

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

PRIOR PROVISIONS

Provisions similar to this section were contained in sections 1699 and 1702 of this title prior to repeal by Pub. L. 105-220.

§ 2891. Operating plan

(a) In general

The provisions of the contract between the Secretary and an entity selected to operate a Job Corps center shall, at a minimum, serve as an operating plan for the Job Corps center.

(b) Additional information

The Secretary may require the operator, in order to remain eligible to operate the Job Corps center, to submit such additional information as the Secretary may require, which shall be considered part of the operating plan.

(c) Availability

The Secretary shall make the operating plan described in subsections (a) and (b) of this section, excluding any proprietary information, available to the public.

(Pub. L. 105-220, title I, §151, Aug. 7, 1998, 112 Stat. 1013.)

§ 2892. Standards of conduct

(a) Provision and enforcement

The Secretary shall provide, and directors of Job Corps centers shall stringently enforce, standards of conduct within the centers. Such standards of conduct shall include provisions forbidding the actions described in subsection (b)(2)(A) of this section.

(b) Disciplinary measures

(1) In general

To promote the proper moral and disciplinary conditions in the Job Corps, the directors of Job Corps centers shall take appropriate disciplinary measures against enrollees. If such a director determines that an enrollee has committed a violation of the standards of conduct, the director shall dismiss the enrollee from the Job Corps if the director determines that the retention of the enrollee in the Job Corps will jeopardize the enforcement of such standards or diminish the opportunities of other enrollees.

(2) Zero tolerance policy and drug testing

(A) Guidelines

The Secretary shall adopt guidelines establishing a zero tolerance policy for an act of violence, for use, sale, or possession of a controlled substance, for abuse of alcohol, or for other illegal or disruptive activity.

(B) Drug testing

The Secretary shall require drug testing of all enrollees for controlled substances in accordance with procedures prescribed by the Secretary under section 2885(a) of this title.

(C) Definitions

In this paragraph:

(i) Controlled substance

The term “controlled substance” has the meaning given the term in section 802 of title 21.

(ii) Zero tolerance policy

The term “zero tolerance policy” means a policy under which an enrollee shall be automatically dismissed from the Job Corps after a determination by the director that the enrollee has carried out an action described in subparagraph (A).

(c) Appeal

A disciplinary measure taken by a director under this section shall be subject to expeditious appeal in accordance with procedures established by the Secretary.

(Pub. L. 105-220, title I, §152, Aug. 7, 1998, 112 Stat. 1013.)

PRIOR PROVISIONS

Provisions similar to this section were contained in section 1700 of this title prior to repeal by Pub. L. 105-220.

§ 2893. Community participation

(a) Business and Community Liaison

Each Job Corps center shall have a Business and Community Liaison (referred to in this Act as a “Liaison”), designated by the director of the center.

(b) Responsibilities

The responsibilities of the Liaison shall include—

- (1) establishing and developing relationships and networks with—
 - (A) local and distant employers; and
 - (B) applicable one-stop centers and applicable local boards,

for the purpose of providing job opportunities for Job Corps graduates; and

- (2) establishing and developing relationships with members of the community in which the Job Corps center is located, informing members of the community about the projects of the Job Corps center and changes in the rules, procedures, or activities of the center that may affect the community, and planning events of mutual interest to the community and the Job Corps center.

(c) New centers

The Liaison for a Job Corps center that is not yet operating shall establish and develop the relationships and networks described in subsection (b) of this section at least 3 months prior to the date on which the center accepts the first enrollee at the center.

(Pub. L. 105-220, title I, §153, Aug. 7, 1998, 112 Stat. 1014.)

REFERENCES IN TEXT

This Act, referred to in subsec. (a), is Pub. L. 105-220, Aug. 7, 1998, 112 Stat. 936, as amended, known as the Workforce Investment Act of 1998. For complete classification of this Act to the Code, see Short Title note set out under section 9201 of Title 20, Education, and Tables.

§ 2894. Industry councils**(a) In general**

Each Job Corps center shall have an industry council, appointed by the director of the center after consultation with the Liaison, in accordance with procedures established by the Secretary.

(b) Industry council composition**(1) In general**

An industry council shall be comprised of—

(A) a majority of members who shall be local and distant owners of business concerns, chief executives or chief operating officers of nongovernmental employers, or other private sector employers, who—

- (i) have substantial management, hiring, or policy responsibility; and
- (ii) represent businesses with employment opportunities that reflect the employment opportunities of the applicable local area;

(B) representatives of labor organizations (where present) and representatives of employees; and

(C) enrollees and graduates of the Job Corps.

(2) Local board

The industry council may include members of the applicable local boards who meet the requirements described in paragraph (1).

(c) Responsibilities

The responsibilities of the industry council shall be—

(1) to work closely with all applicable local boards in order to determine, and recommend to the Secretary, appropriate vocational training for the center;

(2) to review all the relevant labor market information to—

- (A) determine the employment opportunities in the local areas in which the enrollees intend to seek employment after graduation;
- (B) determine the skills and education that are necessary to obtain the employment opportunities; and

(C) recommend to the Secretary the type of vocational training that should be implemented at the center to enable the enrollees to obtain the employment opportunities; and

(3) to meet at least once every 6 months to reevaluate the labor market information, and other relevant information, to determine, and recommend to the Secretary, any necessary changes in the vocational training provided at the center.

(d) New centers

The industry council for a Job Corps center that is not yet operating shall carry out the responsibilities described in subsection (c) of this section at least 3 months prior to the date on which the center accepts the first enrollee at the center.

(Pub. L. 105–220, title I, §154, Aug. 7, 1998, 112 Stat. 1015.)

§ 2895. Advisory committees

The Secretary may establish and use advisory committees in connection with the operation of the Job Corps program, and the operation of Job Corps centers, whenever the Secretary determines that the availability of outside advice and counsel on a regular basis would be of substantial benefit in identifying and overcoming problems, in planning program or center development, or in strengthening relationships between the Job Corps and agencies, institutions, or groups engaged in related activities.

(Pub. L. 105–220, title I, §155, Aug. 7, 1998, 112 Stat. 1015.)

PRIOR PROVISIONS

Provisions similar to this section were contained in section 1704 of this title prior to repeal by Pub. L. 105–220.

§ 2896. Experimental, research, and demonstration projects

The Secretary may carry out experimental, research, or demonstration projects relating to carrying out the Job Corps program and may waive any provisions of this subchapter that the Secretary finds would prevent the Secretary from carrying out the projects.

(Pub. L. 105–220, title I, §156, Aug. 7, 1998, 112 Stat. 1016.)

§ 2897. Application of provisions of Federal law**(a) Enrollees not considered to be Federal employees****(1) In general**

Except as otherwise provided in this subsection and in section 8143(a) of title 5, enrollees shall not be considered to be Federal employees and shall not be subject to the provisions of law relating to Federal employment, including such provisions regarding hours of work, rates of compensation, leave, unemployment compensation, and Federal employee benefits.

(2) Provisions relating to taxes and social security benefits

For purposes of title 26 and title II of the Social Security Act (42 U.S.C. 401 et seq.), enrollees shall be deemed to be employees of the United States and any service performed by an individual as an enrollee shall be deemed to be performed in the employ of the United States.

(3) Provisions relating to compensation to Federal employees for work injuries

For purposes of subchapter I of chapter 81 of title 5 (relating to compensation to Federal employees for work injuries), enrollees shall be deemed to be civil employees of the Government of the United States within the meaning of the term “employee” as defined in section 8101 of title 5, and the provisions of such subchapter shall apply as specified in section 8143(a) of title 5.

(4) Federal tort claims provisions

For purposes of the Federal tort claims provisions in title 28, enrollees shall be considered to be employees of the Government.