

04 NCAC 20B .0502 EVALUATION

- (a) Subrecipients shall assist the Division, USDOL, and, if applicable, the private industry council in the service delivery area and/or the State Job Training Coordinating Council, or any agent of them, in conducting evaluations, monitoring and assessment of their funded activities. This requirement includes access to local records (including the records of on-the-job training and tryout employment employers), staff and participants and, if requested, the participation of local staff on evaluation task forces and at workshops. The Division will be responsible for ensuring the subrecipients are informed as soon as possible about evaluation and monitoring needs and emphasis will be placed on minimizing disruption of subrecipient operation. Unless the regulations or policy of USDOL prohibit it, or unless the matter is referred to state or local prosecutorial or investigatory officials for review, the Division will provide results of pertinent evaluations and monitoring to the subrecipient.
- (b) The Division will monitor for fiscal and programmatic compliance, for proper management, for civil rights compliance and for such other purposes as are reasonable for administration of the grants by the Division and/or are required by federal law.
- (c) The Division will perform the functions of the Governor with regard to assessment of a subrecipient's compliance with its job training plan and the subrecipient's performance based on the performance standards set forth in Section 106 of the Job Training Act and any federal regulations or directives issued pursuant to that section. The Division, as delegate of the Governor, may vary the performance standards suggested by USDOL, to the extent permitted by Section 106(e), and the Division shall provide technical assistance to subgrantees that fail to meet performance criteria.
- (d) The Division, as delegate of the Governor, shall impose a reorganization plan on a subgrantee that fails to meet performance standards for two consecutive years. The reorganization plan may involve restructure of the private industry council, prohibition of designated service provider contracts, selection of an alternate administrative entity and/or such other changes as are deemed necessary to improve performance. In the event an alternate administrative entity is selected, the Division and the chief elected official of the largest unit, in population, of general local government in the service delivery area shall jointly select the new administrative entity.
- (e) The Division will notify the chief elected official and chairperson of the private industry council in a service delivery area of the determination under Paragraph (d) of this Rule. The subgrantee has a right to a hearing on the issue of whether the determination is contrary to Section 106 of the Job Training Partnership Act. A request to exercise the right to a hearing must be filed in accordance with Subchapter 20C .0002. During the pendency of the appeal at the state level, no reorganization plan will be carried out.
- (f) A subgrantee aggrieved by the determination and decision in Paragraphs (d) and (e) of this Rule may appeal the decision to the Secretary of USDOL, which appeal must be in writing and must be received within thirty days of receipt of the final decision under Paragraph (e) of this Rule. A copy of such an appeal to USDOL must be provided simultaneously to the Division, as delegate of the Governor.
- (g) The existence of sanctions in this Section for failure to meet performance standards does not prevent the Division from imposing contractually permitted sanctions, not specified in this Section, for failure to comply with the terms of subgrant agreement or contract document.

*History Note: Authority G.S. 143-16; 143-16.1; 143-341; 143B-430(b); Ex. O. 93, June 8, 1983; 20 C.F.R. 629.46;
Eff. November 17, 1976;
Transferred from T01: 18 Eff. September 15, 1981;
Amended Eff. August 1, 1988; July 1, 1988; October 1, 1984; August 1, 1982;
Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. April 27, 2019.*