

Employment and Training Administration, Labor

§ 641.601

signed the final determination. The Chief Administrative Law Judge shall designate an administrative law judge to hear the appeal.

(2) The request for hearing shall be accompanied by a copy of the final determination, if issued, and shall state specifically those issues of the determination upon which review is requested. Those provisions of the determination not specified for review, or the entire determination when no hearing has been requested, shall be considered resolved and not subject to further review.

(3) The Rules of Practice and Procedures for Administrative Hearings Before the Office of Administrative Law Judges, set forth at 29 CFR part 18, shall govern the conduct of hearings under this section, except that:

(i) The appeal shall not be considered a complaint; and

(ii) Technical rules of evidence, such as the Federal Rules of Evidence and subpart B of 29 CFR part 18, shall not apply to any hearing conducted pursuant to this section. However, rules designed to assure production of the most credible evidence available and to subject testimony to test by cross-examination shall be applied where reasonably necessary by the administrative law judge conducting the hearing. The certified copy of the administrative file transmitted to the administrative law judge by the official issuing the final determination shall be part of the evidentiary record of the case and need not be moved into evidence.

(4) The administrative law judge should render a written decision no later than 90 days after the closing of the record.

(5) The decision of the administrative law judge shall constitute final action by the Secretary of Labor unless, within 21 days after receipt of the decision of the administrative law judge, a party dissatisfied with the decision, or any part thereof, has filed exceptions with the Secretary of Labor specifically identifying the procedures, fact, law, or policy to which exception is taken. Any exception not specifically urged shall be deemed to have been waived. Thereafter, the decision of the administrative law judge shall become the decision of the Secretary unless the

Secretary of Labor, within 30 days of such filing, has notified the parties that the case has been accepted for review.

(6) Any case accepted for review by the Secretary of Labor shall be decided within 180 days of such acceptance. If not so decided, the decision of the administrative law judge shall become the final decision of the Secretary of Labor.

Subpart E—Interagency Agreements

§ 641.501 Administration.

(a) Federal establishments other than the Department of Labor which receive and use funds under title V of the OAA or this part shall submit to DOL project fiscal and progress reports as described in § 641.409.

(b) Non-DOL federal establishments which receive and use funds under title V shall maintain the standard records on individual enrollees and enrollee activities, in accordance with this part.

(c) The Department may provide title V funds to another federal agency by a non-expenditure transfer authorization or by payments on an advance or reimbursement basis.

(d) In aspects of project administration other than those described in paragraphs (a) and (b) of this section, federal establishments which receive and use funds under title V of the OAA may use their normal administrative procedures.

Subpart F—Assessment and Evaluation

§ 641.601 General.

The Department shall assess each grantee and subgrantee to determine whether it is carrying out the purposes and provisions of title V of the OAA and this part in accordance with the OAA, this part and the grant or other agreements. The Department also shall evaluate the overall program conducted under title V of the OAA or this part to aid in the administration of the SCSEP. The Department and individuals designated by the Department may make site visits and conduct such

§ 641.602

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

other monitoring activities as determined by SCSEP needs.

§ 641.602 Limitation.

In arranging for the assessment of a grantee, or the evaluation of a sub-grantee, or the evaluation of the overall program under title V of the OAA or this part, the Department shall not use any individual, institution, or organization associated with any project under title V of the OAA.

PART 645—PROVISIONS GOVERNING WELFARE-TO-WORK GRANTS

Subpart A—Scope and Purpose

Sec.

- 645.100 What does this part cover?
- 645.110 What are the purposes of the Welfare-to-Work program?
- 645.120 What definitions apply to this part?
- 645.125 What are the roles of the local and State governmental partners in the governance of the WtW program?
- 645.130 What are the effective dates for the Welfare-to-Work 1999 Amendments?
- 645.135 What is the effective date for spending Federal Welfare-to-Work formula funds on newly eligible participants and newly authorized services?

Subpart B—General Program and Administrative Requirements

- 645.200 What does this subpart cover?
- 645.210 What is meant by the terms “entity” and “project” in the statutory phrase “an entity that operates a project” with Welfare-to-Work funds?
- 645.211 How must Welfare-to-Work funds be spent by the operating entity?
- 645.212 Who may be served under the general eligibility and noncustodial parent eligibility (primary eligibility) provision?
- 645.213 Who may be served as an individual in the “other eligibles” (30 percent) provision?
- 645.214 How will Welfare-to-Work participant eligibility be determined?
- 645.215 What must a WtW operating entity that serves noncustodial parent participants do?
- 645.220 What activities are allowable under this part?
- 645.221 For what activities and services must local boards use contracts and vouchers?
- 645.225 How do Welfare-to-Work activities relate to activities provided under TANF and other related programs?

- 645.230 What general fiscal and administrative rules apply to the use of Federal funds?
- 645.233 What are the time limitations on the expenditure of Welfare-to-Work grant funds?
- 645.235 What types of activities are subject to the administrative cost limit on Welfare-to-Work grants?
- 645.240 What are the reporting requirements for Welfare-to-Work programs?
- 645.245 Who is responsible for oversight and monitoring of Welfare-to-Work grants?
- 645.250 What procedures apply to the resolution of findings arising from audits, investigations, monitoring, and oversight reviews?
- 645.255 What nondiscrimination protections apply to participants in Welfare-to-Work programs?
- 645.260 What health and safety provisions apply to participants in Welfare-to-Work programs?
- 645.265 What safeguards are there to ensure that participants in Welfare-to-Work employment activities do not displace other employees?
- 645.270 What procedures are there to ensure that currently employed workers may file grievances regarding displacement and that Welfare-to-Work participants in employment activities may file grievances regarding displacement, health and safety standards and gender discrimination?

Subpart C—Additional Formula Grant Administrative Requirements and Procedures

- 645.300 What constitutes an allowable match?
- 645.310 What assurances must a State provide that it will make the required matching expenditures?
- 645.315 What actions are to be taken if a State fails to make the required matching expenditures?
- 645.320 When will formula funds be reallocated, and what reallocation procedures will the Secretary use?

Subpart D—State Formula Grant Administration

- 645.400 Under what conditions may the Governor request a waiver to designate an alternate local administering agency?
- 645.410 What elements will the State use in distributing funds within the State?
- 645.415 What planning information must a State submit in order to receive a formula grant?
- 645.420 What factors will be used in measuring State performance?