

Registered for Order

TUESDAY, DECEMBER 6, 1977

PART V



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DEPARTMENT OF  
LABOR

Office of the Secretary



YOUNG ADULT  
CONSERVATION CORPS

Requirements for Funding,  
Establishment, Location, Operation, and  
Management of the Program

## [ 4510-30 ]

## Title 29—Labor

## SUBTITLE A—OFFICE OF THE SECRETARY OF LABOR

## PART 94—GENERAL PROVISIONS FOR PROGRAMS UNDER THE COMPREHENSIVE EMPLOYMENT AND TRAINING ACT

## PART 97b—YOUNG ADULT CONSERVATION CORPS UNDER THE COMPREHENSIVE EMPLOYMENT AND TRAINING ACT

AGENCY: Department of Labor.

ACTION: Final rules.

**SUMMARY:** These rules implement provisions of the Youth Employment and Demonstration Projects Act of 1977 (YEDPA). These rules set forth the requirements for the funding, establishment, location, operation, and management of the Young Adult Conservation Corps (YACC) program under the Youth Employment and Demonstration Projects Act of 1977 (YEDPA). The rules also set forth the requirements for the recruitment, referral, selection, and assignment of enrollees; the standards for hours and conditions of employment; standards for safe and healthful working and living conditions; wage rates and allowable deductions; and various YACC administrative provisions.

**DATES:** Effective date: January 5, 1978. Comments must be received on or before January 5, 1978.

**ADDRESS:** Send comments to: Robert Taggart, Administrator, Office of Youth Programs, U.S. Department of Labor, 601 D Street NW., Washington, D.C. 20213.

**FOR FURTHER INFORMATION CONTACT:**

Robert Taggart, 202-376-7449.

**SUPPLEMENTARY INFORMATION:** The Youth Employment and Demonstration Projects Act of 1977, Pub. L. 95-93, became effective on August 5, 1977. It amended the Comprehensive Employment and Training Act of 1973 (CETA) by adding several new programs for youth. YEDPA contains four distinct programs, of which title I—Young Adult Conservation Corps—adds a new title VIII to CETA.

The purpose of the YACC is to provide employment and other benefits to youths who would not otherwise be currently employed, through a period of service during which they engage in useful conservation work and assist in completing other projects of a public nature on Federal and non-Federal public lands and waters.

Because of the high percentage of unemployment among the youth of the nation, it is considered vital to move as rapidly as possible to implement the YEDPA. To achieve this end, the Department of Labor finds that it is in the public interest to publish these YACC regulations in final form so that program implementation may rapidly respond to

the critical employment needs of youth. This finding constitutes a waiver of the Department's regulations 29 CFR 2.7. Nevertheless, in keeping with the spirit of 29 CFR 2.7, comments may be submitted during the 30-day period subsequent to this publication date. Comments must be in writing and submitted to Robert Taggart, Administrator, Office of Youth Programs, 601 D Street NW., Washington, D.C. 20213. Although section 702(a) of the Comprehensive Employment and Training Act of 1973 (CETA) requires that these rules may not become effective until 30 days after publication, involved operating and supportive agencies, as well as eligible grantees, should plan so that their programs and roles will comply with these rules when they become effective.

Section 702(a) of CETA states that the Secretary may prescribe rules and regulations as he deems necessary to carry out the purposes of CETA. Pursuant to this authority, the Department of Labor is setting forth in this document the Federal regulations governing the Young Adult Conservation Corps program. Accordingly, Title 29 of the Code of Federal Regulations is amended as follows:

## PART 94—GENERAL PROVISIONS FOR PROGRAMS UNDER THE COMPREHENSIVE EMPLOYMENT AND TRAINING ACT

1. Section 94.3, *Consolidated table of contents for Parts 94-99*, is amended by inserting between the table of contents for 29 CFR Part 97a, and the table of contents for 29 CFR Part 98, the following table of contents for 29 CFR Part 97b:

## PART 97b—YOUNG ADULT CONSERVATION CORPS UNDER TITLE VIII OF THE COMPREHENSIVE EMPLOYMENT AND TRAINING ACT

## SUBPART A—GENERAL

- Sec.  
97b.1 Purpose and scope.  
97b.2 Definitions.  
97b.3 Eligibility for funds.  
97b.4 Funding procedures.

## SUBPART B—ENROLLEE RECRUITMENT, REFERRAL, SELECTION, ASSIGNMENT, STATUS

- 97b.10 Eligibility criteria.  
97b.11 Limitations on enrollment.  
97b.12 Recruitment, referral.  
97b.13 Selection, assignment.  
97b.14 Federal status of enrollees.  
97b.15 Federal Employee's compensation procedures.  
97b.16 Tort claims.  
97b.17 Enrollee claims for lost, stolen or damaged personal property.

## SUBPART C—PROGRAM OPERATION

- 97b.20 Camp/project site selection, location.  
97b.21 Camp/project operation and management.  
97b.22 Work projects and assignments.  
97b.23 Safety and health.  
97b.24 Residential camp living conditions.  
97b.25 Enrollee wages and hours of work.  
97b.26 Allowable deductions from enrollee wages.  
97b.27 Resolution of grievances and complaints.  
97b.28 Enrollee leave.  
97b.29 Resolution of grievances and complaints filed by enrollees.  
97b.30 Cooperation with agencies and institutions.

## SUBPART D—ADMINISTRATIVE PROVISIONS

- Sec.  
97b.40 Interagency agreement.  
97b.41 Annual program operating plan.  
97b.42 Directives, guidelines, controls, and records.  
97b.43 Enrollee records.  
97b.44 Financial management.  
97b.45 Property management.  
97b.46 Procedures for resolving complaints.  
97b.47 Reporting requirements.  
97b.48 Assessment/monitoring.  
97b.49 Overall program evaluation.

2. Title 29 is amended by adding a new part 97b, which shall read as follows:

## PART 97b—YOUNG ADULT CONSERVATION CORPS UNDER TITLE VIII OF THE COMPREHENSIVE EMPLOYMENT AND TRAINING ACT

- Sec.  
97b.1 Purpose and scope.  
97b.2 Definitions.  
97b.3 Eligibility for funds.  
97b.4 Funding procedures.
- Subpart B—Enrollee Recruitment, Referral, Selection, Assignment, Status**
- 97b.10 Eligibility criteria.  
97b.11 Limitations on enrollment.  
97b.12 Recruitment and referral procedures.  
97b.13 Selection, and assignment.  
97b.14 Federal status of enrollees.  
97b.15 Federal Employees' Compensation procedures.  
97b.16 Tort claims.  
97b.17 Enrollee claims for lost, stolen or damaged personal property.

## Subpart C—Program Operation

- 97b.20 Camp/project site selection, location.  
97b.21 Camp/project operation and management.  
97b.22 Work projects and assignments.  
97b.23 Safety and health.  
97b.24 Residential camp living conditions.  
97b.25 Enrollee wages and hours of work.  
97b.26 Allowable deductions from enrollee wages.  
97b.27 Enrollee payroll procedures.  
97b.28 Enrollee leave.  
97b.29 Resolution of grievances and complaints filed by enrollees.  
97b.30 Cooperation with agencies and institutions.

## Subpart D—Administrative Provisions

- 97b.40 Interagency agreement.  
97b.41 Annual program operating plan.  
97b.42 Directives, guidelines, controls, and records.  
97b.43 Enrollee records.  
97b.44 Financial management.  
97b.45 Property management.  
97b.46 Procedures for resolving complaints.  
97b.47 Reporting requirements.  
97b.48 Assessment/monitoring.  
97b.49 Overall program evaluation.

**AUTHORITY:** Section 702(a) of the Comprehensive Employment and Training Act of 1973, as amended, unless otherwise noted.

## Subpart A—General

## § 97b.1 Purpose and scope.

(a) The purpose of this part is to provide the regulations of the Department of Labor for a Young Adult Conservation Corps (YACC) under title VIII of the Comprehensive Employment and Training Act of 1973, as amended (CETA).

(b) This part contains the policies, rules and regulations pertaining to the Young Adult Conservation Corps pro-

gram. The following listed provisions of Part 98 of this title also apply to the YACC, except to the extent that they conflict with the provisions of this Part:

**SUBPART A**

- (1) Section 98.21, *Nondiscrimination and equal employment opportunities*;
- (2) Section 98.22, *Nepotism*;
- (3) Section 98.23, *Special limitations on participant activities*;
- (4) Section 98.29, *Applicability of Davis-Bacon wage rates under the Act*.

**SUBPART B**

- (5) Section 98.32, *Responsibilities of the Secretary*.

**§ 97b.2 Definitions.**

Definitions for abbreviations and major terms used in this part are contained in § 94.4 of this title. The following definitions are specific to this part:

- (a) "Agriculture" means the Secretary of Agriculture or his or her designee.
- (b) "Area(s) of substantial unemployment" means those areas, as determined by Labor under section 204(c) of the Act (§ 94.4 of this title), plus those Indian reservations which the Secretary recognizes as qualified, and such other areas as are deemed appropriate by Labor. (Sec. 803(d))
- (c) "Enrollee" means an individual who has been officially enrolled at the assigned camp/project until the time of his or her official termination from the YACC program. The term "enrollee" is synonymous with "Corps member" as used in the statute and includes individuals in both the Federal and State grant programs.
- (d) "Federal program" means those camps/projects of the YACC program which are operated directly by Agriculture and Interior, as distinguished from those operated by States under the State grant program.
- (e) "Interagency agreement" means the tripartite agreement, entered into by the Secretaries of Labor, Agriculture and the Interior, which outlines their separate and joint responsibilities for operation and management of the YACC program under the Act. (Sec. 802)
- (f) "Interior" means the Secretary of the Interior or his or her designee.
- (g) "Labor" means the Secretary of Labor or his or her designee.
- (h) "Nonresidential project" means a designated area from which daily work activities are assigned and to/from which nonresidential enrollees commute daily.
- (i) "Onboard strength" means the actual number of individual enrolled in the YACC program or any specified camp, project or other component thereof, at a given time.
- (j) "Program direction" means those general and administrative functions and services provided by Agriculture and/or Interior for overall management of the YACC.
- (k) "Program operating plan" means the annual plan for operation of the overall YACC program, which is jointly developed by Labor, Agriculture and In-

terior, pursuant to the Interagency Agreement. The plan consists of site selections/locations, the proportions of residential and nonresidential enrollee slots, and the budget.

(l) "Refugee/parolee" as used in § 97 b.10(a) means an alien who is admitted into the United States under the Immigration and Nationality Act, and who is legally authorized to take permanent employment in the United States. (Sec. 803(b) (1) (C))

(m) "Report, financial and program progress" as used in § 97b.4(a) (2) and (3), and outlined in § 97b.47(c), means that report which is required from Agriculture and Interior under section III G of the YACC Interagency Agreement, and which includes information on enrollee slot capacity, enrollment, and characteristics, as well as financial status, for both the Federal and State grant programs.

(n) "Residential camp" means a YACC facility established and maintained to provide 7-days-a-week, 24-hours-a-day residential support services for enrollees.

(o) "School program, full time" as used in § 97b.11(a), means any educational program, attendance at which would prevent full-time participation in scheduled work assignments required by the YACC program.

(p) "Selection, enrollee" means the Agriculture or Interior process of choosing, only from among those candidates referred to them by Labor, which individuals will be enrolled in the YACC. (Sec. 803(a))

(q) "Selection, site" means the Agriculture or Interior process of choosing, in consultation with Labor, the location at which each YACC residential camp or nonresidential project will be established and operated. (Sec. 804(a))

(r) "State grant program" means those YACC camps/projects operated by States, local units of government, public and/or private nonprofit agencies or organizations, under grants made and administered jointly by Agriculture and Interior with States, in accordance with title VIII, Section 806 of the Act.

(s) "Unemployed" means, for purposes of the YACC program, persons who are without jobs and who want and are available for full-time work.

(t) "YACC" means the Young Adult Conservation Corps program, authorized by title I of the Youth Employment and Demonstration Projects Act of 1977 (Pub. L. 95-95), as title VIII of the Comprehensive Employment and Training Act of 1973, as amended.

(u) "Youth population, State's total" means the number of youth in a State ages 16 through 24, consistent with the most current Bureau of Census estimate.

**§ 97b.3 Eligibility for funds.**

(a) Labor shall make an interagency transfer of funds to Agriculture and Interior to carry out their responsibilities in the operation and management of YACC residential camps and nonresidential projects, in accordance with the interagency agreement between Labor, Agriculture, and Interior.

(b) Agriculture and Interior shall make available to governors or their designees 30 percent of the sums appropriated for the YACC for any fiscal year, for the operation of State and local programs. Agriculture and Interior shall apportion such sums on the basis of each State's total youth population, and consistent with the interagency agreement and the regulations of this part, and after consultation with the Governor, may enter into agreements with the Governor or his or her designee for operation of the State grant programs by:

- (1) any State agency or institution;
- (2) any unit of general local government, or any public agency or organization or any private nonprofit agency or organization which has been in existence for at least two years. (Sec. 806)

(c) Agriculture and Interior shall promulgate regulations in the FEDERAL REGISTER, covering the State grant program, which shall be consistent with the Department of Labor regulations issued under this part, and the interagency agreement.

**§ 97b.4 Funding procedures.**

(a) Labor shall fund the Federal and State grant YACC program by semiannual, direct transfers of funds and obligational authority to Agriculture and Interior, using Standard Form 1151, "Non-expenditure Transfer Authorization." (Sec. 809)

(1) For purposes of program implementation, Labor made the first semiannual transfer of funds 30 days before the beginning of fiscal year 1978. The funds transferred provide, in addition to the operational funds for the first 6-month period, the full amounts for fiscal year 1978 for the State grant program and for those startup and rehabilitation and construction costs identified by Agriculture and Interior as being required for the entire year.

(2) After the initial transfer of funds, Labor shall make semiannual transfers of funds, no sooner than 30 days after receipt of each first-quarter financial and program progress report for the mid-year transfer, and no later than 30 days before the beginning of sequent new fiscal years. (See Sec. 97b.41 of this part.)

(3) In advance of each third quarter, after the first fiscal year, Labor shall review quarterly financial and program progress reports and use the financial data to provide for adjustments in the midyear semiannual transfer. Such adjustments will include reductions by amounts corresponding to the balances remaining unobligated by Agriculture or Interior, or both, during the fourth quarter of the previous fiscal year, since such balances are considered available resources.

**Subpart B—Enrollee Recruitment, Referral, Selection, Assignment, Status**

**§ 97b.10 Eligibility criteria.**

To be eligible for YACC, youth must be:

- (a) unemployed, at the time of application;

- (b) age 16 through 23, inclusive;
- (c) citizens or lawfully admitted permanent residents of the United States or lawfully admitted refugees or parolees; and
- (d) capable of carrying out the work to which they may be assigned. (Sec. 803(b)(1))

#### § 97b.11 Limitations on enrollment.

(a) Labor shall not refer any youth to Agriculture or Interior who is between the ages of 16 and 18, inclusive unless the applicant gives written assurance on the application form that he or she has not left a full-time school program for the purpose of enrolling in YACC. (Sec. 803(b)(2).)

(b) Agriculture and Interior shall assure that no youth is enrolled in the YACC for a period exceeding 12 months. Such period may be completed in up to three separate enrollments, so long as the youth meets the eligibility requirements at the time of each separate enrollment. If a youth reaches the age of 24 while enrolled, he or she may remain in the program to complete his or her current period of enrollment. (Sec. 803(e)(1).)

(c) Labor shall not refer any youth if he or she desires enrollment only for the normal periods between school terms. (Sec. 803(e)(2).)

#### § 97b.12 Recruitment and referral procedures.

(a) Labor shall recruit candidates for YACC through the public employment service, prime sponsors qualified under section 102 of the Act, sponsors of Native American programs qualified under section 302 of the Act, sponsors of migrant and seasonal farmworkers programs under section 303 of the Act, Agriculture and Interior, and such other agencies and organizations as Labor may deem appropriate. (Sec. 803(c)) To the extent feasible, Labor shall refer, through the public employment service, an equitable number of youth for employment, based upon the total youth population of the State, from both sexes, and from all economic and racial classifications. Labor shall transmit to the SESA's Census data reflecting the numbers of youth in each State in these classifications.

(b) State employment security agencies (SESA's), through their local employment service/job service offices (ES/JS), shall enter into nonfinancial agreements with title I prime sponsors and other agencies and organizations, as they deem appropriate, for the recruitment and initial referral of candidates for YACC to the ES/JS. ES/JS offices shall identify prospective applicants from their own files and shall also take and process all applications from interested youth for subsequent referral of eligible applicants to Agriculture/Interior.

(c) Local ES/JS offices shall refer all those candidates who self-certify that they meet the eligibility criteria listed in § 97b.10 (a), (b), and (c) to individuals designated by Agriculture and Interior for selection of those to be enrolled. These candidates shall be deemed ca-

pable of performing the work which the YACC has available. Such referrals shall include all interested youth, including veterans, from all economic and racial classifications.

(d) After receipt of verification, from a camp or project director, that a youth has been officially enrolled, the ES/JS office shall notify the appropriate recruiting agency.

(e) Labor shall review data to determine whether any adjustment in the recruitment and referral process is necessary to see that, to the extent feasible, an equitable proportion of male, female, poor, nonpoor, minority, and nonminority youth are being served, based upon the most current Census estimates of total youth population in each State.

#### § 97b.13 Selection and assignment.

Agriculture and Interior representatives shall:

(a) Notify ES offices when openings are available;

(b) Select potential enrollees only from applications referred by ES/JS;

(c) To the extent feasible, select an equitable number of youth for employment, based upon the total youth population of the State, from both sexes, and from all economic and racial classifications;

(d) Notify selected applicants of the date, time, and place to which they should report for work, and that:

(1) A physical examination is required of each selectee, which either must be obtained at the selectee's expense or may be obtained by the selectee at little or no cost;

(2) They will be required to pay for their own transportation to and from the project or camp. Youths who need an advance against future salary to pay for transportation to a residential camp may request one from the camp director;

(3) A parental consent will be required for those youth who have not yet reached the age of majority;

(4) They must provide their own clothing, with the exception of certain safety equipment which will be provided.

(e) Assign youth to nonresidential projects within normal commuting distance from their homes, and youth to residential camps as near to their homes as practicable, without regard to State boundaries;

(f) Notify the referring ES/JS office, as soon as possible but no later than thirty days after receipt of application, which applicants have been selected and have reported for employment, and which have not been so selected.

#### § 97b.14 Federal status of enrollees.

(a) Except as otherwise specifically provided in this part, all YACC enrollees, whether in the Federal program or the State grant program, shall not be deemed Federal employees, and shall not be subject to the provisions of law relating to Federal employment including those regarding hours of work, rates of compensation, leave, unemployment compensation, and Federal employee benefits. (Sec. 805(a).)

(b) For purposes of section 5911 of title 5 of the United States Code, relating to allowances for living quarters, enrollees whose housing is provided by the Federal Government shall be deemed employees of the United States within the meaning of the term "employee" as defined in that section, and provisions of that section shall apply. (Sec. 805(a)(4).)

(c) For purposes of the Internal Revenue Code of 1954 (26 U.S.C. 1 et seq.) and title II of the Social Security Act (42 U.S.C. 401 et seq.), enrollees, including State grant program enrollees, shall be deemed employees of the United States, and any service performed by a person as an enrollee shall be deemed to be performed in the employ of the United States. (See 805(a)(1).)

(d) For purposes of chapter 171 of title 28 of the United States Code, relating to tort claims procedures, enrollees, including State grant program enrollees, shall be deemed employees of the United States within the meaning of the term "employee of the Government" as defined in section 2671 of title 28, United States Code, and provisions of that chapter shall apply. (Sec. 805(a)(3).)

(e) For purposes of subchapter 1 of chapter 31 of title 5 of the United States Code, relating to compensation to Federal employees for work injuries, enrollees, including State grant program enrollees, shall be deemed employees of the United States within the meaning of the term "employee" as defined in section 8101 of title 5, United States Code, and provisions of that subchapter shall apply except that the term "performance of duty" shall not include any act of an enrollee while absent without authorization from his or her assigned post of duty, but shall include time spent participating in an activity (including an activity while on pass or during travel to or from such post of duty) authorized by or under the direction of YACC program staff. (Sec. 805(a)(2).)

(1) Residential enrollees are generally considered under FECA to be Federal employees from the time each begins Government authorized travel to the assigned YACC camp, to the time each completes Government authorized travel after termination from the program. During this period, residential enrollees are generally considered, under FECA, to be in "performance of duty" at all times, during any and all of their activities, 24 hours a day, 7 days a week, except when they are absent without authorization. Whether a residential enrollee is in "performance of duty" shall be determined by the Office of Workers' Compensation Programs (OWCP).

(2) Nonresidential enrollees, after official enrollment, are generally considered, under FECA, to be in "performance of duty" as Federal employees from the time they arrive daily at the designated area from which activities are assigned, until they leave such designated area or activity. Nonresidential enrollees are generally not covered by FECA while commuting between a designated area/



authorized activity and their residence. Whether a nonresidential enrollee is in "performance of duty" shall be determined by OWCP.

**§ 97b.15 Federal Employees' Compensation procedures.**

(a) Whenever a youth is injured, develops an occupationally related illness, or dies, the camp/project director shall immediately comply with the procedures set out in the Employment Standards Administration regulations at 20 CFR Chapter 1. The camp/project director shall also see that a thorough investigation of the circumstances, and a medical evaluation, are made, and shall see that required forms are filed with the appropriate OWCP district office.

(b) If a youth dies, the camp, or project director, in addition to making proper notifications, in accordance with procedures established by Agriculture and/or Interior, shall:

(1) Notify the appropriate district office of OWCP of the death and the circumstances surrounding it, and file appropriate forms with that office; (Sec. 805(a)(2) of the Act);

(2) Inform the next of kin of any benefits which may be available from Federal Employees' Compensation. The camp/project director shall notify them that the Government shall pay for expenses involved in the preparation and transportation of the remains to a mortuary in the area selected by the next of kin, but not for other funeral expenses;

(3) Consult the decedent's family as to the final disposition of the remains before any final action is taken in this regard; and

(4) If the next of kin refuses to accept the remains, arrange for burial at a site close to the camp/project and at a cost not to exceed the amount authorized in section 8134(a) of the Federal Employee's Compensation Act (FECA).

(c) Funds for the payment of approved FECA claims shall be retained in the Labor YACC account for the purpose of paying such claims.

**§ 97b.16 Tort claims.**

(a) In the event an enrollee is alleged to be involved in the damage, loss or destruction of the property of others or of causing personal injury to or the death of other individual(s) while in the performance of duty, claims may be filed by the owner(s) of the property, the injured person(s), or by a duly authorized agent or legal representative of the claimant to the camp/project director who shall collect all of the facts and submit the claim for a decision to the appropriate Regional Solicitor, Labor, or the Associate Solicitor for Employee Benefits, Labor, for processing pursuant to 29 CFR part 15.

(b) Tort claims shall be made on Standard Form 95, the Claim for Damage or Injury form or a similar document, supported by necessary justification.

(c) Funds for the payment of approved Tort claims shall be retained in the Labor YACC account for the purpose of paying such claims.

**§ 97b.17 Enrollee claims for lost, stolen or damaged personal property.**

(a) Agriculture or Interior may pay claims to enrollees for lost, damaged, or stolen personal property, up to a maximum of \$200, when such loss is not due to the negligence of the enrollee. Enrollees shall always be compensated for losses when they are the result of a natural disaster or when the enrollee's property is in the protective custody of the camp director, which shall always be the case when an enrollee in a residential camp is absent from the camp for 24 hours or more. The Camp/project director shall file such claims with Agriculture or Interior for a determination on the claim and promptly notify the enrollee of the determination.

**Subpart C—Program Operation**

**§ 97b.20 Camp/project site selection, location.**

Consistent with the interagency agreement, Agriculture and Interior, in consultation with Labor, shall select the site of each residential camp and non-residential project.

(a) Nonresidential projects and those residential camps providing for nonresidential participation shall be located within normal commuting distances from the geographic centers of areas of substantial unemployment designated by the Secretary of Labor. Labor shall annually provide Agriculture and Interior with a listing of areas of substantial unemployment.

(b) To the maximum extent feasible, residential camps shall be located in areas where existing residential facilities for the enrollees are available. Whenever appropriate, existing but unoccupied or underutilized Federal, State, or local government facilities and equipment shall be utilized for YACC camps with the approval of the Federal agency, State or local government involved. (Sec. 804(d)(2))

**§ 97b.21 Camp/project operation and management.**

(a) In keeping with the interagency agreement, Agriculture and Interior shall, in the case of the Federal program, have responsibility for, and, in the case of the State grant program, issue guidelines covering:

(1) The identification of a director or supervisor in charge of each YACC residential camp or nonresidential project;

(2) The staffing, operation and management of each YACC camp and project;

(3) Selection of enrollees;

(4) Determination of enrollee's work assignments, subject to the health, safety, and work standards established by Labor in §§ 97b.22, 23, 24 and 25 of this subpart;

(5) Enrollee discipline;

(6) Enrollee termination; and

(7) Operating an effective program at each camp and project.

(b) Agriculture and Interior may provide for such transportation related to camp and/or work project operations, lodging, subsistence, medical treatment,

and other services, supplies, equipment, and facilities as they may deem appropriate to carry out the purposes of this part, consistent with the regulations mentioned in paragraph (a)(4) of this section, regarding health, safety and work standards. (Sec. 804(d)(1))

**§ 97b.22 Work projects and assignments.**

(a) YACC enrollees shall perform work on projects in such fields as:

(1) Tree nursery operations, planting, pruning, thinning, and other silvicultural measures;

(2) Wildlife habitat improvements and preservation;

(3) Range management improvement;

(4) Recreation area development, rehabilitation, and maintenance;

(5) Fish habitat and culture measures;

(6) Forest insect and disease prevention and control;

(7) Road and trail maintenance and improvements;

(8) General sanitation, cleanup and maintenance;

(9) Erosion control and flood damage;

(10) Drought damage measures; and

(11) Other natural disaster damage measures. (Sec. 804(a))

(b) Agriculture and Interior shall undertake to assure that projects on which work is performed under this part are consistent with the Forest and Rangeland Renewable Resources Planning Act of 1974, as amended by the National Forest Management Act of 1976, and such other standards relating to such projects as the Secretaries of Agriculture and Interior shall prescribe, consistent with other provisions of Federal law. (Sec. 804(b)(1))

(c) To the maximum extent practicable, Agriculture and Interior shall establish projects that:

(1) Are labor-intensive;

(2) Are projects for which work plans can be readily developed;

(3) Are able to be initiated promptly;

(4) Are productive;

(5) Are likely to have a lasting impact both as to the work performed and the benefit to the youths participating;

(6) Provide work experience to participants in skill areas required for the projects; and

(7) Are similar to activities of persons employed in seasonal and part-time employment in agencies such as the National Park Service, United States Fish and Wildlife Service, Bureau of Reclamation, Bureau of Land Management, Bureau of Indian Affairs, Forest Service, Bureau of Outdoor Recreation, and Soil Conservation Service. (Sec. 804(c))

(d) Agriculture and Interior shall assure that YACC program activities will not result in the displacement of employed workers, or impair existing contracts for services, or result in the substitution of YACC funds for other funds in connection with work that would otherwise be performed.

(e) Agriculture and Interior shall place individuals employed as enrollees into jobs which will diminish the backlog of relatively labor-intensive projects which would otherwise be carried out if

adequate funding were made available. (Sec. 804(b)(2))

(f) Agriculture and Interior shall see that YACC enrollees do not, at the same time, share common facilities or property, or work with members of the Job Corps, under title IV of the Act, except in emergency situations, as outlined in paragraphs (g) and (h) of this section.

(g) Agriculture and Interior may authorize and utilize enrollees who are at least 18 years old to provide assistance and to perform work in emergency disaster situations. Camp/project directors may ask enrollees to volunteer, but may not require them to participate while any natural disaster is occurring. They may, however, require enrollees to perform work on damage which has been caused by such disasters. In determining the eligibility of enrollees for performing such work, camp/project directors shall follow regular Agriculture and Interior policies and procedures, insofar as they are consistent with health, safety, and work standards established by Labor in sections 97b.22, 23, 24, and 25 of this subpart. Agriculture and Interior shall arrange, to the extent feasible, for any added expenses consequent to such assistance to be borne by the benefiting organization. If funding is not available from the benefiting organization, Agriculture and Interior may use YACC operational funds to provide the emergency assistance, subject to the availability of such funds.

(h) Camp and project directors shall see that no enrollee participates in emergency relief efforts:

(1) In connection with strikes or labor stoppages; or

(2) On private property except as incidental to authorized emergency work as outlined in paragraph (g) of this section.

(i) Camp and project directors shall see that the assignment of enrollees under 18 years of age to work activities is in compliance with the Hazardous Occupation Orders issued pursuant to the Fair Labor Standards Act and set forth at 29 CFR 570.50 et seq.

#### § 97b.23 Safety and health.

(a) Agriculture and Interior shall assure that enrollees are not required or permitted to work or receive services in buildings or surroundings or under conditions which are unsanitary, hazardous, or lack proper ventilation. Camp and project directors shall see that such work or services are conducted or provided in accordance with appropriate Agriculture or Interior policies and procedures, and are consistent with the standards set forth in the regulations under the Occupational Safety and Health Act at 29 CFR parts 1910, 1926, and 1960 subpart B.

(b) Agriculture and Interior shall conduct safety and health inspections of every residential camp and work project area connected therewith, at least annually, consistent with the requirements in 29 CFR 1960.26(d).

(c) Camp/project directors shall issue such items of protective and safety clothing and equipment to enrollees as are

necessary and appropriate to ensure a maximum of safety in all work situations. Camp/project directors shall also see that proper use of such clothing and equipment is taught to enrollees and enforced. Enrollees are expected to provide all other clothing.

(d) Camp/project directors shall provide complete safety orientation to enrollees in all work situations to alert them to any hazards to which they may be exposed. (Sec. 805(b)(3))

#### § 97b.24 Residential camp living conditions.

(a) Residential camp directors shall provide for residential support facilities and services which ensure healthful and secure living conditions, 7 days a week, 24 hours a day.

(b) Agriculture and Interior shall assure that all residential facilities are well maintained and shall comply with applicable Federal, State, and local safety, health, and housing codes for multipurpose group residences.

(c) Agriculture and Interior shall see that adequate supervision and assistance are provided which are adequate to ensure the safety and health of the enrollees. (Sec. 805(b)(3))

#### § 97b.25 Enrollee wages and hours of work.

(a) Agriculture and Interior shall assure that each enrollee, in both the Federal and State grant programs, is paid at the same hourly rate, which shall be at the Federal minimum rate specified in section 6(a)(1) of the Fair Labor Standards Act of 1938, as amended.

(b) The following exceptions to paragraph (a) of this section shall apply:

(1) Agriculture and Interior shall provide for an additional cost-of-living allowance for enrollees in the State of Alaska, not to exceed 25 percent of the Federal wage rate;

(2) Wages in the Commonwealth of Puerto Rico, the Virgin Islands, and American Samoa shall be consistent with provisions of Federal, State, or local law, otherwise applicable. Wages in the Trust Territory of the Pacific Islands shall be consistent with local law, except on Eniwetok Atoll and Kwajalein Atoll where Section 6(a)(1) of the Fair Labor Standards Act applies.

(c) As an incentive, camp and project directors may authorize incremental increases, above the minimum wage specified in paragraphs (a) and (b) of this section, for a limited number of enrollees, to reflect additional responsibilities or competencies. For this purpose, two promotional categories may be established: (1) Enrollee Leader, and (2) Enrollee Assistant Leader. No more than 15 percent of the enrollment of any individual camp or project shall be given such increases. For each enrollee thus compensated, the wage increase shall not exceed 50 percent, nor be less than 15 percent of the applicable basic hourly minimum wage, as outlined in paragraphs (a) and (b) of this section.

(d) Camp and project directors shall reduce enrollee wages for each hour of unexcused absence.

(e) Camp directors may require enrollees assigned to residential camps to assume responsibility for housekeeping and maintenance duties. Such duties shall not be considered compensable, unless scheduled during the regular work day, in which case enrollees shall be paid at the same rate as for regular work assignments.

(f) Camp and project directors shall see that:

(1) Only those enrollees who are qualified in accordance with § 97b.22(g) are allowed to participate in fire suppression activities;

(2) Such enrollees are used only to supplement compensated firefighters, and are paid at the rates set by Agriculture and Interior as established in pay plans for emergency firefighters, in accordance with established agency policies, procedures and practices;

(3) No YACC enrollee is required to work for a greater number of hours per day than other firefighters.

(g) Agriculture and Interior shall see that no enrollee is required to work for more than 8 hours per day or 40 hours per week, except that camp and project directors may authorize overtime, which shall not exceed 10 such hours per week, in which event they shall pay them at the same rate as specified in paragraph (a) and (b), or (f)(2) when applicable, of this section. (Sec. 805(b))

#### § 97b.26 Allowable deductions from enrollees' wages.

(a) Agriculture and Interior shall see that enrollees assigned to residential camps are charged for food and lodging, at the rate of 75 cents per meal and 75 cents per day for rent. Project and camp directors shall arrange for payment of such charges by payroll deduction. Agriculture and Interior shall see that such deductions remain in the applicable appropriation or fund.

(b) Residential camp directors may arrange, through payroll deductions, for the reimbursement, by enrollees, of initial travel advances provided to them in the circumstances outlined in § 97b.13(d)(2).

(c) Camp and project directors shall see that:

(1) Income taxes are withheld from enrollee wages pursuant to the Federal Internal Revenue Code of 1954 (26 U.S.C. 1 et seq.) (Sec. 805(a)(1)), and such State income tax laws as are applicable, and that any forms required to effect income tax deductions or withholding exemptions are provided to and completed by each enrollee; and

(2) Wage and tax statements are provided to enrollees.

(d) Deductions shall not exceed the limit as set forth in title III of the Consumer Credit Protection Act (15 U.S.C., 1671 et seq.).

#### § 97b.27 Enrollee payroll procedures.

Agriculture and Interior shall assure that the payroll procedures for both the Federal and State programs are the same. State and local grantees shall utilize the payroll forms used by the Federal Government for payment of en-

rollees in accordance with the regulations/instructions issued by Agriculture or Interior, as appropriate.

**§ 97b.28 Enrollee leave.**

(a) Agriculture and Interior shall provide enrollees with paid annual leave at a rate of 4 hours for every full pay period which shall consist of two 40-hour work weeks. Accrual shall commence at the beginning of the first full pay period after the day of official enrollment, and shall end on the date of official termination. Such leave may be accrued up to a maximum of 13 days for 52 weeks of uninterrupted enrollment. Enrollees may use accrued leave at any time, subject to the approval of the camp/project director, but shall use all accrued leave prior to each formal termination. The date of formal termination shall be the final date upon which the youth is eligible to receive pay, whether this is a work day or an accrued but unused leave day.

(b) The camp or project director may grant administrative leave with pay, at his or her discretion, for enrollee participation in job search and employment development activities. Such leave with pay is to be counted as time in employment.

(c) The camp or project director may grant emergency or administrative leave, without pay, at his or her discretion. Such leave without pay is not counted as time in employment.

(d) Camp and project directors shall pay enrollees for all official holidays, if they are in a pay status for 8 hours on the workdays immediately preceding and following the holiday. Approved leave with pay shall count as time in employment for official paid holidays. Such holidays shall not count as annual leave. (Sec. 805(b))

**§ 97b.29 Resolution of grievances and complaints filed by enrollees.**

Agriculture and/or Interior shall establish plans and procedures, subject to approval by Labor, for resolving any issues or complaints filed by youths, from the time at which their referrals are received from ES/JS to the time of formal termination. These plans and procedures shall encompass issues or complaints such as those regarding adverse action, civil rights, equal employment opportunity, enrollment or upgrading which arise between their Departments and any enrollee. Such procedures shall provide the enrollee with:

(a) An opportunity for an informal conference to resolve the issue;

(b) A notice setting forth the grounds for any adverse action proposed to be taken against him or her and giving him or her an opportunity to respond;

(c) An opportunity for a formal hearing and, if the enrollee is not satisfied, with an opportunity for an appeal; and

(d) An offer of assistance in the preparation for hearings and appeals. (Sec. 802)

**§ 97b.30 Cooperation with agencies and institutions.**

(a) Agriculture and/or Interior shall, to the extent feasible, arrange for local

linkages with educational systems, CETA and other employment and training programs, employment service offices, local apprenticeship sponsors and information centers, and employers, in order to arrange for the provision of available services to enrollees, both during nonwork hours while enrolled, and after termination from YACC. Camp/project directors shall be encouraged to establish procedures to ensure that enrollees are made aware of established linkages and related information and opportunities.

(b) Camp and project directors shall notify appropriate local ES/JS offices regarding enrollee status, in advance of the end of the enrollment period or upon termination and shall, to the extent feasible, assist the enrollee in making contact with ES/JS or other organizations to enhance the possibilities for placement.

(c) Labor shall work with the Department of Health, Education, and Welfare to make suitable arrangements whereby academic credit may be awarded by educational institutions and agencies for competencies derived from work experience obtained through the YACC program. Labor shall also encourage camp and project directors, through Agriculture and Interior, to make necessary arrangements with local education agencies so that academic credit for such work experience may be granted. (Sec. 804(e))

**Subpart D—Administrative Provisions**

**§ 97b.40 Interagency agreement.**

Labor shall administer the YACC program through an interagency agreement with Agriculture and Interior. (Sec. 802)

**§ 97b.41 Annual program operating plan.**

(a) In advance of each fourth fiscal quarter, Labor shall review the quarterly financial and program progress reports received during the fiscal year, to form the basis for joint interagency development of the program operating plan for the next fiscal year, as outlined in this section.

(b) Labor, Agriculture, and Interior shall jointly begin the development of an annual program operating plan at least 90 days in advance of the beginning of each fiscal year. This plan shall include:

(1) The camp/project site selections/locations arrived at in consultation, in accordance with the interagency agreement;

(2) the proportions of residential and nonresidential slots; and

(3) The budget for the new fiscal year.

(c) Labor shall approve the proportion of residential and nonresidential slots, and the budget before transfer of funds can occur.

For the initial and subsequent budgets, the cost per unit (per-slot for fiscal years 1978 and 1979, and per-enrollee-year for subsequent years) will be reflective of all programs costs, including, but not limited to: camp/project operating costs; enrollee wages and benefits; recruitment, selection, and placement support costs; transportation; annual capi-

tal replacement costs; program direction expenses; and startup costs, including those for rehabilitation, construction, purchase of real property, lease(s), equipment and furnishings, vehicles, transfers of station, and initial planning.

**§ 97b.42 Directives, guidelines, controls and records.**

Labor, Agriculture and Interior shall establish procedures to ensure that operational directives, guidelines, controls, and records of the YACC program are established, promulgated, and maintained, in accordance with their established policies and procedures, and consistent with the requirements of this part.

**§ 97b.43 Enrollee records.**

Camp and project directors shall establish and maintain enrollee records, according to regular Agriculture and/or Interior policies and procedures, subject to their regulations under the Freedom of Information Act, and the Privacy Act of 1974.

**§ 97b.44 Financial management.**

Based upon each annual program operating plans, Agriculture and/or Interior shall assume financial responsibility, authority and accountability for all the camps and projects respectively operated under the YACC program within the total program costs per slot or enrollee year approved by Labor.

**§ 97b.45 Property management.**

Agriculture and/or Interior are responsible for real and personal property procurement, management, and accountability. When accountable property, other than real property, is declared excess to the needs of the YACC program, Labor shall be given first preference for use of the property in other Labor programs.

**§ 97b.46 Procedures for resolving complaints.**

(a) Agriculture and Interior shall receive and resolve complaints concerning alleged violations of their responsibilities as outlined in these regulations and the Act from any person or any unit of Federal, State, or local government.

(b) All such complaints shall be filed with Agriculture or Interior according to procedures established by those agencies.

**§ 97b.47 Reporting requirements.**

Agriculture and Interior shall compile and submit to the Department of Labor, Office of Youth Programs, the reports listed below, with data for Federal and State grant programs separately delineated:

(a) A copy of the monthly report on budget execution (Standard Form 133), as submitted to the U.S. Treasury Department;

(b) A monthly report of onboard strength, which shall be due no later than 15 calendar days after the end of each month, and which shall include the actual number of individuals enrolled on the last day of the reporting month;

## RULES AND REGULATIONS

(c) A quarterly financial and program progress report, in accordance with the format outlined in Appendix No. 1 of the YACC Interagency Agreement, which shall be due no later than 30 calendar days after the end of each quarter, and shall consist of:

(1) A Federal program summary, supported by individual reports of the Federal program by State;

(2) A State grant program summary, supported by individual State reports;

(3) A combined Federal/State summary report.

**§ 97b.48 Assessment/monitoring.**

(a) Agriculture and Interior shall plan and conduct regularly scheduled onsite assessments and such other interim visits as are necessary to monitor camp/project performance, and to insure effective accomplishment of YACC program objectives by all levels of management charged with program responsibilities.

(b) Labor, in consultation with Agriculture and/or Interior, may participate in any onsite monitoring or assessment effort.

**§ 97b.49 Overall program evaluation.**

Labor, in accordance with a plan developed in consultation with Agriculture and Interior, shall fund and conduct such evaluations of the YACC program as deemed necessary to determine whether the program is meeting statutory objectives.

Signed at Washington, D.C. on November 29, 1977.

RAY MARSHALL,  
*Secretary of Labor.*

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