

CHAPTER 20 - EMPLOYMENT AND TRAINING

04 NCAC 20 has been transferred and recodified from 15A NCAC 17, effective November 1, 1989.

SUBCHAPTER 20A - GENERAL PROVISIONS

04 NCAC 20A .0101 DEFINITIONS

The following definitions shall apply in Chapter 17 and to activities conducted with funds received, directly or indirectly, from the Division:

- (1) Administrative Entity. The entity selected by a private industry council in accordance with its agreement(s) with appropriate chief elected officials, to conduct the daily administrative functions required to manage and, if applicable, to operate employment and training activities in a service delivery area.
- (2) Administrative Review. Review, which may include investigation, hearing and orders by the Office of Administrative Hearings and the Department, except where appeal is to the Secretary of USDOL under JTPA sections 101(a)(4)(c), 105(b)(2), 106(h)(4) and 164(b)(1), of actions taken by the Governor, the Division, the State Job Training Coordinating Council, or the Rural Service Delivery Area Private Industry Council. Review may be sought of disputes within the definition of "contested case" under G.S. 150B-2(2).
- (3) Adult. For the purposes of employment and training program participation, an individual who is twenty-two years of age or older.
- (4) Applicant. An individual who has completed and signed an application for participation in an employment and training program and has provided that application to a current service provider or agent for a service provider.
- (5) Bidder or Prospective Contractor. A person or entity that has formally bid or responded to a request for proposals to operate job training activities or provide administrative or supportive services.
- (6) Cash Welfare Payment. Payments under AFDC (SSA, Title IV), General Assistance (local government), the Refugee Assistance Act of 1980 (P.L. 96-212) or SSI (SSA, Title XVI); provided that for performance standards purposes, payments under SSI (SSA, Title XVI) shall be excluded.
- (7) CETA. The Comprehensive Employment and Training Act of 1973, the Comprehensive Employment and Training Act Amendments of 1978 and the regulations promulgated thereunder.
- (8) Chief Elected Official. The chief elected official, for the purposes of JTPA, in a service delivery area. In the absence of specific direction to the contrary, the chief elected official shall be construed to mean:
 - (a) As to the Rural Service Delivery Area, the Governor;
 - (b) As to single units of government that are service delivery areas, the mayor (in the case of cities) or the chairman of the board of county commissioners (in the case of counties); in the event the chairman or mayor is not a position subject to popular election, the governing board of the governmental unit shall designate an elected official as the chief elected official for the purposes of JTPA;
 - (c) As to consortia of two or more governmental units that have been designated as a service delivery area, the officials from each unit (as defined in Paragraph (2) of this Rule) shall select among themselves an individual as chief elected official, provided that such a selection shall not preclude the officials from agreeing that more than one official's signature shall be required on documents requiring the signature of the chief elected official;
 - (d) An appropriate designee of Subparagraph (8)(a), (b) or (c), to the extent permitted by law and designated in writing, except that a designee of a chief elected official under Subparagraph (8)(c) must have the written approval of all units of government in the consortium.
- (9) Compensation in Lieu of Wages. Monetary payments made by the subrecipient to participants in tryout employment programs, which payments must meet the federal and state minimum hourly wages; the payments will not be construed by the Division as wages, as that term is used in JTPA.

- (10) Consortium. A joint agency of two or more units of local government that have combined and requested designation as a service delivery area. A consortium shall not exist, and funding to the resulting service delivery area may not be made, unless there is a written consortium agreement conforming to state law and including a provision whereby the participating units of government, or some of them, accept liability for misspent funds received from the Division.
- (11) Contractor. An individual or entity that has entered into an agreement with the Division or with a service delivery area administrative entity or private industry council or with the State Job Training Coordinating Council to operate program or project activities or to conduct administrative or supportive functions, including the provision of goods or services.
- (12) Department. The North Carolina Department of Economic and Community Development.
- (13) Dependent. A person for whom the head of household has provided at least 50 percent support during the six month eligibility determination period.
- (14) Director. The Director of the Division of Employment and Training; the Director is the delegate of the Governor in the exercise of responsibilities and functions assigned to the Governor in JTPA and in these Regulations.
- (15) Dislocated Worker. An individual who satisfies the criteria for dislocated workers in Section 302 of JTPA and such further identification of targeted dislocated workers as is made in the applicable application or proposal.
- (16) Displaced Homemaker. An individual who:
 - (a) during the previous two years has not worked in the labor force, but has worked in the home providing unpaid services for family members;
 - (b) has been dependent either on public assistance or the income of another family member but is no longer supported by that income, or is currently receiving public assistance on account of dependent children in the home; and
 - (c) is experiencing difficulty in obtaining employment.
- (17) Division. The Division of Employment and Training.
- (18) Division Review. Review, which may include investigation, hearing and orders, of specific determinations by a subrecipient, agent of a subrecipient or private industry councils; review may be sought by persons or entities that have sustained or have a substantial likelihood of sustaining injury, loss or damage as a result of the determination.
- (19) Economically Disadvantaged. An individual who satisfies the criteria in Section 4(8) of JTPA.
- (20) Education Status. An individual's status with regard to his or her education; the available categories are school dropout, student, high school graduate or equivalent, and post-high school attendee, each of which are defined in this Section.
- (21) Employed Individual. An individual who, during the seven consecutive days prior to his or her application, did any work as a paid employee, in his or her own business, profession or farm, or who worked 15 or more hours as an unpaid worker in an enterprise owned by a family member, or an individual who has a job or business but has been absent during the seven consecutive days prior to application because of illness, bad weather, vacation, labor management dispute or personal reasons. This status includes members of the Armed Forces on active duty who have not been discharged or separated, participants in registered apprenticeship programs and self-employed persons.
- (22) Expendable Property. All personal property other than Nonexpendable Property, except that personal property with a unit acquisition cost of one thousand dollars (\$1000.00) or more cannot be considered expendable property except with the written approval of the Director.
- (23) "Family" shall be defined under JTPA as follows:
 - (a) the head of household (majority earner), spouse, plus all dependents (see definition of Dependents); or
 - (b) in the case of a welfare recipient, the total number of persons whose needs are considered when determining the amount of the welfare payment; or
 - (c) a person incarcerated in a correctional institution, who shall be considered a family of one; or
 - (d) a handicapped individual, who shall be considered a family of one; or
 - (e) any individual 14 years of age or older, who received less than 50 percent of his/her support from the family, who shall be considered a family of one for JTPA purposes, without regard to whether the individual is emancipated under state law; or

- (f) an older individual (55 and over) who is a dependent of his/her child(ren), who shall be considered a family of one.
- (24) "Family Income" means all income actually received from all sources by all family members for the six-month income determination period prior to application. For purposes of this Paragraph, the income determination period shall be the 26 weeks preceding the date of application and shall end with the last full calendar week (Sunday to Saturday) prior to application.
- (a) For the purposes of determining eligibility (and not for allocations), family income includes:
 - (i) gross wages and salaries from employment (before deductions), including tips, commissions, seasonal employment, babysitting, domestic employment, Adult Development Activities Program (ADAP), JTPA-OJT wages;
 - (ii) net self-employment income (Gross receipts minus operating expenses);
 - (iii) other money income received from sources such as net rents, pensions (non-SSA Title II Federal OASI Benefits), alimony, periodic income; periodic income excludes tenant rental fees for work land and seed purchase costs; periodic income should be allocated to the time the money was earned; the portion allocated to the prior 26 weeks shall be included as income within the eligibility determination period;
 - (iv) farm income; and
 - (v) earned Income Tax Credit (EIC).
 - (b) Family Income does not include:
 - (i) child support payments;
 - (ii) noncash income such as food stamps or compensation received in the form of food or housing;
 - (iii) rental value of owner-occupied property;
 - (iv) public assistance payments;
 - (v) cash payments received pursuant to a State Plan approved under Titles I, II, IV, X or XVI (SSI) of the Social Security Act;
 - (vi) federal, state and local unemployment benefits;
 - (vii) payments made from federal funds to participants in employment and training programs, including payments made under JTPA (except for OJT), Title V of the Older Americans Act and WIN incentive payments and training allowances;
 - (viii) capital gains and losses;
 - (ix) one-time unearned income; such as, but not limited to:
 - (A) payments received for a limited fixed term under income maintenance programs and supplemental (private) unemployment benefit plans;
 - (B) one-time or fixed-term scholarship and fellowship grants;
 - (C) accident, health and casualty insurance proceeds;
 - (D) disability and death payments, including fixed term (but not lifetime) life insurance annuities and death benefits;
 - (E) workers' compensation awards;
 - (F) terminal leave pay;
 - (G) soil bank payments; and
 - (H) agricultural crop stabilization payments;
 - (x) pay or allowances previously received by a veteran while serving active duty in the Armed Forces (U.S.). Also exclude payments received for participation in National Guard or military naval, or air force reserve activities and VISTA stipends;
 - (xi) educational assistance and compensation payments to veterans and other eligible persons under Title 38, United States Code, Chapter 11, Compensation for Service-Connected Disability or Death; Chapter 13, Dependent Indemnity Compensation for Service Connected Death; Chapter 31, Vocational Rehabilitation; Chapter 34, Veterans' Education Assistance; Chapter 35, War Orphans' and Widows' Education Assistance; and Chapter 36, Administration of Education Benefits;
 - (xii) payments received under the Trade Act of 1974 as amended;

- (xiii) black lung payments received under the Benefits Reform Act of 1977, Pub. L 95 239.30 USC 901;
- (xiv) income of a child participating in a Job Corps Program; and
- (xv) AFDC-Foster Care and State Foster Home.

Note: Family size shall be the maximum number of family members during the income determination period. When computing family income, income of a spouse and/or other family members shall be counted for the portion of the income determination period that the person was actually a part of the family unit.

- (25) Family Size. The total number of persons who were members of the applicant's family during the eligibility determination period.
- (26) Farm. A place that produces agricultural products, from which annual sales of one thousand dollars (\$1000.00) or more are realized.
- (27) Farm Resident. A person who is a member of a family that lives on and either owns or leases a farm.
- (28) Foster Child. An individual on whose behalf either state or local government AFDC-Foster Care Payments are made.
- (29) General Purpose Business Organization. Organizations that admit to membership any for-profit business or representatives of any for-profit business that operates in the geographic area that the organization serves.
- (30) Governor's Coordination and Special Services Plan. Plan prepared on behalf of the Governor, approved by the State Job Training Coordinating Council and accepted by the Governor, and submitted to the Secretary of USDOL, that contains explanations and criteria for coordinating JTPA programs with related service resources and establishes presumptive service providers consistent with JTPA.
- (31) Grantee. As to JTPA grants from USDOL, the Governor.
- (32) Grievance. A complaint alleging violation(s) of nondiscrimination provisions by a recipient or subrecipient of JTPA funds.
- (33) Handicapped Individual. An individual described in Section 4(10) of JTPA and USDOL regulations, 29 CFR Part 32.3; an individual who has or is believed to have a physical or mental disability that, for the individual, constitutes or results in a substantial barrier to employment. All mental handicaps and any physical handicap that is not readily apparent and identifiable must be verified by a physician or appropriate professional. To the extent that a disability is not a recognized barrier to employment, the existence of a disability that constitutes or results in a substantial barrier to employment must also be verified by an appropriate professional.
- (34) High School Graduate. An individual who has qualified for a high school diploma or GED certificate, or is a certificate recipient (who has completed the required courses but has not passed the state competency test), but who has not attended any post-secondary vocational, technical or academic school. This education status includes high school graduates who expect to attend a post-secondary vocational, technical or academic school, but the term in which they will begin attendance has not begun.
- (35) Immediate Family. Mother, father, sister, brother, husband, wife, son, daughter, grandfather, grandmother, grandson, granddaughter, mother-in-law, father-in-law, son-in-law, daughter-in-law, stepparents and stepchildren.
- (36) JTPA. The Job Training Partnership Act.
- (37) Job Training Plan. A written plan of program and project activities, that has been approved by the Governor and that describes the method of operation and proposed budget for the employment and training activities in a service delivery area.
- (38) Labor Force Status. The status of a person in relation to the labor force. The available categories are employed, unemployed and not in the labor force, definitions of which are contained in this Section.
- (39) Limited English Language Proficiency. An individual whose native language is not English and who is unable to communicate effectively in English, resulting in a barrier to employment.
- (40) Long-Term Unemployed Individual. An individual who is unemployed at the time of eligibility determination and who has been unemployed for 15 or more weeks out of the 26 weeks immediately prior to eligibility determination and who has limited opportunities for employment or reemployment in the same or similar occupation in which previously employed in the area in which he or she resides. An older individual who has substantial barriers to employment by reason

of age is presumed to have limited opportunities for employment or reemployment as described in this Paragraph:

- (a) Low Achiever/Potential Dropout. Any individual aged 14-21 who at the time of application to JTPA has not attained either a secondary diploma or equivalent and is:
 - (i) Enrolled and attending school at the time of application; and
 - (ii) Identified by the local education agency as:
 - (A) Having poor attendance patterns;
 - (B) Having below average grades; and
 - (C) Seriously considering leaving school prior to attaining secondary diploma or equivalent.
 - (b) Lower Living Standard Income Level. Refer to Sec. 4(16) of the Act. That income level (adjusted for regional, metropolitan, urban, and rural differences and family size) determined annually by the Secretary based on the most recent "lower living family budget" issued by the Secretary.
 - (c) Member of a Public Assistance Family. An individual is considered a member of a public assistance family when the applicant's needs and/or income were taken into account in determining the public assistance payments.
- (41) Migrant or Seasonal Worker. An individual who is a member of a family that had one or more family members who, during the preceding twelve months, worked at least 25 days in farm work and worked fewer than 150 days at any single establishment, which definition includes migratory and non-migratory workers but does not include individuals or family members of individuals who worked as supervisors or who are full-time students.
 - (42) Minor. An individual who is under eighteen years of age, is not and has not been married (unless marriage was annulled) and has not been otherwise emancipated under state law.
 - (43) Monitoring. Review of financial and programmatic records and activities to assure compliance (in the case of subrecipients) or the ability to comply (in the case of bidders or potential subrecipients) with applicable job training plans, contracts, subgrants, state law and federal law.
 - (44) Nonexpendable property. Personal property having a useful life of more than one year and a unit acquisition cost of two hundred and fifty dollars (\$250.00) or more, provided that the Division, by its contracts or subgrants may elect to treat additional property as nonexpendable.
 - (45) Not in the Labor Force. The labor force status of a civilian individual, 14 years of age or older, who is neither employed nor unemployed as described in this Section. This status includes discouraged workers.
 - (46) Offender. An individual who is or has been subject to any stage of the criminal justice process relating either to a misdemeanor, if a jail sentence could be imposed, or a felony, and for whom services under JTPA would be beneficial, or an individual who requires assistance in overcoming artificial barriers to employment resulting from a record of arrest or conviction for either a misdemeanor, if a jail sentence could have been imposed, or a felony.
 - (47) Older Worker. An individual who is 55 years of age or older.
 - (48) Participant. An individual who has been determined eligible for participation in a JTPA funded activity and who is receiving subsidized employment, training or services funded under JTPA, except that the definition does not include individuals who are receiving only post-termination services or who receive only outreach and assessment services.
 - (49) Performance Standards. The performance goals identified by USDOL and adjusted, if applicable, by the Governor, to measure the effectiveness of JTPA activities.
 - (50) Post-High School Attendee. An individual who is attending or has attended a post-secondary vocational, technical or academic school and who has qualified for a high school diploma or GED certificate.
 - (51) Private Industry Council (PIC). A service delivery area private industry council, that has the composition and functions described in Section 102 of the JTPA.
 - (52) Private Sector. Private for-profit employers and major nongovernmental employers, such as health and educational agencies, whose primary functions do not involve job training services.
 - (53) Recipient. With regard to JTPA funds received from USDOL, the Governor.
 - (54) Residence. An individual's principal dwelling at the time of eligibility determination. Except for individuals residing in rural areas (where state road numbers and R.F.D. numbers are acceptable), a mailing address is not a residence address.

- (55) Rural Service Delivery Area. The service delivery area designated by the Governor to provide job training services in areas of the state not encompassed in other designated service delivery areas.
- (56) SDA Grant Recipient. The entity designated in a written agreement between the private industry council chairperson and the chief elected official of a service delivery area to execute a subgrant agreement with the Division to receive the JTPA funds allocated to the service delivery area and to execute other appropriate agreements and contracts with the Division. An SDA grant recipient must be an entity with a continuing existence upon whom the Division can obtain service and that is capable of responding to process on behalf of the number of unit(s) of government in a service delivery area, until all disallowed costs arising out of JTPA have been resolved and accepted by the Division and USDOL.
- (57) School Dropout. An individual who is not attending school, has not qualified for a high school diploma or GED certificate, is not between terms of school with the intention of returning to school and is not subject to the compulsory attendance law. School dropout includes an individual who is not subject to the compulsory attendance law and who has been expelled from school.
- (58) Secretary. The Secretary of the North Carolina Department of Economic and Community Development.
- (59) Secretary of USDOL. The Secretary of the United States Department of Labor.
- (60) Service Delivery Area (SDA). An area within the state, as described in Section 101 of JTPA, comprised of one or more units of government, that has been designated by the Governor as a service delivery area for the purposes of JTPA.
- (61) Service Provider. An entity that provides job training services directly to participants, except that an OJT employer is not a service provider.
- (62) Single Head of Household. A single individual or a married individual who has been abandoned, separated, divorced or widowed, and who has responsibility for the support of one or more dependent children under the age of eighteen. The presumptions of support in separation agreements or divorce decrees that relate to the income tax implications of support shall not be determinative of support under this Paragraph.
- (63) State Job Training Coordinating Council (SJTCC). The council appointed by the Governor and organized pursuant to Section 122 of JTPA, with the authority to conduct any activity described in Section 122(a) or (b) and any permissible activity delegated to the council by the Governor.
- (64) Student. An individual who is enrolled in an elementary or secondary school or in a program to secure a GED certificate or an individual who is between terms and intends to return to an elementary or secondary school or a program to secure a GED certificate. An individual who is suspended from school is a student, and an individual who is subject to the compulsory attendance law and is expelled from school, is a student.
- (65) Subcontractor. An individual or entity that has entered into an agreement with a contractor to perform or provide all or some of the services, goods, or functions that the contractor had agreed to provide for the Division or for a service delivery area.
- (66) Subgrantee. A service delivery area grant recipient or other entity with whom the Division executes a subgrant agreement.
- (67) Subrecipient. A subgrantee, contractor or subcontractor, an individual or entity that receives federal employment and training funds directly or indirectly from the Division, except that a participant (in his or her capacity as a participant) is not a subrecipient.
- (68) Subsidized Employment. Employment in the public sector or in private for-profit or nonprofit organizations that is financed in whole or in part by federal employment and training funds. Subsidized employment includes work experience, but for the purposes of reporting, excludes on-the-job training (OJT).
- (69) Support. Support shall be defined as by the United States Department of the Treasury, subject to the presumption that the provision of housing and two meals daily constitutes 50 percent of an individual's support.
- (70) Supportive Services. Services, included in Section 4(24) of JTPA, that are necessary to enable an individual eligible for training under JTPA, but who cannot afford to pay for such services, to participate in an employment and training program under JTPA. Supportive services may include, without limitation, transportation, child care, meals, temporary shelter, financial counseling and other reasonable expenses incurred as a result of participation in JTPA activity. Supportive services may be provided in-kind or through cash assistance.

- (71) Teenage Parent. An individual, under 20 years of age, who has responsibility for the support of one or more dependent children.
- (72) Termination. The separation of a participant, who is no longer receiving employment, training or services (except for post-termination services), funded under a given title under JTPA, from participation in JTPA under that title. Individuals may be considered participants for a period of 90 days after last receipt of employment or training services (except post-termination services) funded under a given title.
- (73) Termination/Layoff Notice Recipient. An individual who has been terminated or laid off or who has received a written notice of impending termination of layoff, under Section 302 of JTPA, and is either unlikely to return to his or her previous occupation or industry or has been terminated or laid-off, or will be terminated or laid-off as a result of a permanent closure of a plant or facility. The Division may further restrict the definition of termination/layoff notice recipient in individual contracts in order to effectuate the efficient and productive use of Title III allocations.
- (74) UC Claimant. An individual who has filed a claim and has been determined monetarily and nonmonetarily eligible for, or is receiving benefit payments under, one or more state or federal unemployment compensation programs and who has not exhausted benefit rights or whose benefit year has not expired.
- (75) UC Exhaustee. An individual who has exhausted his unemployment compensation benefits (not including extended, state or federal supplemental benefits) for which he or she had been determined monetarily and nonmonetarily eligible.
- (76) USDOL. The United States Department of Labor.
- (77) Unemployed Individual. An individual who did not work during the seven consecutive days prior to application to a JTPA program and who was not on paid or unpaid absence from his or her job or business as described under the definition of "employed", and who made specific efforts to find a job during the four weeks prior to application to a JTPA program and who was available for work during the seven consecutive days prior to application, except that the individual need not have been available for work in the event of illness, bad weather or such other reasons approved by the Division.
- (78) Unsubsidized Employment. Employment not financed from funds provided under JTPA.
- (79) Veteran. An individual, as described in Section 4(27)(a) of JTPA, who served in the active military, naval or air service of the United States, and who are discharged or released under conditions other than dishonorable. Active service means full-time duty in the armed forces, other than duty for training in the reserves or National Guard (including period of travel) is considered active duty if the individual was disabled from a disease or injury incurred or aggravated in the line of duty during the duty for training.
- (80) Welfare Recipient. An individual who receives or whose family receives cash payments under AFDC (SSA, Title IV), General Assistance (local government), the Refugee Assistance Act of 1980 (P.L. 96-212), or SSI (SSA, Title XVI). For performance standards purposes, this term excludes individuals who receive SSI (SSA, Title XVI).
- (81) Youth. An individual aged 16 through 21, inclusive. Individuals aged 14 and 15 may participate in a pre-employment skills training program for youth and when so enrolled, shall be counted as youth.
- (82) Youth Employability Enhancement Termination. An outcome for youth participants, other than entrance to unsubsidized employment, that is recognized as enhancing long-term employability and contributing to the potential for long-term increase in earnings and employability. Categories of such outcome are:
- (a) Entered an employment and training program not funded under Title II of JTPA;
 - (b) Returned to school full-time if, at the time of intake, the participant was not attending school and had not qualified for a high school diploma or GED certificate;
 - (c) Completed program objectives as defined in approved exemplary youth project plans if, at the time of enrollment, the participant was less than 16 years of age; and
 - (d) Completed, during enrollment, a level of educational achievement that had not been achieved at the time of enrollment. Levels of educational achievement are elementary (completion standards governed by state standards or, at the Governor's discretion local standards), secondary (completion standard is a high school diploma, GED certificate or

- equivalent) and post-secondary (completion standard is a diploma or other written certification of completion at the post-secondary level).
- (83) Youth Employment Competency. The ability (including knowledges, skills, and/or attitudes and behaviors) to perform successfully a specific task to a pre-defined standard of performance/criterion/measurement related to employment entry.
- (84) Youth Employment Competency Terms. The special language which accompanies competency-based youth employment and training programs, as follows:
- (a) Competency Area - A group of related competencies; e.g., pre-employment and work maturity, basic education, and/or job specific skills.
 - (b) Pre-Employment and Work Maturity Competencies - Competencies in this area cover basic awareness of the world of work, including awareness of one's own preferences and interests, as well as demonstrated abilities to meet employer expectations of basic entry-level employee responsibilities, such as regular attendance, ability to carry out instructions, punctuality and so forth.
 - (c) Basic Education Skills Competencies - Basic educational competencies are the fundamental skills of reading, computation, and communication that are needed for successful functioning in the workplace; competencies in this area focus on the application of these skills to real work situations.
 - (d) Job Specific Skills Competencies - This competency area covers mastery of basic and advanced skills required for a chosen occupation or cluster of occupations.
 - (e) Competencies - Specific skills and abilities within each of the three competency areas.
 - (f) Indicator - The measurable and/or observable behavior that demonstrates the competency.
 - (g) Benchmark - The degree or standard of behavior that demonstrates proficiency for a competency. The extent to which the participant is expected to demonstrate a behavior.
 - (h) Assessment - The process of measuring proficiency. Assessment is the process of determining an individual's strengths and weaknesses relative to predefined competencies, selecting an appropriate service strategy and measuring the individual's progress in competency acquisition using predefined criteria (benchmarks).
 - (i) Certification - The proof or verification that the standard has been met. Certification documents the achievement according to a uniform set of competencies, indicators, and benchmarks designed to enable the participant to successfully enter and compete in the local labor market.

History Note: Authority G.S. 143B-430(b); 20 C.F.R. 626.4; Ex. O. No. 93, June 8, 1983; Eff. July 1, 1980; Amended Eff. May 1, 1992; August 1, 1988; July 1, 1988; December 1, 1985; Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. April 27, 2019.

04 NCAC 20A .0102 APPLICABILITY OF RULES

The rules in Chapter 20 govern the funding, selection, designation, administration and operation of grants, subgrants, contracts and subcontracts funded by federal and state employment and training grants administered through the Division. Provisions in these Rules apply to individuals and entities that receive or desire to receive these grant funds, directly or indirectly, except that employment relationships and agency relationships between the Division and its employees, employees of the Department's Administrative Hearing Office, employees of the Department's Office of Legal Affairs, the Private Sector Policy Coordinator and the designated attorney in the Office of the Attorney General for the Division, shall not be considered contracts or subcontracts under Chapter 20.

History Note: Authority G.S. 143B-430(b); Eff. July 1, 1980; Temporary Amendment Eff. July 25, 1991 for a period of 180 days to expire on January 21, 1992; Amended Eff. December 1, 1991; October 1, 1984; August 1, 1982; Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. April 27, 2019.

04 NCAC 20A .0103 FUNCTIONS AND LOCATION OF THE DIVISION

(a) The functions of the Division are:

- (1) To administer federal grants awarded to the Governor under federal employment and training legislation, including JTPA;
- (2) To provide staff for the State Job Training Coordinating Council and such other councils as required by federal law;
- (3) To provide administrative and information services to subgrantees and division contractors to conduct employment and training activities;
- (4) To manage programs and resources, through written agreements with subgrantees and contractors to carry out employment and training policies and activities;
- (5) To perform functions, as the delegate of the Governor, reserved for the Governor in the Job Training Partnership Act;
- (6) To promote efficient management and coordination of job training programs in order to maximize the benefits of these programs to the citizens of North Carolina; and
- (7) To promote an active, effective partnership between local and state agencies and private business in providing job training.

(b) The location and mailing address of the Division's main office is 111 Seaboard Avenue, Raleigh, North Carolina 27604.

(c) Nothing in this Section shall be considered to limit the reasonable functioning of the Division or to restrict the location of division offices.

*History Note: Authority G.S. 143B-430(b); 20 C.F.R. 626.1; Ex. O. No. 93, June 8, 1983;
Eff. October 1, 1984;
Amended Eff. May 1, 1992;
Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. April 27, 2019.*

04 NCAC 20A .0104 REQUESTS FOR INFORMATION BY THE PUBLIC

(a) Anyone may request information on any rule, procedure, subgrant or contract administered by the Division by writing to the Director at the Division mailing address.

(b) A fee set by the Director will be charged for reproduction of public documents.

(c) All requests for information shall be subject to state and federal restrictions on dissemination of non-public documents.

*History Note: Authority G.S. 132-1 through 132-9; 143B-430(b); Ex. O. 93, June 8, 1983;
Eff. October 1, 1984;
Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. April 27, 2019.*