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[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.

Commercially available off-the-shelf training package means a training package sold or traded to the general public in the course of normal business operations, at prices based on established catalog or market prices. To be considered as ''sold to the general public,'' the package must be regularly sold in sufficient quantities to constitute a real commercial market to buyers that must include other than JTPA programs. The package must include performance criteria pertaining to the delivery of the package which may include participant attainment of knowledge, skills or a job.

Contractor means the organization, entity, or individual that is awarded a procurement contract under the recipient's or subrecipient's procurement standards and procedures.

Cost means accrued expenditure.

Department means the U.S. Department of Labor.

DOL means the U.S. Department of Labor.

ETA means the Employment and Training Administration of the U.S. Department of Labor.

Family is defined at section 4(34) of the Act. An ''individual with a disability'' shall, for the purposes of income eligibility determination, be considered to be an unrelated individual who is a family unit of one, consistent with the definition of ''economically disadvantaged'' at section 4(8) of the Act. The Governor may provide interpretations of the term ''family'' related to how ''dependent children'' are defined for programs within a State, consistent with the Act, and all applicable rules and regulations, and State or local law. Such interpretations by the Governor may address the treatment of certain individuals who may need to be viewed discretely in the income eligibility determination process, such as runaways, emancipated youth, and

court adjudicated youth separated from the family.

The phrase ''living in a single residence'' with other family members includes temporary, voluntary residence elsewhere (*e.g.*, attending school or college, or visiting relatives). It does not include involuntary temporary residence elsewhere (*e.g.*, incarceration, or placement as a result of a court order).

Family income means ''income'' as defined by the Department of Health and Human Services in connection with the annual poverty guidelines. Such income shall not include unemployment compensation, child support and public assistance (including Aid to Families with Dependent Children, Supplemental Security Income, Emergency Assistance money payments, and nonfederally funded General Assistance or General Relief money payments), as provided for at section 4(8) of the Act. In addition, such income shall also exclude foster child care payments, educational financial assistance received under title IV of the Higher Education Act (20 U.S.C. 1087), as amended by section 479(B) of the Higher Education Act Amendments of 1992), needs-based scholarship assistance, and income earned while on active military duty and other benefit payments specified at 38 U.S.C. 4213, items (1) and (3). The Governor may, for the purposes of determining income eligibility for services to older individuals under section 204(d)(5) of the Act, exclude up to 25 percent of Social Security and Old Age Survivors' Insurance benefit payments under title II of the Social Security Act, (42 U.S.C., section 401, et seq.) from the definition of family income. In addition, when a Federal statute specifically provides that income or payments received under such statute shall be excluded in determining eligibility for and the level of benefits received under any other federal statute, such income or payments shall be excluded in JTPA eligibility determinations.

Funding period means the period of time when JTPA funds are available for expenditure. Unless a shorter period of time is specified in a title III discretionary award, the JTPA funding period is the 3-year period specified in JTPA section 161(b); the program year in which Federal funds are obligated to the recipient, and the two succeeding program years.

Governor means, in addition to the definition at section 4(9) of the Act, the recipient of JTPA funds awarded to the State under titles I through III.

Grant means an award of JTPA financial assistance by the U.S. Department of Labor to an eligible JTPA recipient. (Also, see §§ 627.405 and 627.430 of these regulations).

Grantee means the recipient.

Individual service strategy (ISS) is defined in § 628.520 of this chapter.

Job search assistance (also including *job search skills training* and *job club activities*) means the provision of instruction and support to a participant to give the participant skills in acquiring full time employment. The services provided may include, but are not limited to, resume writing, interviewing skills, labor market guidance, telephone techniques, information on job openings, and job acquisition strategies, as well as the provision of office space and supplies for the job search.

Job Training Partnership Act means Public Law (Pub. L.) 97–300, as amended, 29 U.S.C. 1501, et seq.

JTPA means the Job Training Partnership Act.

Nontraditional employment, as applied to women, means occupations or fields of work where women comprise less than 25 percent of the individuals employed in such occupation or field of work as provided periodically by the Department in the FEDERAL REGISTER. (Pub. L. 102–235, Nontraditional Employment for Women Act).

OALJ means the Office of Administrative Law Judges of the U.S. Department of Labor.

Obligations means the amounts of orders placed, contracts and subgrants awarded, goods and services received, and similar transactions during a funding period that will require payment by the recipient or subrecipient during the same or a future period.

OIG means the Office of Inspector General of the U.S. Department of Labor.

PIC means a private industry council.

Participant means an individual who has been determined to be eligible to

participate in and who is receiving services (except post-termination services authorized under sections 204(c)(4) and 264(d)(5) and followup services authorized under section 253(d)) under a program authorized by the JTPA. Participation shall be deemed to commence on the first day, following determination of eligibility, on which the participant began receiving subsidized employment, training, or other services provided under the JTPA. (section 4(37)).

Program year means the 12-month period beginning July 1 of the indicated year.

Recipient means the entity to which a JTPA grant is awarded directly from the Department of Labor to carry out the JTPA program. The recipient is the entire legal entity that received the award and is legally responsible for carrying out the JTPA program, even if only a particular component of the entity is designated in the grant award document. For JTPA grants under titles I, II and III, except for certain discretionary grants awarded under title III, part B, the State is the recipient.

SDA means a service delivery area designated by the Governor pursuant to section 101(a)(4) of the Act. As used in these regulations, SDA may also refer to the entity that administers the JTPA program within the designated area.

SDA grant recipient means the entity that receives JTPA funds for a service delivery area directly from the recipient.

Secretary means the Secretary of Labor, U.S. Department of Labor, or his or her designee.

Section, as used in this chapter, means a section of the Act unless the text specifically indicates otherwise.

Service provider means a public agency, private nonprofit organization, or private-for-profit entity that delivers educational, training, employment or supportive services to JTPA participants. Awards to service providers may be made by subgrant, contract, subcontract, or other legal agreement.

Stand-in costs means costs paid from non-Federal sources that a recipient proposes to substitute for Federal costs that have been disallowed as a result of an audit or other review. In order to be considered as valid substitutions, the costs (1) shall have been reported by the grantee as uncharged program costs under the same title and in the same program year in which the disallowed costs were incurred (2) shall have been incurred in compliance with laws, regulations, and contractual provisions governing JTPA, and (3) shall not result in a violation of the applicable cost limitations.

State is defined at section 4(22) of the Act. For cash payment purposes, the definition of ''State'' contained in the Department of the Treasury regulations at 31 CFR 205.3 shall apply to JTPA programs.

State council means the State Job Training Coordinating Council (SJTCC) or, in a State with a Human Resource Investment Council (HRIC) pursuant to § 628.215 of this chapter, the HRIC.

Subgrant means an award of JTPA financial assistance in the form of money, or property in lieu of money, made under a grant by a recipient to an eligible subrecipient. It also means a subgrant award of JTPA financial assistance by a subrecipient to a lower tier subrecipient. The term includes financial assistance when provided by any legal agreement, even if the agreement is called a contract, but does not include procurement purchases from vendors nor does it include any form of assistance received by program participants.

Subgrantee means a subrecipient.

Subrecipient means the legal entity to which a subgrant is awarded and which is accountable to the recipient (or higher tier subrecipient) for the use of the funds provided. For JTPA purposes, distinguishing characteristics of a subrecipient include items such as determining eligibility of applicants, enrollment of participants, performance measured against meeting the objectives of the program, responsibility for programmatic decisionmaking, responsibility for compliance with program requirements, and use of the funds awarded to carry out a JTPA program or project, as compared to providing goods or services for a JTPA program or project (vendor). Depending on local circumstances, the PIC, local elected official, or administrative entity may

be a subrecipient. SDA grant recipients and JTPA title III substate grantees are particular types of subrecipients.

Substate grantee (SSG) means that agency or organization selected to administer programs pursuant to section 312(b) of the Act. The substate grantee is the entity that receives JTPA title III funds for a substate area directly from the Governor.

Technical assistance is a facet of capacity building which may include but is not limited to information sharing, dissemination and training on program models and job functions; peer-to-peer networking and problem solving; guides; and interactive communication technologies.

Title, as used in this chapter, means a title of the Act, unless the text of the regulation specifically indicates otherwise.

Vendor means an entity responsible for providing generally required goods or services to be used in the JTPA program. These goods or services may be for the recipient's or subrecipient's own use or for the use of participants in the program. Distinguishing characteristics of a vendor include items such as: Providing the goods and services within normal business operations; providing similar goods or services to many different purchasers, including purchasers outside the JTPA program; and operating in a competitive environment. A vendor is not a subrecipient and does not exhibit the distinguishing characteristics attributable to a subrecipient, as defined above. Any entity directly involved in the delivery of program services not available to the general public, with the exception of an employer providing on-the-job training, shall be considered a subrecipient rather than a vendor.

Wagner-Peyser Act means 29 U.S.C. 49, et seq.

[59 FR 45815, Sept. 2, 1994, as amended at 61 FR 19983, May 3, 1996]

PART 627—GENERAL PROVISIONS GOVERNING PROGRAMS UNDER TITLES I, II, AND III OF THE ACT

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