

**§ 638.406**

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

**§ 638.406 Federal status of students.**

Students shall not be deemed Federal employees and shall not be subject to the provisions of law relating to Federal employment, including those relating to hours of work, rates of employment, leave, unemployment compensation, and Federal employee benefits, except as provided by 5 U.S.C. 8143(a) (Federal employees' compensation) and by §§ 638.526 and 638.527 of this part. (Section 436(a))

**§ 638.407 Terminations.**

The Job Corps Director shall issue procedures for the termination of students.

**§ 638.408 Transportation.**

The transportation of students to and from centers shall occur in accordance with procedures issued by the Job Corps Director.

**§ 638.409 Placement and job development.**

The overall objective of all Job Corps activities shall be to enhance each student's employability and to effect the successful placement of each student. Placement efforts shall concentrate on jobs related to a student's vocational training, on military service when this is the student's choice, or on acceptance and placement in other educational and/or training programs. The placement of students shall be performed in accordance with procedures issued by the Job Corps Director.

(a) The Regional Director, as contracting officer, shall contract with placement agencies, which shall perform placement functions.

(b) Placement agencies shall complete all Job Corps placement forms.

**Subpart E—Center Operations**

**§ 638.500 Orientation program.**

The center operator shall design and implement a reception and orientation program in accordance with procedures issued by the Job Corps Director.

**§ 638.501 Student handbook.**

Each center operator shall develop a student handbook which provides essential information to students for dis-

tribution to all students in accordance with procedures issued by the Job Corps Director.

**§ 638.502 Job Corps basic education program.**

The Job Corps Director shall prescribe or provide for basic education curricula to be used at centers. Students are considered to be in-school youths. The Job Corps Director, in coordination with regional offices, shall review and approve the basic education program at each center. Center operators shall provide the following educational programs at a minimum:

(a) Reading and language skills;

(b) Mathematics;

(c) A program to prepare eligible students for the American Council on Education Tests of General Educational Development (GED);

(d) World of work;

(e) Health education;

(f) Driver education; and

(g) English as a second language (ESL) programs for selected center operators (regional offices shall arrange for the assignment of selected applicants needing ESL programs to the centers where such programs are available).

**§ 638.503 Vocational training.**

(a) Each center shall provide enrollees with competency-based or individualized training in an area which will best contribute to the student's opportunities for permanent long-term employment. Specific vocational training programs offered at individual centers will be subject to the approval of the Job Corps Director in accordance with policies issued by the Job Corps Director.

(b) The Job Corps Director may determine that it is appropriate to contract for vocational training programs at specific centers with national business, union, or union-affiliated organizations in order to facilitate entry of students into the workforce. All agreements with these national training contractors will be contracted at the national level in accordance with policies issued by the Job Corps Director; the Federal Acquisition Regulation (48 CFR chapter 1); the DOL Acquisition

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Regulation (48 CFR chapter 29); and, if CCCs, interagency agreements.

### § 638.504 Occupational exploration program.

An occupational exploration program shall be provided by all centers in accordance with procedures issued by the Job Corps Director.

### § 638.505 Scheduling of training.

The amount of time for each student's education and vocational training shall be apportioned to the individual needs of each student pursuant to procedures developed by the Job Corps Director.

### § 638.506 Purchase of vocational supplies and equipment.

The Job Corps Director shall develop procedures for the low-cost sale to students of vocational tools, clothing, and other equipment that are prerequisites to employment.

### § 638.507 Work experience.

(a) The center operator shall emphasize and implement programs of work experience for students through center program activities or through arrangement with employers. Work experience shall be under actual working conditions and should enhance the employability, responsibility, and confidence of the students.

(b) The following limitations shall be observed in establishing work experience programs:

(1) Students shall only be assigned to work meeting the safety standards of § 638.803 of this part.

(2) Any work experience arranged for employment not covered by a Federal, State, or local minimum wage law shall have prior regional office approval.

(3) When work experience with pay is arranged, the student, for applicable wage provisions of the Davis-Bacon Act, the Fair Labor Standards Act, the Service Contract Act, and other applicable minimum wage laws, shall be considered a joint employee of the Job Corps and the work experience employer.

(i) The wages paid by Job Corps (including the reasonable cost to Job Corps of room, board, and other facili-

ties, as well as clothing and living allowances) shall be no less than the federal minimum wage rate set forth in section 6(a)(1) of the Fair Labor Standards Act (FLSA) for up to 25 hours a week. The work experience employer shall pay the student, in cash, any wages above the FLSA minimum whenever such additional amounts are required by the Davis-Bacon Act, the Service Contract Act, the State or local minimum wage law, or other applicable minimum wage law. For any time in excess of 25 hours per week, the work experience employer shall pay the student, in cash, no less than the entire wage at the wage rate required by applicable law.

(ii) In addition to the cash wages required to be paid by work experience employers by paragraph (b)(3)(i) of this section, work experience employers, after the first six weeks of work by a student, shall also pay additional cash wages to the student at an hourly rate of 25 percent of the wage set forth in section 6(a)(1) of the Fair Labor Standards Act.

### § 638.508 Sale of services or objects.

The services rendered or objects produced at the center may be sold at cost to students or center employees, but shall not be sold in the community unless such services or products do not displace workers in the local community or result in the sale of products which compete with local merchants.

### § 638.509 Leisure-time employment.

A center operator may authorize gainful leisure time employment of students as long as such employment does not interfere with required scheduled activities.

### § 638.510 Health care and services.

The center operator shall provide a health program, including basic medical, dental, and mental health services, for all students from admission until termination from the Job Corps. The program shall be developed in accordance with procedures issued by the Job Corps Director.

### § 638.511 Drug use and abuse.

The Job Corps Director shall develop procedures to ensure that each center