

Table of Contents

09.01.40 - RULES OF THE JOB TRAINING PARTNERSHIP ACT

000. STATUTORY AUTHORITY.	4
002. -- 005. (RESERVED).	4
006. ADMINISTRATIVE AND FINANCIAL OPERATIONAL STANDARDS.	4
007. -- 008. (RESERVED).	5
009. ADVANCED LEARNING TECHNOLOGY.	5
010. -- 015. (RESERVED).	5
016. ALTERNATIVE HIGH SCHOOL SERVICES.	5
017. -- 020. (RESERVED).	5
021. AT RISK YOUTH.	5
022. -- 025. (RESERVED).	6
026. BILINGUAL TRAINING.	6
027. -- 035. (RESERVED).	6
036. CERTIFICATION OF COMPLETION.	6
037. -- 039. (RESERVED).	6
040. CODE OF CONDUCT.	6
041. -- 044. (RESERVED).	7
045. CUSTOMIZED TRAINING.	7
046. -- 050. (RESERVED).	7
051. DISLOCATED WORKER.	7
052. -- 060. (RESERVED).	8
061. EDUCATION-TO-WORK TRANSITION ACTIVITIES.	8
062. -- 065. (RESERVED).	8
066. ELIGIBLE APPLICANT.	8
067. -- 070. (RESERVED).	8
071. EMANCIPATED YOUTH.	8
072. -- 073. (RESERVED).	9
074. EMPLOYED INDIVIDUAL.	9
075. -- 076. (RESERVED).	9
077. EMPLOYER OUTREACH.	9
078. -- 080. (RESERVED).	9
081. ENTREPRENEURIAL TRAINING.	9
082. -- 086. (RESERVED).	9
087. FAMILY INCOME EXCLUSION.	9
088. -- 090. (RESERVED).	9
091. FULL-TIME SCHOOL.	9
092. -- 105. (RESERVED).	9
106. INSTITUTIONAL SKILLS TRAINING.	9
107. -- 110. (RESERVED).	9
111. JOB DEVELOPMENT.	9
112. -- 120. (RESERVED).	9

121. MANAGEMENT INFORMATION SYSTEM.	10
122. -- 125. (RESERVED).	10
126. MENTORING.	10
127. -- 130. (RESERVED).	10
131. MONITORING.	10
132. -- 140. (RESERVED).	10
141. ON-THE-JOB TRAINING (OJT).	10
142. -- 145. (RESERVED).	11
146. PAYMENT OF PARTICIPANT WAGES.	11
147. -- 150. (RESERVED).	11
151. PLANNING INSTRUCTIONS.	11
152. -- 153. (RESERVED).	12
154. PLANT CLOSURE.	12
155. -- 160. (RESERVED).	12
161. PREAPPRENTICESHIP PROGRAMS.	12
162. -- 165. (RESERVED).	12
166. PROCUREMENT OF SERVICE PROVIDERS.	12
167. -- 170. (RESERVED).	12
171. PROGRAM INCOME.	13
172. -- 180. (RESERVED).	13
181. REALLOCATION OF TITLE III FUNDS.	13
182. -- 185. (RESERVED).	13
186. RELOCATION ASSISTANCE.	13
187. -- 190. (RESERVED).	13
191. RIGHT TO RECORD ACCESS.	14
192. -- 200. (RESERVED).	14
201. SCHOOL-TO-APPRENTICESHIP TRANSITION.	14
202. -- 205. (RESERVED).	14
206. SCHOOL-TO-POST-SECONDARY TRANSITION.	14
207. -- 210. (RESERVED).	14
211. SCHOOL-TO-WORK TRANSITION.	14
212. -- 215. (RESERVED).	14
216. SEASONAL EMPLOYMENT.	14
217. SERVICE LEVEL COMPLIANCE.	14
218. -- 220. (RESERVED).	14
221. SPECIALIZED SURVEYS.	14
222. -- 225. (RESERVED).	14
226. STATE TITLE III BYPASS AUTHORITY.	14
227. -- 235. (RESERVED).	15
236. SUMMER MONTHS.	15
237. -- 240. (RESERVED).	15
241. TEMPORARY EMPLOYMENT.	15
242. -- 250. (RESERVED).	15
251. UPGRADING.	15

252. -- 255. (RESERVED).	16
256. VERIFICATION OF ELIGIBILITY.	16
257. -- 260. (RESERVED).	16
261. VOCATIONAL EXPLORATION.	16
262. -- 999. (RESERVED).	16

**IDAPA 09
TITLE 01
Chapter 40**

09.01.40 - RULES OF THE JOB TRAINING PARTNERSHIP ACT

000. STATUTORY AUTHORITY.

Statutory Authority for development and promulgation of Idaho State Rules is provided by Public Law 97-300 (The Job Training Partnership Act), as amended. Interpretations of statute contained herein are those of the state of Idaho. (7-1-93)

002. -- 005. (RESERVED).

006. ADMINISTRATIVE AND FINANCIAL OPERATIONAL STANDARDS.

The Federal Office of Management and Budget (OMB) Circulars A-21, A-87, A-122, A-102, and A-110 govern the operation of the Idaho JTPA program and are hereby incorporated by reference, with the following listed exceptions. (7-1-93)

01. Grantor Agency. For purposes of the JTPA program in Idaho, references in the OMB Circulars to the Grantor Agency shall mean the State. (7-1-93)

02. Accrued Leave. Private nonprofit organizations may request reimbursement for employee vacation leave at the time it is accrued if the following conditions are met: (7-1-93)

a. Principles stipulated in OMB Circular A-122 for the payment and accrual of leave are met; and (7-1-93)

b. Leave balances are payable to the employee upon termination from the organization; and (7-1-93)

c. Leave compensation to individual employees is reasonable for the services rendered and conforms to the established written policy of the organization. (7-1-93)

03. Council Costs. The costs of State and Local Councils are allowable to the extent that the costs conform to State policies governing like costs or policies adopted by the appointing entity. (7-1-93)

04. Advertising Costs. Advertising costs directly associated with the delivery of program services are also allowable. (7-1-93)

05. Interest Expenses. Interest expenses are allowable only with prior approval from the State. (7-1-93)

06. Vendor Payments. Payments to On-the-Job Training (OJT) employers, training institutions and other vendors to the extent that they are consistent with the Act and Regulations, are authorized in a written agreement with a recipient or subrecipient, are paid only upon receipt of an acceptable invoice, and in the case of training organizations and vendors, are consistent with the organizations' fee structure, including refund policies, at a cost that does not exceed that normally available to the public. (7-1-93)

07. Fees And Profits. Fees and profits are allowable to the extent that they are consistent with 20 CFR Section 627.420(e) and are documented in the procurement. (7-1-93)

08. Insurance Costs. Participant insurance costs included as part of a published registration fee or tuition are also allowable. (7-1-93)

09. Nonexpendable Property Purchases. Purchase of nonexpendable property is allowable with prior approval of the State. All nonexpendable property purchased with JTPA funds remains the property of the State. Nonexpendable property is defined as any property having a unit acquisition cost of five hundred dollars (\$500) or more, regardless of the length of useful life. (7-1-93)

10. Pre-Agreement Costs. Pre-agreement costs are not allowable without specific authorization from

the State. (7-1-93)

11. Procurement Guide. All expenditures of JTPA funds must be made in compliance with the State Administrative Entity's, "Idaho JTPA Procurement Guide," as amended, which is hereby incorporated by reference. Copies of the guide may be obtained from the following: Workforce Systems Bureau, Idaho Department of Labor, 317 Main Street, Boise, ID 83735, Telephone (208) 334-6299. (3-19-99)

12. Matching Funds. Federal and non-federal funds from non-JTPA sources may be used to satisfy cost-sharing or matching requirements if the use of such funds for cost sharing or matching is authorized by the legislation or funding source under which the funds were received. (7-1-93)

a. Unemployment insurance benefits paid from the state trust fund to JTPA participants may be used as cash match for the period of the participants enrollment in JTPA. (7-1-93)

007. -- 008. (RESERVED).

009. ADVANCED LEARNING TECHNOLOGY.

Instructional courses utilizing audio and visual aids which may be computer-assisted and/or self-instructional. These may cover basic educational and/or specific occupational skills. (7-1-93)

010. -- 015. (RESERVED).

016. ALTERNATIVE HIGH SCHOOL SERVICES.

Those programs that provide special instructional courses and offer special services to eligible At-Risk Youth for the primary purpose of having each student obtain a high school diploma. Such program must meet the requirements of Section 141(o)(1) of the Act. (7-1-93)

017. -- 020. (RESERVED).

021. AT RISK YOUTH.

To be considered at risk of dropping out of high school at the time of enrollment, a youth must meet a minimum of one of the following criteria: (7-1-93)

01. Repeated. Has repeated at least one (1) secondary grade level. (7-1-93)
02. Core GPA. Has a core GPA of less than two point zero (2.0). (7-1-93)
03. Cumulative Deficiency. Has a cumulative deficiency of two (2) or more semester credits per year less than that required to graduate from high school. (7-1-93)
04. Substance Abuse. Has been referred to or is being treated for a substance abuse related problem. (7-1-93)
05. Pregnant. Is a pregnant or parenting youth. (2-22-95)
06. Emancipation. Is an emancipated youth. (2-22-95)
07. Dropout. Is a previous dropout, or has been suspended two or more times, or has been expelled. (7-1-93)
08. Referral. Is a court referral or agency referral defined as "at risk." (7-1-93)
09. Event. Has experienced a recent traumatic event, as documented by a school official or health professional. (7-1-93)
10. Disability. Is an individual with a disability, as evidenced by completion of an Individualized Education Plan (IEP). (7-1-93)

11. English. Has limited English language proficiency. (7-1-93)
12. Homeless. Is homeless. (7-1-93)

022. -- 025. (RESERVED).

026. BILINGUAL TRAINING.

Training provided to an individual to enhance his proficiency in a second language. (7-1-93)

027. -- 035. (RESERVED).

036. CERTIFICATION OF COMPLETION.

For purposes of claiming the employability enhancement of completion of a major level of education at the post-secondary level, the State recognizes the following certificates: (7-1-93)

01. Associate Degree. Awarded for completion of requirements entailing at least two (2) but normally less than four (4) years of full-time vocational or academic work. (7-1-93)

02. Technical Certificate. Awarded for completion of requirements entailing at least one (1) year (nine hundred and sixty (960) contact hours or thirty two (32) credit hours), but normally less than two (2) years of full-time academic or vocational work. (7-1-93)

03. Post-Secondary Vocational Certificates. Awarded for completion of requirements in an approved vocational program of instruction of at least two hundred and forty (240) contact hours, but normally less than nine hundred and sixty (960) hours. (7-1-93)

04. Accredited Proprietary Schools. Accredited proprietary schools may count these outcomes if they meet the definitional requirements above, even though they may call the credential by another name. (7-1-93)

037. -- 039. (RESERVED).

040. CODE OF CONDUCT.

01. Conflict Of Interest. A member of any council, or employee or agent of any recipient or subrecipient under this Act shall not participate in the selection, award, or administration of a contract supported by funds under this Act if a conflict of interest, real or apparent, would arise due to the member's, employee's, officer's or agent's participation. A conflict of interest arises when: (7-1-93)

a. The council member, employee, officer, or agent; (7-1-93)

b. Any member of his or her immediate family; (7-1-93)

c. His or her partner; or (7-1-93)

d. An organization which employs or is about to employ, any of the above has a financial or other interest in the firm or entity selected for the award of funds under this Act. (7-1-93)

02. Council Member Contracts. A member of any council under this Act may contract for personal or property services under this Act, provided that: (7-1-93)

a. The member notifies the applicable council in writing that a potential conflict of interest exists; and (7-1-93)

b. The applicable council records the notice, along with its reasons for awarding the contract, and indicates why the award is in the public's best interest. (7-1-93)

c. A council member, after giving notice of a potential conflict of interest as provided for by this rule,

must abstain from voting on any matter involving such conflict of interest. (7-1-93)

03. Nepotism. No recipient, subrecipient, or private industry council may hire a person in any position funded under JTPA, if a member of that person's immediate family is engaged in any administrative or support function in the hiring and/or funding organization. No employer may hire a member of his immediate family into a training position. (7-1-93)

a. For purposes of this rule, the term "member of the immediate family" includes wife, husband, son, daughter, mother, father, brother, sister, grandfather, grandmother, aunt, uncle, niece, nephew, stepparent, stepchild, grandchild, son-in-law, daughter-in-law, mother-in-law, father-in-law, brother-in-law and sister-in-law. (7-1-93)

b. For purposes of this rule, the term "administrative or support function" includes overall administrative responsibility for the obtaining of and/or approval of any grant or subgrant funded under the Act, as well as other persons who have influence or control over the administration of the program, such as the project director, deputy director and unit chiefs, and persons who have selection, hiring, placement, or supervisory responsibilities for on-the-job training participants. (7-1-93)

04. Kickbacks, Gifts, Favors And Gratuities. (7-1-93)

a. No member of any council, or officer, employee, or agent of any recipient or subrecipient under this Act shall solicit or accept gratuities, favors, or anything of monetary value from contractors or potential contractors. (7-1-93)

b. The prohibition contained in this rule shall not apply to unsolicited trivial benefits, not to exceed a value of fifty dollars (\$50), that are incidental to personal, professional, or business contacts and that do not involve a substantial risk of undermining official impartiality. (7-1-93)

041. -- 044. (RESERVED).

045. CUSTOMIZED TRAINING.

Training designed to train individuals for specific occupations in a new or expanding business or industry conducted with a commitment by an employer or group of employers to employ an individual upon successful completion of training. (7-1-93)

046. -- 050. (RESERVED).

051. DISLOCATED WORKER.

Except for those individuals who are seasonally or temporarily unemployed, individuals will be eligible for participation in Title III if they are a member of one of the following groups: (7-1-93)

01. Recently Dislocated Workers. Individuals who have either received a notice of layoff or termination or who have been laid off or terminated no more than two (2) years prior to the date of application; and (7-1-93)

a. Who, at the time of application, are eligible for or have received unemployment insurance from the job of dislocation, or who have exhausted their unemployment insurance from the job of dislocation, or whose job of dislocation was required by law to have been covered by unemployment insurance compensation; and (2-22-95)

b. Who have been unemployed or who have not held suitable employment during the four (4) weeks immediately prior to application, or who are members of a group which has been designated by the Governor as being unlikely to return to the same or similar occupation in the labor market area. (7-1-93)

02. Workers Dislocated As A Result Of A Plant Closure Or Substantial Layoff. Individuals including contractors or subcontractors, who: (7-1-93)

a. Have received notice of termination or layoff as a result of pending permanent plant closure or substantial layoff; or (7-1-93)

- b. Those who were terminated or laid off due to a permanent plant closure or substantial layoff; and (7-1-93)
- c. Were terminated or received notice of termination no more than two (2) years prior to the date of application, from any position in a plant or facility. (7-1-93)

03. Long-Term Unemployed. Individuals who have been employed full time in the same or similar occupation for fifty-two (52) out of the last one hundred fifty-six (156) weeks immediately prior to application, or who can otherwise demonstrate substantial attachment to the same or similar occupation for at least one (1) year; and (7-1-93)

- a. Who are unemployed at the time of application; and (7-1-93)
- b. Who have been unemployed for any fifteen (15) of the twenty-six (26) weeks immediately prior to application. (7-1-93)

04. Self-Employed. Farmers, ranchers, and other self-employed individuals, including contributing family members, whose: (7-1-93)

- a. Business operations have terminated no more than two (2) years prior to the date of application due to failure of the business(es); or (7-1-93)
- b. Whose business operations are likely to terminate due to failure of the business(es), as determined by the Governor or his designated representative. (7-1-93)

05. Governor's Disaster Groups. Individuals unemployed at the time of application due to natural disaster, as defined and approved by the Governor or his designated representative. (7-1-93)

06. Displaced Homemakers. As defined in The Job Training Partnership Act and when approved by the Governor or his designated representative. (7-1-93)

07. Individuals Profiled. Individuals whose selected characteristics have been subject to analysis and ranking by the approved state Unemployment Insurance Profiling model, and whose names are included on a generated Profiling Report provided to Job Service Offices, who are unemployed, and who are unlikely to return to their former occupation. Eligibility in this category shall be for a period not to exceed two (2) years from the date of the applicant's last inclusion on the generated Profiling Report. (7-1-98)

052. -- 060. (RESERVED).

061. EDUCATION-TO-WORK TRANSITION ACTIVITIES.

A program model of sequenced activities designed to facilitate the movement of an individual from a post-secondary educational environment to the world of work. Activities may include work experience, job search assistance, limited internships (for youth), or other activities designed to enhance an individual's successful transition to employment. (7-1-93)

062. -- 065. (RESERVED).

066. ELIGIBLE APPLICANT.

An individual who has completed the JTPA verification process and has been determined eligible but has not been enrolled in the program. (7-1-93)

067. -- 070. (RESERVED).

071. EMANCIPATED YOUTH.

An individual who is fourteen (14) but under age eighteen (18) who is married or whose circumstances indicate the parent child relationship has been renounced. (7-1-93)

072. -- 073. (RESERVED).

074. EMPLOYED INDIVIDUAL.

An individual who, during the seven (7) consecutive days prior to application to a JTPA program, did any work at all: (7-1-93)

01. Paid Employee. As a paid employee. (7-1-93)

02. Unpaid Worker. As an unpaid worker in an enterprise operated by a member of the family for fifteen (15) hours or more. (7-1-93)

03. Own Business. In his or her own business, profession or farm. (7-1-93)

075. -- 076. (RESERVED).

077. EMPLOYER OUTREACH.

Activities involving contacts with potential employers for the purpose of identifying job openings for participants, obtaining job listings and disseminating information to employers. Activities designed to be of a generally informative nature, e.g.-addressing community organizations, will not be classified as Employer Outreach activities. (2-22-95)

078. -- 080. (RESERVED).

081. ENTREPRENEURIAL TRAINING.

Training provided to an individual for the purpose of providing the management skills required to start up and operate a business. (7-1-93)

082. -- 086. (RESERVED).

087. FAMILY INCOME EXCLUSION.

For the purposes of determining income eligibility for services to older individuals under Section 204(d)(5) of the Act, up to twenty five percent (25%) of Social Security and Old Age Survivors' Insurance benefit payments under Title II of the Social Security Act, (42 USC, Section 401, et seq.) may be excluded. Subject to U.S. Department of Labor approval, this exclusion will also apply to individuals fifty five (55) years of age and older applying for services in the Title II/A program. (2-22-95)

088. -- 090. (RESERVED).

091. FULL-TIME SCHOOL.

A secondary student is considered to be in full-time school if that student is attending a minimum of five (5) periods of instruction a day or the equivalent of nine hundred and ninety (990) hours a year. (7-1-93)

092. -- 105. (RESERVED).

106. INSTITUTIONAL SKILLS TRAINING.

Any training conducted in a classroom or laboratory setting designed to provide individuals with technical skills and information required to perform a specific job or group of jobs. (7-1-93)

107. -- 110. (RESERVED).

111. JOB DEVELOPMENT.

The process of developing a job for a specific individual. (7-1-93)

112. -- 120. (RESERVED).

121. MANAGEMENT INFORMATION SYSTEM.

Each Service Delivery Area administrative entity and state recipient shall submit periodic reports to the State that will be used to assess its performance in carrying out the objectives of the Act. Such reports will be on a schedule and in a medium and format prescribed by the State and will be in sufficient detail to allow the State to carry out its responsibilities under the Act. (7-1-93)

122. -- 125. (RESERVED).

126. MENTORING.

A one-on-one relationship over a prolonged period of time between an employee or other individual and a JTPA participant in which the skills and knowledge of the mentor are imparted to the participant using various modes of instruction, and in which oversight, performance appraisal, and consultation with appropriate involved parties occurs. The goal of mentoring is to help a mentee gain the skills and confidence to be responsible for his own future, with emphasis on academic and occupational skills. (2-22-95)

127. -- 130. (RESERVED).

131. MONITORING.

Each Service Delivery Area (SDA) administrative entity shall be responsible for assuring that monitoring requirements are met with respect to funds received for both internal and subrecipient activities within the Service Delivery Area. (7-1-93)

01. Subagreements Reviewed. Annual monitoring reviews shall be performed on all subagreements of seventy-five thousand dollars (\$75,000) or more. Subagreements under seventy-five thousand dollars (\$75,000) shall be monitored at a level equal to twenty percent (20%) of the funds awarded in the category. Fifteen percent (15%) of the work/training sites active at the time of review scheduling shall be monitored. (7-1-93)

02. Attributes Reviewed. Compliance assessment monitoring of subagreements shall include reviews of compliance with the Act and Regulations, and where applicable, financial management systems, procurement procedures, program management procedures, record keeping procedures, participant activities and treatment, performance of agreement terms, corrective action processes and performance of eligibility verification functions. (7-1-93)

03. SDA Monitoring. Monitoring functions with respect to funds administered by other than SDAs shall be accomplished in accordance with the level, frequency, and system content outlined above. (7-1-93)

132. -- 140. (RESERVED).

141. ON-THE-JOB TRAINING (OJT).

The maximum duration of OJT will be determined by the Specific Vocational Preparation (SVP) level as reflected in the Dictionary of Occupational Titles and The SVP Estimates for Occupations Supplement published by the U.S. Department of Labor, or a commensurate mechanism, as approved in the Job Training Plan. No OJT will be allowed in occupations with an SVP of less than "three (3)." If the participant is an individual with a disability, as defined in the Act, and has disabilities documented through an assessment process of a sufficiently severe nature to prohibit him/her from benefiting from OJT in occupations with an SVP of three (3) or higher, occupations with an SVP of two (2) may be utilized. (7-1-93)

01. Suspended Employers. An OJT contract shall not be entered into with an employer who is currently on suspension or who has failed within a period of two (2) years to retain two (2) or more OJT participants for at least six (6) months as regular employees with regular wages and working conditions at the same level and to the same extent as similarly situated employees. The two (2) year period will be calculated from the start date of the first failed OJT contract. (7-1-93)

02. Reinstatement. Such employers may not enter into OJT contracts again until evidence has been provided that the offending employer has changed in such a way that is conducive to long term retention of employees. Reinstated employers will enter into contracts on a probationary status. One (1) additional failure will disqualify them permanently from the program. (7-1-93)

03. Participant Termination Or Quit. OJT participants who quit voluntarily or are terminated either for cause or because of unforeseeable changes in business conditions will not result in loss of employer eligibility, unless determined as such at the SDA level. (7-1-93)

04. OJT Monitoring. Each OJT employer shall be monitored at least once but no less frequently than every three (3) months on-site sufficiently to assure the validity and propriety of the amounts claimed for reimbursement, that they are substantiated by payroll and time and attendance records, and that training is being provided as specified in the contract. (2-22-95)

05. Pre-Payment Monitoring. Brokering contractors shall conduct on-site monitoring of OJT employers and other subcontractors to verify compliance with subcontract terms before the first OJT payment. (7-1-93)

142. -- 145. (RESERVED).

146. PAYMENT OF PARTICIPANT WAGES.

Payment of wages to participants for work based learning activities shall be a local option when the following six (6) criteria are met: (2-22-95)

01. Training. The training, even though it includes actual operation of the facilities of the employer, is similar to that which would be given at a vocational school; (2-22-95)

02. Benefit Of Training. The training is for the benefit of the trainees or students. (2-22-95)

03. Not Regular Workers. The trainees or students do not displace regular employees, but work under their close observation. (2-22-95)

04. Employer. The employer that provides the training derives no immediate advantage from the activities of the trainees or students, and on occasion his operations may actually be impeded. (2-22-95)

05. No Job Entitlement. The trainees or students are not necessarily entitled to a job at the conclusion of the training period. (2-22-95)

06. No Wage Entitlement. The employer and the trainees or students understand that the trainees or students are not entitled to wage for the time spent in training. (2-22-95)

147. -- 150. (RESERVED).

151. PLANNING INSTRUCTIONS.

The State shall issue planning guidelines by October 15 preceding the beginning of each two (2) year planning cycle, including schedules and format to be used by the Service Delivery Areas/Districts (SDA/Ds) in preparation of the Job Training Plan (JTP) and modifications thereto. (7-1-93)

01. Plan Modifications. Modifications to Job Training Plans shall be submitted in accordance with Section 104(c) of the Act. Plans may not be modified after May 31 of each Program Year. (7-1-93)

02. Major Modifications. Major modifications are required when one (1) or more of the following conditions apply: (7-1-93)

a. Addition/deletion of a JTPA title fund (II/A, II/B, II/C, III) if not in JTPA. (7-1-93)

b. Change to SDA/D geographic designation after Idaho Job Training Council and Governor's action; change in administrative entity or grant recipient designation. (7-1-93)

c. Increase/decrease of twenty percent (20%), in total planned budget for the program year. (2-22-95)

- d. Adding service to nondisadvantaged. (7-1-93)
- e. Service to nonresidents. (7-1-93)
- f. Change in SDA/D policy regarding payments to participants. (7-1-93)
- g. Changes in labor market conditions or other factors that require substantial deviation from an approved Job Training Plan. (7-1-93)

03. Plan And Modification Publishing. Job Training Plans and major modifications must be published in local newspapers and available for review and comment for fifteen (15) days. (7-1-93)

04. Use Of Summaries. Except for submittal to the state, summaries of plans and plan modifications may be used in lieu of the complete document in meeting publication requirements, provided that the summary includes source, amount and purpose of funds, target population, activities to be operated and service providers. (7-1-93)

152. -- 153. (RESERVED).

154. PLANT CLOSURE.

In dislocated worker programs, a plant closure is defined as the permanent and complete closure of any business, plant or facility. A partial closure will be considered as qualifying under this rule when such closure entails the permanent elimination of: A major function or functions, one or more full shifts, or any branch, subsidiary, or satellite office of a larger or parent company, provided that any employee dislocated by such partial closure is not offered suitable work elsewhere in that company within the established commuting distance of that employee. (7-1-93)

155. -- 160. (RESERVED).

161. PREAPPRENTICESHIP PROGRAMS.

Classroom and/or on-the-job training in basic craft skills to prepare participants for entry in apprenticeship programs. (7-1-93)

162. -- 165. (RESERVED).

166. PROCUREMENT OF SERVICE PROVIDERS.

A Service Delivery Area/District (SDA/D) may select its Grant Recipient, Administrative Entity, Private Industry Council (PIC) staff, Local Elected Official (LEO) staff, or any organization that houses the PIC staff or LEO staff, to deliver services directly to JTPA participants. A state agency operating a state level program under the Governor's set aside funds may operate programs directly. (7-1-93)

01. Requests For Proposal. Requests for Proposal (RFP) for program services may be issued for a two (2) year period only if the following conditions exist: (7-1-93)

- a. The initial solicitation takes place the first year of the biennial plan; and (7-1-93)
- b. The second year's funding is contingent upon performance in the first year; and (7-1-93)
- c. The second year's program design remains substantively unchanged; and (7-1-93)
- d. Performance indicators for the second year are consistent with those upon which the original selection was made. (7-1-93)

02. Cost Analysis. A new cost analysis is required for the second year of program funding. (7-1-93)

167. -- 170. (RESERVED).

171. PROGRAM INCOME.

Subrecipients unable to use program income in accordance with 20 CFR Section 627.450(c) shall return all unused program income funds to the cognizant administrative entity on or before submission of the final financial report for the funding period of the program year to which the earnings are attributable. Program income returned to an administrative entity shall be used to reduce expenses in the Service Delivery Area (where applicable) and the Title in which the program income was earned. (7-1-93)

172. -- 180. (RESERVED).

181. REALLOCATION OF TITLE III FUNDS.

When Title III funds are not being expended as proposed in the state or substate grantee's Title III plan, the Governor may redistribute them within the state. (7-1-93)

01. Voluntary. A substate grantee may voluntarily relinquish funds for reallocation to another substate grantee or to the state. Monies so reallocated must be expended in accordance with cost category limitations. (7-1-93)

a. The state may distribute additional resources to one (1) or more substate areas without regard to the substate allocation formula if such distribution occurs subsequent to the initial program year allocation of funds by the formula. These additional funds must be expended according to the allowable substate cost limitations. (7-1-93)

b. Reallocation of funds may require a modification of the grantee's Title III plan; in all cases, a revised expenditure plan will be required. (7-1-93)

c. The substate grantee will provide written notice to the PIC(s) and elected officials in the appropriate substate area that a voluntary reallocation has taken place. (7-1-93)

02. Involuntary. If the state or substate grantee expenditures are less than eighty-five percent (85%) of the planned level after any program quarter, the grantee may be subject to an involuntary reallocation of funds. (7-1-93)

a. Reallocation may be exercised if another grantee has a demonstrated need or an expenditure plan for additional resources. Funds reallocated may be redistributed to the state grantee, substate grantees, or both. (7-1-93)

b. The amount of funds subject to reallocation will be based upon projected program year expenditures by the grantee. The difference between the projected expenditure level and total fund availability may be reallocated. (7-1-93)

c. In the event the Governor determines an involuntary reallocation is necessary, at least fifteen (15) days' notice will be provided to the affected PIC(s) and elected officials in the substate area. Similarly, should the state be directed to reallocate its resources, a fifteen (15) day written notice will be given to the affected PIC(s) and elected officials. (7-1-93)

d. Appeal or a contest of an involuntary reallocation must be made directly to the Governor within fifteen (15) days of official notification. (7-1-93)

182. -- 185. (RESERVED).

186. RELOCATION ASSISTANCE.

The activities necessary to arrange for a family to move to a new abode for the purpose of accepting long-duration employment. Activities may include, but are not limited to the cost of the actual transfer of goods and property, including mileage for the family's travel; emergency assistance; rent subsidies; and other supportive services. (7-1-93)

187. -- 190. (RESERVED).

191. RIGHT TO RECORD ACCESS.

Identifying information obtained by recipients and subrecipients regarding JTPA participants and work and training contracting employers and institutions is confidential. In order to evaluate and review programs of the JTPA, the United States Department of Labor, the State, each appropriate local Private Industry Council and appropriate local elected officials shall have access to and the right to copy any books, accounts, records, correspondence, or other documents pertinent to such programs that are in the possession, custody or control of a Service Delivery Area or any subrecipient who receives funds under the Act, except where prohibited by law or regulation. No recipient or subrecipient shall disclose identifying work and training contract or client information, with the exception of confirmation of a client's participation in the JTPA program, to entities other than those specified above, unless such disclosure is necessary to further a valid purpose of the Idaho JTPA program. Disclosure of identifying information may also occur in cases where the Administrative Entity has entered into a disclosure of information agreement.

(7-1-93)

192. -- 200. (RESERVED).

201. SCHOOL-TO-APPRENTICESHIP TRANSITION.

A program model of sequenced activities designed to facilitate the movement of an individual from a secondary educational environment to an apprenticeship program.

(7-1-93)

202. -- 205. (RESERVED).

206. SCHOOL-TO-POST-SECONDARY TRANSITION.

A program model of sequenced activities designed to facilitate the movement of an individual from a secondary educational environment to a post-secondary educational environment.

(7-1-93)

207. -- 210. (RESERVED).

211. SCHOOL-TO-WORK TRANSITION.

A program model of sequenced activities designed to facilitate the movement of an individual from a secondary educational environment to the world of work. Activities may include work experience, job search assistance, limited internships, on-the-job training, preemployment and work maturity skills training or other activities designed to enhance to an individual's successful transition to employment.

(7-1-93)

212. -- 215. (RESERVED).

216. SEASONAL EMPLOYMENT.

For purposes of JTPA Title III, seasonal employment is employment during whose term periodic separation or layoff occurs by custom, design, or common practice. Separation or layoff during such periods will not be considered dislocation for purposes of Title III applicant eligibility unless the separation or layoff is due to permanent closure, substantial layoff, or permanent reduction in force.

(7-1-93)

217. SERVICE LEVEL COMPLIANCE.

Compliance with service level requirements in Title II programs shall be determined on a biennial basis, consistent with the two (2) year planning cycle.

(7-1-93)

218. -- 220. (RESERVED).

221. SPECIALIZED SURVEYS.

Data collection activities designed to provide definitive information about the conditions of a specific labor market or occupation, beyond those general purpose labor market information activities funded through state and federal sources.

(7-1-93)

222. -- 225. (RESERVED).

226. STATE TITLE III BYPASS AUTHORITY.

The Governor may direct the expenditure of funds in a substate area in the event a substate grantee fails to submit an approvable plan or fails to expend funds in accordance with the approved plan. The Governor must provide notice of

intent to exercise bypass authority and to end such authority, as stipulated at 20 CFR 631.38. This authority is subject to the following limitations: (7-1-93)

01. Plan Approval Contingency. The Governor cannot exercise the bypass authority unless the substate plan remains unapproved on July 1 of any program year; or (7-1-93)

02. Quarterly Expenditure Contingency. Substate grantee expenditures are less than eighty-five percent (85%) of the planned level for at least one full quarter; or (7-1-93)

03. Annual Expenditure Contingency. By April 30 of each year, the total projected program year expenditures of the substate grantee are less than eighty percent (80%) of its program year allocation; or (7-1-93)

04. Support Level Contingency. The substate grantee fails, except for a demonstrated lack of funds, to commit or offer to commit appropriate retraining, basic readjustment, supportive services of other allowable assistance to the Governor's rapid response effort in the substate grantee's area, provided that the substate grantee has been notified per 20 CFR 631.30(a)(8), that such rapid response was about to occur. (7-1-93)

227. -- 235. (RESERVED).

236. SUMMER MONTHS.
Any time during the period May 1 to September 30 inclusive. (7-1-93)

237. -- 240. (RESERVED).

241. TEMPORARY EMPLOYMENT.
For purposes of JTPA Title III, employment is considered to be temporary when it could reasonably have been expected to end upon completion of a predetermined task or at a predetermined time. Separation of layoff from such employment will not be considered dislocation for purposes of Title III applicant eligibility unless the separation or layoff is due to permanent plan closure, substantial layoff, or permanent reduction in force. (7-1-93)

242. -- 250. (RESERVED).

251. UPGRADING.
Training provided to an individual who is in need of additional training to advance in their current employment and attain self-sufficiency. (7-1-93)

01. Upgrading Eligibility. To be eligible for upgrade training, an individual must be economically disadvantaged and: (7-1-93)

a. Operating at less than full skill potential as documented in the Individual Service Strategy; and (7-1-93)

b. Working for at least the prior six (6) months in either an entry level, unskilled, or semi-skilled position; and (7-1-93)

c. In a position with no advancement opportunity in a normal promotional line as certified by the employer through provision of an organizational chart or other mechanism; and (7-1-93)

d. In need of additional skills training not normally provided by the employer (7-1-93)

02. Upgrade Position. The position that the individual will be trained for must: (7-1-93)

a. Result in a minimum of a ten percent (10%) increase in wages and the wages must be commensurate with other individuals in the organization performing the same or similar job duties; and (7-1-93)

b. Require a higher level of occupational skills than the position currently held. This will be determined by an increase in the Specific Vocational Preparation level as determined by the SVP Estimates for

Occupations published by the U.S. Department of Labor or other training duration mechanism as described in the Job Training Plan. (7-1-93)

03. On-The-Job Training Prohibition. Upgrading is not allowable in those cases where the applicant is a current or former employee of the business or other employing entity, and in which the training activity contemplated is on-the-job training. (2-22-95)

252. -- 255. (RESERVED).

256. VERIFICATION OF ELIGIBILITY.

Each Service Delivery Area administrative entity and substate grantee shall assure that the eligibility of all applicants is verified prior to their enrollment in programs funded under any title of the Act. Verification of eligibility is defined as the process of gathering and/or producing documentation necessary to support a conclusion of eligibility for participation. (7-1-93)

257. -- 260. (RESERVED).

261. VOCATIONAL EXPLORATION.

Exploration of public and/or private sector employment through a combination of didactic and on-site learning in one or more actual businesses and/or pairing of a participant with a supervisor to do limited hands-on work, or shadowing of a worker, to insure broad exposure of participants to various careers in order to enable the participant to make a career decision. Participants may not substitute for regular employees and the employer may not reap a profit as a result of the participant's services. (7-1-93)

01. Vocational Exploration Limitation. Vocational Exploration is limited to a maximum of eighty (80) hours for each work assignment in each occupation explored by the participant and no more than two hundred forty (240) hours of total participation per participant. (7-1-93)

262. -- 999. (RESERVED).