

§ 641.101

20 CFR Ch. V (4-1-01 Edition)

- 641.324 Enrollee and applicant complaint resolution.
- 641.325 Maintenance of effort.
- 641.326 Experimental private sector training projects.

Subpart D—Administrative Standards and Procedures for Grantees and Limitations on Federal Funds

- 641.401 General.
- 641.402 Administrative requirements.
- 641.403 Allowable costs.
- 641.404 Classification of costs.
- 641.405 Limitations on federal funds.
- 641.406 Administrative cost waiver.
- 641.407 Non-federal share of project costs.
- 641.408 Budget changes.
- 641.409 Grantee fiscal and performance reporting requirements.
- 641.410 Subgrant agreements.
- 641.411 Program income accountability.
- 641.412 Equipment.
- 641.413 Audits.
- 641.414 Grant closeout procedures.
- 641.415 Department of Labor appeals procedures for grantees.

Subpart E—Interagency Agreements

- 641.501 Administration.

Subpart F—Assessment and Evaluation

- 641.601 General.
- 641.602 Limitation.

AUTHORITY: 42 U.S.C. 3056(b)(2).

SOURCE: 60 FR 26581, May 17, 1995, unless otherwise noted.

Subpart A—Introductory Provisions

§ 641.101 Scope and purpose.

Part 641 contains the regulations of the Department of Labor for the Senior Community Service Employment Program (SCSEP) under title V of the OAA. The dual purposes of a SCSEP project are to provide useful part-time community service assignments for persons with low incomes who are 55 years old or older while promoting transition to unsubsidized employment. This part, and other pertinent regulations expressly incorporated by reference, set forth all regulations applicable to the SCSEP.

§ 641.102 Definitions.

The following definitions apply to this part:

OAA means the Older Americans Act of 1965, as amended (42 U.S.C. 3001 *et seq.*).

Area agency on aging means an area agency on aging designated under section 305(a)(2)(A) of the OAA or a State agency performing the functions of an area agency on aging under section 305(b)(5) of the OAA.

Authorized position means an enrollment opportunity during a program year. The number of authorized positions is derived by dividing the total amount of funds appropriated during a program year by the national average unit cost per enrollee for that program year as determined by the Department. The national average unit cost includes all administration costs, other enrollee costs, and enrollee wage and fringe benefit costs. An allotment of the total dollars for the grantee is divided by the national unit cost to determine the total number of authorized positions for each grant agreement.

Community service means social, health, welfare, and educational services (particularly literacy tutoring); legal assistance, and other counseling services, including tax counseling and assistance and financial counseling; library, recreational, day care and other similar services; conservation, maintenance, or restoration of natural resources; community betterment or beautification; pollution control and environmental quality efforts; weatherization activities; and includes intergenerational projects; but is not limited to the above. It excludes building and highway construction (except that which normally is performed by the project sponsor) and work which primarily benefits private, profitmaking organizations. [Section 507(2) of the OAA.]

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

Disability means a physical or mental impairment of an individual that substantially limits one or more major life activities; a record of such impairment; or being regarded as having such an impairment. [29 CFR parts 32 and 34.]

Dual eligibility means individuals eligible under title V who are enrolled in a joint program established under a

written financial or non-financial agreement to jointly operate programs with JTPA are deemed to satisfy the requirements of all JTPA programs funded under Title II-A of the JTPA.

Eligible individual means a person who is 55 years of age, or older, and who has a low income as defined in this section. [Section 507(1) of the OAA.]

Eligible organization means an organization which is legally capable of receiving and using Federal funds under the OAA and entering into a grant or other agreement with the Department to carry out the provisions of title V of the OAA. [Section 502(b)(1) of the OAA.]

Employment and training program(s) means publicly funded efforts designed to offer employment, training and/or placement services which enhance an individual's employability. The term is used in this part to include, but is not limited to, the JTPA or similar legislation and State or local programs of a similar nature.

Enrollee means an individual who is eligible, receives services, and is paid wages for engaging in community service assignments under a project.

Grantee means an eligible organization which has entered into a grant agreement with the Department under this part.

Greatest economic need means the need resulting from an income level at or below the poverty line based on guidelines provided by the Department.

Greatest social need, as defined at section 102(a)(30) of the OAA, means the need caused by noneconomic factors which include:

- (1) Physical and mental disabilities;
- (2) Language barriers; and
- (3) Cultural, social, or geographical isolation, including isolation caused by racial or ethnic status.

Host agency means a public agency or a private non-profit organization, other than a political party or any facility used or to be used as a place for sectarian religious instruction or worship, exempt from taxation under the provisions of section 501(c)(3) of the Internal Revenue Code of 1986, which provides a work site and supervision for an enrollee.

Individual development plan means a plan for an enrollee which shall include

an employment goal, achievement objectives, and appropriate sequence of services for the enrollee based on an assessment conducted by the grantee or subgrantee and jointly agreed upon by the enrollee.

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

Low income means an income of the family which, during the preceding six months on an annualized basis or the actual income during the preceding 12 months, whichever is more beneficial to the applicant, is not more than 125 percent of the poverty levels established and periodically updated by the U.S. Department of Health and Human Services. In addition, an individual who receives, or is a member of a family which receives, regular cash welfare payments shall be deemed to have a low income for purposes of this part.

Poor employment prospects means the unlikelihood of an otherwise eligible individual obtaining employment without the assistance of this or other employment and training programs. Persons with poor employment prospects include, but are not limited to, those without a substantial employment history, basic skills, English-language proficiency, or displaced homemakers, school dropouts, disabled veterans, homeless or residing in socially and economically isolated rural or urban areas where employment opportunities are limited.

Program year means the one-year period covered by a grant agreement beginning July 1 and ending on June 30.

Project means an undertaking by a grantee or subgrantee, pursuant to a grant agreement between the Department and the grantee, which provides for community service opportunities for eligible individuals and the delivery of associated services.

Reallocation means a redistribution of funds by a grantee.

Reallotment means the redistribution of allotted title V funds by the Department from one State to another State(s) or from one grantee to another grantee.

Residence means an individual's declared dwelling place or address. No requirement pertaining to length of residency prior to enrollment shall be imposed.

§ 641.201

SCSEP means the Senior Community Service Employment Program as authorized under title V of the OAA.

State agency on aging means the sole agency designated by the State, in accordance with regulations of the Assistant Secretary on Aging, pursuant to section 305(a)(1) of the OAA.

Subgrantee means the legal entity to which a subgrant is awarded by a grantee and which is accountable to the grantee (or higher tier subgrantee) for the use of the funds provided.

Title V of the OAA means 42 U.S.C. 3056 *et seq.*

Subpart B—Grant Planning and Application Procedures

§ 641.201 Allotment and allocation of title V funds.

(a) *Allotment.* The Secretary shall allot funds for projects in each State in accordance with the distribution requirements contained in section 506(a) of the OAA.

(b) *Within-State apportionment.* The amount allotted for projects within a State shall be apportioned among areas within the State in an equitable manner, taking into consideration:

(1) The proportion which eligible individuals in each such area bears to the total number of such persons, respectively, in that State;

(2) The relative distribution of such individuals residing in rural and urban areas within the State; and

(3) The relative distribution of such individuals who are individuals with the greatest economic need, such individuals who are minority individuals, and such individuals with greatest social need.

(c) *Annual report of funds allocated by state.* The State agency for each State receiving funds or a sponsor designated by the Department shall report at the beginning of each fiscal year on such State's status relative to section 506(c) of the OAA. Each State's report shall include names and geographic locations of all projects receiving title V funds for projects in the State. All grantees and subgrantees operating in a State shall provide information necessary to compile the report. [Section 506(d) of the OAA.]

20 CFR Ch. V (4–1–01 Edition)

§ 641.202 Eligibility for title V funds.

Agencies and organizations eligible to receive title V funds shall be those specified in sections 502(b) and 506(a) of the OAA.

§ 641.203 Soliciting applications for title V funds.

The Department may solicit or request organizations to submit applications for funds.

§ 641.204 Grant application requirements.

(a) *Schedules.* The Department shall establish, by administrative directive, schedules for submittal of grant preapplications and applications; the contents of grant applications, including goals and objectives; amounts of grants; and grant budget and narrative formats.

(b) *Intergovernmental reviews.* Grant applicants shall comply with the requirements of the Department's regulation, at 29 CFR part 17, which implements the intergovernmental review of Department programs and activities. A *Preapplication for Federal Assistance* form (SF-424) filed as a result of the intergovernment review system shall contain an attachment which, at a minimum, lists the proposed number of authorized community service positions in each county, or other appropriate jurisdiction within the affected State. Whenever a national organization or other program grantee or subgrantee proposes to conduct projects within a planning and service area in a State, such organization or program grantee is responsible for sharing their applications with area agencies on aging and other SCSEP sponsors in the area prior to the award of the funds in accord with guidelines issued by the Department.

(c) *Subgrants.* A grant applicant planning to award funds by subgrant shall:

(1) Outline the nature and extent of the planned use of such funds; and

(2) Assure that in the event that a subgrant agreement is canceled in whole or in part, the grantee will provide continuity of services to enrollees.

§ 641.205 Responsibility review.

(a) In order to enter into and continue a grant relationship with DOL,