

sified generally to this subchapter. For complete classification of the Workforce Investment Act of 1998 to the Code, see Short Title note set out under section 9201 of Title 20, Education, and Tables.

#### CODIFICATION

Section was enacted as part of the Department of Labor Appropriations Act, 2010, and also as part of the Departments of Labor, Health and Human Services, and Education, and Related Agencies Appropriations Act, 2010, and the Consolidated Appropriations Act, 2010, and not as part of title I of the Workforce Investment Act of 1998 which comprises this chapter.

### § 2884. Individuals eligible for the Job Corps

To be eligible to become an enrollee, an individual shall be—

- (1) not less than age 16 and not more than age 21 on the date of enrollment, except that—
  - (A) not more than 20 percent of the individuals enrolled in the Job Corps may be not less than age 22 and not more than age 24 on the date of enrollment; and
  - (B) either such maximum age limitation may be waived by the Secretary, in accordance with regulations of the Secretary, in the case of an individual with a disability;
- (2) a low-income individual; and
- (3) an individual who is one or more of the following:
  - (A) Basic skills deficient.
  - (B) A school dropout.
  - (C) Homeless, a runaway, or a foster child.
  - (D) A parent.
  - (E) An individual who requires additional education, vocational training, or intensive counseling and related assistance, in order to participate successfully in regular school-work or to secure and hold employment.

(Pub. L. 105-220, title I, §144, Aug. 7, 1998, 112 Stat. 1007.)

#### PRIOR PROVISIONS

Provisions similar to this section were contained in section 1693 of this title prior to repeal by Pub. L. 105-220.

### § 2885. Recruitment, screening, selection, and assignment of enrollees

#### (a) Standards and procedures

##### (1) In general

The Secretary shall prescribe specific standards and procedures for the recruitment, screening, and selection of eligible applicants for the Job Corps, after considering recommendations from the Governors, local boards, and other interested parties.

##### (2) Methods

In prescribing standards and procedures under paragraph (1), the Secretary, at a minimum, shall—

- (A) prescribe procedures for informing enrollees that drug tests will be administered to the enrollees and the results received within 45 days after the enrollees enroll in the Job Corps;
- (B) establish standards for recruitment of Job Corps applicants;
- (C) establish standards and procedures for—

- (i) determining, for each applicant, whether the educational and vocational needs of the applicant can best be met through the Job Corps program or an alternative program in the community in which the applicant resides; and
- (ii) obtaining from each applicant pertinent data relating to background, needs, and interests for determining eligibility and potential assignment;

(D) where appropriate, take measures to improve the professional capability of the individuals conducting screening of the applicants; and

(E) assure that an appropriate number of enrollees are from rural areas.

#### (3) Implementation

To the extent practicable, the standards and procedures shall be implemented through arrangements with—

- (A) applicable one-stop centers;
- (B) community action agencies, business organizations, and labor organizations; and
- (C) agencies and individuals that have contact with youth over substantial periods of time and are able to offer reliable information about the needs and problems of youth.

#### (4) Consultation

The standards and procedures shall provide for necessary consultation with individuals and organizations, including court, probation, parole, law enforcement, education, welfare, and medical authorities and advisers.

#### (5) Reimbursement

The Secretary is authorized to enter into contracts with and make payments to individuals and organizations for the cost of conducting recruitment, screening, and selection of eligible applicants for the Job Corps, as provided for in this section. The Secretary shall make no payment to any individual or organization solely as compensation for referring the names of applicants for the Job Corps.

#### (b) Special limitations on selection

##### (1) In general

No individual shall be selected as an enrollee unless the individual or organization implementing the standards and procedures described in subsection (a) of this section determines that—

(A) there is a reasonable expectation that the individual considered for selection can participate successfully in group situations and activities, and is not likely to engage in behavior that would prevent other enrollees from receiving the benefit of the Job Corps program or be incompatible with the maintenance of sound discipline and satisfactory relationships between the Job Corps center to which the individual might be assigned and communities surrounding the Job Corps center;

(B) the individual manifests a basic understanding of both the rules to which the individual will be subject and of the consequences of failure to observe the rules; and

(C) the individual has passed a background check conducted in accordance with procedures established by the Secretary.

**(2) Individuals on probation, parole, or supervised release**

An individual on probation, parole, or supervised release may be selected as an enrollee only if release from the supervision of the probation or parole official involved is satisfactory to the official and the Secretary and does not violate applicable laws (including regulations). No individual shall be denied a position in the Job Corps solely on the basis of individual contact with the criminal justice system.

**(c) Assignment plan****(1) In general**

Every 2 years, the Secretary shall develop and implement an assignment plan for assigning enrollees to Job Corps centers. In developing the plan, the Secretary shall, based on the analysis described in paragraph (2), establish targets, applicable to each Job Corps center, for—

- (A) the maximum attainable percentage of enrollees at the Job Corps center that reside in the State in which the center is located; and
- (B) the maximum attainable percentage of enrollees at the Job Corps center that reside in the region in which the center is located, and in surrounding regions.

**(2) Analysis**

In order to develop the plan described in paragraph (1), the Secretary shall, every 2 years, analyze, for the Job Corps center—

- (A) the size of the population of individuals eligible to participate in Job<sup>1</sup> Corps in the State and region in which the Job Corps center is located, and in surrounding regions;
- (B) the relative demand for participation in the Job Corps in the State and region, and in surrounding regions; and
- (C) the capacity and utilization of the Job Corps center, including services provided through the center.

**(d) Assignment of individual enrollees****(1) In general**

After an individual has been selected for the Job Corps in accordance with the standards and procedures of the Secretary under subsection (a) of this section, the enrollee shall be assigned to the Job Corps center that is closest to the home of the enrollee, except that the Secretary may waive this requirement if—

- (A) the enrollee chooses a vocational training program, or requires an English literacy program, that is not available at such center;
- (B) the enrollee would be unduly delayed in participating in the Job Corps program because the closest center is operating at full capacity; or
- (C) the parent or guardian of the enrollee requests assignment of the enrollee to another Job Corps center due to circumstances in the community of the enrollee that would impair prospects for successful participation in the Job Corps program.

**(2) Enrollees who are younger than 18**

An enrollee who is younger than 18 shall not be assigned to a Job Corps center other than the center closest to the home of the enrollee pursuant to paragraph (1) if the parent or guardian of the enrollee objects to the assignment.

(Pub. L. 105-220, title I, §145, Aug. 7, 1998, 112 Stat. 1007.)

## PRIOR PROVISIONS

Provisions similar to this section were contained in sections 1694 to 1696 of this title prior to repeal by Pub. L. 105-220.

**§ 2886. Enrollment****(a) Relationship between enrollment and military obligations**

Enrollment in the Job Corps shall not relieve any individual of obligations under the Military Selective Service Act (50 U.S.C. App. 451 et seq.).

**(b) Period of enrollment**

No individual may be enrolled in the Job Corps for more than 2 years, except—

- (1) in a case in which completion of an advanced career training program under section 2888(c) of this title would require an individual to participate in the Job Corps for not more than one additional year; or
- (2) as the Secretary may authorize in a special case.

(Pub. L. 105-220, title I, §146, Aug. 7, 1998, 112 Stat. 1010.)

## REFERENCES IN TEXT

The Military Selective Service Act, referred to in subsec. (a), is act June 24, 1948, ch. 625, 62 Stat. 604, as amended, which is classified principally to section 451 et seq. of Title 50, Appendix, War and National Defense. For complete classification of this Act to the Code, see References in Text note set out under section 451 of Title 50, Appendix, and Tables.

## PRIOR PROVISIONS

Provisions similar to this section were contained in section 1696 of this title prior to repeal by Pub. L. 105-220.

**§ 2887. Job Corps centers****(a) Operators and service providers****(1) Eligible entities****(A) Operators**

The Secretary shall enter into an agreement with a Federal, State, or local agency, an area vocational education school or residential vocational school, or a private organization, for the operation of each Job Corps center.

**(B) Providers**

The Secretary may enter into an agreement with a local entity to provide activities described in this subchapter to the Job Corps center.

**(2) Selection process****(A) Competitive basis**

Except as provided in subsections (a) to (c) of section 3304 of title 41, the Secretary shall

<sup>1</sup> So in original. Probably should be preceded by "the".