building includes curriculum development, appropriate training, technical assistance, staff development, and other related activities.

*Chief elected official (CEO)* means the official or officials, or their representatives, of the jurisdiction or jurisdictions which requested designation by the Governor as a service delivery area.

*Commercial organizations* means private for-profit entities.