

## Employment and Training Administration, Labor

## § 633.103

September 30 include report and record preparation and submittal, completion of evaluations and assessments of worksite employers and the overall program or other elements of the summer program.

### § 632.263 Administrative costs.

Administrative costs for this subpart are limited to and shall not exceed 20 percent of the funds available.

## PART 633—MIGRANT AND SEASONAL FARMWORKER PROGRAMS

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AUTHORITY: Job Training Partnership Act, sec.169 (29 U.S.C. 1501 *et seq.*, Pub. L. 97-300, 96 Stat. 1322), unless otherwise noted.

SOURCE: 48 FR 48771, Oct. 20, 1983, unless otherwise noted.

### Subpart A—Introductory Provisions

#### § 633.102 Scope and purpose of title IV, section 402 programs.

(a) It is the purpose of title IV, section 402, of the Act to provide job training, employment opportunities, and other services for those individuals who suffer chronic seasonal unemployment and underemployment in the agriculture industry. These conditions have been substantially aggravated by continual advancements in technology and mechanization resulting in displacement and contribute significantly to the Nation's rural employment problem. These factors substantially affect the entire national economy.

(b) Because of farmworker employment and training problems, such programs shall be centrally administered at the national level. Programs and activities supported under this section shall in accordance with section 402(c)(3) of the Act:

(1) Enable farmworkers and their dependents to obtain or retain employment;

(2) Allow participation in other program activities leading to their eventual placement in unsubsidized agricultural or nonagricultural employment;

(3) Allow activities leading to stabilization in agricultural employment; and

(4) Include related assistance and supportive services.

#### § 633.103 Format for these regulations.

(a) Regulations promulgated by the Department to implement the provisions of title IV section 402 of the Act are set forth in 20 CFR part 633 and part 636. These parts contain all the regulations under the Act applicable to migrant and other seasonally employed farmworker programs.

(b) Should the regulations at this part conflict with regulations at other parts of this title of the Code of Federal Regulations, the regulations at this part shall prevail with respect to programs and activities governed by this part.

**§ 633.104 Definitions.**

The following definitions are applicable to section 402 programs.

*Accrued expenditures* shall mean total costs incurred during the reporting period for: (a) Goods and other tangible property received; (b) services performed by employees, contractors, subgrantees and other payees; and (c) other amounts becoming owed under programs for which no current services or performance is required such as annuities, insurance claims, and other benefit payments.

*Act* shall mean the Job Training Partnership Act (29 U.S.C. 1501 *et seq.*).

*Allocation* shall mean the amount of funds calculated in accordance with § 633.105(b)(1) for section 402 programs in each State and distributed in accordance with the requirements of this part.

*Chief, DFREP* shall mean the Chief of the Division of Farmworker and Rural Employment Programs in the Employment and Training Administration, Department of Labor.

*Construction* shall mean the erection, installation, assembly, or painting of a new structure or a major addition, expansion, or extension of an existing structure, and the related site preparation, excavation, filling and landscaping or other land improvements.

*Department* shall mean the United States Department of Labor (DOL), including its agencies and organizational units.

*DOL* shall mean the United States Department of Labor.

*Employment* shall mean the situation wherein a person(s) provides work or services for an employer for wages or salary. This includes self-employment. The satisfaction of workfare requirements does not constitute employment.

*Entered employment* shall mean the act of securing unsubsidized employment for or by a participant. Seasonal agricultural placements will not be

considered as unsubsidized employment secured for or by a participant for purposes of this definition unless it can be substantiated that the placement represents an upgraded position within agriculture and will not result in the continued underemployment of the individual.

*Entered employment, direct* shall mean unsubsidized employment secured for or by a participant after receiving direct placement services not associated with training or subsidized employment.

*Entered employment, indirect* shall mean unsubsidized employment secured for or by a participant after participation in training or subsidized employment.

*Family* (a) shall mean one or more persons related by blood, marriage, or adoption. A step-child or a step-parent is considered to be related by marriage.

(b) (1) For purposes of paragraph (a) of this definition, a person claimed as a dependent on another person's Federal Income Tax return for the previous year is presumed to be part of the other person's family.

(2) A handicapped individual may be considered a family of one when applying for programs under the Act.

(3) An individual 18 years of age or older, except as provided in (a) or (b) above, who receives less than 50 percent of support from the family, and who is not the principal earner nor the spouse of the principal earner, is not considered a member of the family. Such an individual is considered a family of one.

*Family income* shall mean all income received from all sources for the eligibility determination period by persons who are family members at the time of eligibility determination.

(a) For the purpose of determining eligibility (and not for allocations), family income includes:

(1) Gross wages and salaries (before deductions);

(2) Net self-employment income (gross receipts minus operating expenses); and

(3) Other money income received from sources such as net rents, Old Age