

## § 645.510

### **§ 645.510 What is the required consultation with the Governor?**

(a) All applicants for competitive grants, including local boards or alternate administering agencies and political subdivisions, must consult with the Governor by submitting their application to the Governor or the designated State administrative entity for the WtW program for review and comment prior to submission of the application to the Secretary. The application submitted to the Secretary must include:

(1) Comments on the application from the State; or

(2) Information indicating that the State was provided a sufficient opportunity for review and comment prior to submission to the Secretary. “Sufficient opportunity for State review and comment” shall mean at least 15 calendar days.

(b) For private entity applicants, the submission of the application for State review and comment must follow the 30 day period provided for local board or alternate administering agency/political subdivision review. Evidence of local board or alternate administering agency or political subdivision review should be included in the submission to the State (section 403(a)(5)(B)(ii)).

### **§ 645.515 What are the program and administrative requirements that apply to both the formula grants and competitive grants?**

(a) All of the general program requirements and administrative standards set by 29 CFR Part 645 Subpart B apply (section 403(a)(5)(C) and section 404(b)).

(b) In addition, competitive grants will be subject to:

(1) Supplemental reporting requirements; and

(2) Additional monitoring and oversight requirements based on the negotiated scope-of-work of individual grant awards (section 403(a)(5)(B)(iii) and (v)).

### **§ 645.520 What are the application procedures and timeframes for competitive grant funds?**

(a) The Secretary shall establish appropriate application procedures, selection criteria and an approval process to

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ensure that grant awards accomplish the purpose of the competitive grant funds and that available funds are used in an effective manner.

(b) The Secretary shall publish such procedures in the FEDERAL REGISTER and establish submission timeframes in a manner that allows eligible applicants sufficient time to develop and submit quality project plans (section 403(a)(5)(B)(i) and (iii)).

### **§ 645.525 What special consideration will be given to rural areas and cities with large concentrations of poverty?**

(a) Competitive grant awards will be targeted to geographic areas of significant need. In developing application procedures, special consideration will be given to rural areas and cities with large concentrations of residents living in poverty.

(b) Grant application guidelines will clarify specific requirements for documenting need in the local area (section 403(a)(5)(B)(iv)).

## **Subpart F—Administrative Appeal Process**

### **§ 645.800 What administrative remedies are available under this Part?**

(a) Within 21 days of receipt of a final determination that has directly imposed a sanction or corrective action pursuant to § 645.250(b) of this part, a recipient, subrecipient, or a vendor directly against which the Grant Officer has imposed a sanction or corrective action, may request a hearing before the Department of Labor Office of Administrative Law Judges, pursuant to the provisions of 29 CFR part 96 subpart 96.6.

(b) In accordance with 29 CFR 96.603(b)(2), the rules of practice and procedure published at 29 CFR part 18 shall govern the conduct of hearings under this section, except that a request for hearing under this section shall not be considered a complaint to which the filing of an answer by DOL or a DOL agency is required. Technical rules of evidence shall not apply to a hearing conducted pursuant to this part; however, rules or principles designed to assure production of the most

credible evidence available and to subject testimony to cross-examination shall apply.

(c) The decision of the Administrative Law Judge (ALJ) shall constitute final agency action unless, within 20 days of the decision, a party dissatisfied with the decision of the ALJ has filed a petition for review with the Administrative Review Board (ARB) (established pursuant to the provisions of Secretary's Order No. 2-96, published at 61 FR 19977 (May 3, 1996)), specifically identifying the procedure, fact, law or policy to which exception is taken. Any exception not specifically urged shall be deemed to have been waived. A copy of the petition for review must be sent to the opposing party at that time. Thereafter, the decision of the ALJ shall constitute final agency action unless the ARB, within 30 days of the filing of the petition for review, has notified the parties that the case has been accepted for review. Any case accepted by the ARB shall be decided within 120 days of such acceptance. If not so decided, the decision of the ALJ shall constitute final agency action.

**PART 646—PROVISIONS GOVERNING THE INDIAN AND NATIVE AMERICAN WELFARE-TO-WORK GRANT PROGRAM**

**Subpart A—Introduction to Indian and Native American Welfare to Work Programs**

Sec.

- 646.100 What is the purpose of the Indian and Native American Welfare-to-Work (INA WtW) Program?
- 646.105 What are the purposes of these regulations?
- 646.110 What are the administrative requirements for the INA WtW Program?
- 646.115 What are the definitions which apply uniquely to the INA WtW program?

**Subpart B—Eligibility to Receive INA WtW Grants**

- 646.200 What entities are eligible to receive INA WtW grants?
- 646.205 What entities are eligible to receive INA WtW grants in Alaska?
- 646.210 Can a consortium composed of tribes which do not operate TANF or NEW programs still receive an INA WtW grant?
- 646.215 How does a tribe document that it is currently providing "substantial services" to public assistance recipients?

- 646.220 What criteria apply to TANF/NEW tribes regarding the provision of "substantial services"?
- 646.225 If a tribe is awarded an INA WtW grant, is the tribe required to participate in an evaluation of the program?

**Subpart C—Application for INA WtW Grants**

- 646.300 How does my tribe apply for an INA WtW grant?
- 646.305 Can a consortium of Federally-recognized tribes apply for an INA WtW grant on behalf of consortium members approved to operate a TANF or NEW program?
- 646.310 Some of our consortium members operate their own TANF/NEW programs, and some do not. Can we still apply for an INA WtW grant as a consortium?
- 646.315 If our consortium members not operating TANF or NEW programs meet the "substantial services" criteria, do we then have to submit two separate INA WtW plans?
- 646.320 If we choose to operate a single INA WtW program for our "mixed consortium" for FY 1998, must we submit a single plan to the Department for FY 1999?
- 646.325 What unique documentation is required of a tribal consortium?
- 646.330 If our tribe did not receive an INA WtW grant for FY 1998, can we still receive funding for FY 1999?

**Subpart D—Participant Eligibility, Limits, and Allowable Activities**

- 646.400 What TANF recipients are eligible for services under INA WtW grants?
- 646.405 What activities are allowable under the Welfare-to-Work program?
- 646.410 Are there any special rules governing the use of job vouchers?
- 646.415 What kind of "job readiness" services are allowable under the INA WtW Program?
- 646.420 What assistance can be provided under the "supportive services" category?
- 646.425 Are any education or training activities allowable under the INA WtW grant?
- 646.430 Are there any time limits on client participation under the INA WtW program?

**Subpart E—Tribal Service Areas and Populations**

- 646.500 We're a TANF/NEW tribe. What is my tribe's service area and/or population under an INA WtW grant?
- 646.505 My tribe (or consortium) must qualify for an INA WtW grant under the "substantial services" criteria. How will our service area be determined?