

DEPARTMENT OF COMMUNITY SERVICES

Adoption of Chapter 8-20
City and County of Honolulu Administrative Rules

SUMMARY

Chapter 8-20, City and County of Honolulu Administrative Rules, entitled "Community Development Block Grant Job Training and Employment Services", is adopted.

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TITLE 8

DEPARTMENT OF COMMUNITY SERVICES

CHAPTER 20

COMMUNITY DEVELOPMENT BLOCK GRANT
JOB TRAINING AND EMPLOYMENT SERVICES PROGRAM

- §8-20-1 Purpose and Scope
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- §8-20-9 Non-Compliance and Revocation of Certification

§8-20-1 Purpose and Scope. Pursuant to 24 C.F.R. §570, these rules cover the provision of grants to subrecipients providing job training and work experience activities to low- and moderate-income persons, a public service under the Community Development Block Grant Program called the Job Training and Employment Services program. Unless otherwise stated herein or in the foregoing authorities, Chapter 8-20 shall apply to the Job Training and Employment Services program.
[Eff] (Auth: RCH §§4-105.4, 6-302; ROH §1-9.1) (Imp: RCH §6-302; ROH §6-22.3; 24 C.F.R. §570.201(e))

§8-20-2 Definitions. The following words and phrases as used in these rules shall have the meaning ascribed to them below, unless it is apparent from the context that a different meaning is intended. Words not specifically defined herein shall have the meaning ascribed to them under Chapter 8-20.

"Agency" means the Department of Community Services, City and County of Honolulu.

"Annual income" means the total amount of monetary and in-kind income going to, or on behalf of, the household in the twelve (12) month period beginning with the month of application. Annual income includes the sources defined in 24 C.F.R. §5.609.

"Applicant" means an organization, which may be a non-profit organization with 501(c)(3) status with the Internal Revenue Service, applying for a grant under this Chapter 8-20.

"City" means the City and County of Honolulu.

"Community Development Block Grant" or "CDBG" means the program authorized under Title 1 of the Housing and Community Development Act of 1974, Pub L. No. 93-383, as amended 42 U.S.C. 5301 et seq.

"Eligible costs" means labor, supplies, and materials needed to conduct job training and work experience activities under the Job Training and Employment Services program.

"Family" includes, but is not limited to, the following, regardless of actual or perceived sexual orientation, gender identity, or marital status:

- (1) A single person; or
- (2) A group of persons residing together.

"Household" means all persons occupying a housing unit. The occupants may be a family; two or more families living together; or any other group of related or unrelated persons who share living arrangements, regardless of actual or perceived, sexual orientation, gender identity, or marital status.

"HUD" means the U.S. Department of Housing and Urban Development.

"Job Training and Employment Services" is the program that provides funding to subrecipients for the delivery of on-site job training and work experience activities to low- and moderate-income persons as a public service activity under 24 CFR §570.201(e), as described in this Chapter 8-20.

"Job training and work experience activities" means professional activities designed to assist low- and moderate-income persons with acquiring the skills and experience necessary to prepare for, obtain, and maintain employment, including:

- (a) Initial assessment of skill levels, aptitudes, and supportive service needs;
- (b) Classroom or job site instruction in an occupational area or basic skills or certifications needed for entry into the occupation;
- (c) Job referral and placement services;
- (d) Job search assistance;
- (e) Job training assistance; and
- (f) Microenterprise development assistance for persons developing microenterprises.

"Low-income person" means a member of a family that has an income equal to or less than the Section 8 very low-income limit established by HUD.

"Microenterprise" means a commercial enterprise that has five or fewer employees, one or more of whom owns the enterprise.

"Moderate-income person" means a member of a family that has an income equal to or less than the Section 8 low-income limit and greater than the Section 8 very low-income limit, established by HUD.

"Participant" means an individual who receives services through the Job Training and Employment Services program.

"Persons developing microenterprises" means persons who have expressed interest in and who are, or after an initial screening process are expected to be, actively working toward developing businesses, each of

which is expected to be a microenterprise at the time it is formed.

"Subrecipient" means an organization, which may be a non-profit organization with 501(c)(3) status with the Internal Revenue Service, contracted to administer the Job Training and Employment Services program. [Eff _____] (Auth: RCH §§4-105.4, 6-302; ROH §1-9.1) (Imp: RCH §6-302; ROH §6-22.3; 24 C.F.R. §§5.403, 570.3, 570.482, 570.500)

§8-20-3 Subrecipient Eligibility and

Certification. (a) The Agency may solicit applications from organizations interested in administering Job Training and Employment Services activities.

(b) The certification process shall comply with all applicable City, State, and federal regulations related to the CDBG program.

(c) Organizations seeking to administer Job Training and Employment Services program activities shall, at a minimum:

(1) Be registered with the State of Hawaii Department of Commerce and Consumer Affairs, Business Registration Division, or be a non-profit organization with 501(c)3 status with the Internal Revenue Service;

(2) Be a compliant vendor in the Hawaii Compliance Express system;

(3) Not be on any debarred or suspended lists for federal contracts;

(d) The Agency shall notify applicants in writing of the Agency's intent to approve or deny organizational certification for the Job Training and Employment Services program.

(e) Once an applicant is approved, it becomes certified. Certification for the Job Training and Employment Services program shall be valid for a period of one (1) calendar year from the date of certification, unless revoked under section 8-20-9.

[Eff] (Auth: RCH §§4-105.4, 6-302; ROH §1-9.1) (Imp: RCH §6-302; ROH §6-22.3; 24 C.F.R. §§570.200(f), 570.489(m), 570.609)

§8-20-4 Application Process to Become a

Subrecipient. (a) A certified organization may apply to become a subrecipient of the City for the Job Training and Employment Services program.

(b) A certified organization's application shall, at a minimum, consist of:

(1) Cover letter on the applicant's letterhead;

(2) Project narrative;

(3) Proposed project budget and justification for funding request;

(4) Proposed number of eligible participants to be served and projected outcomes;

(5) Proposed curriculum and schedule of all job training and work experience activities to be provided to participants, including the total number of hours of all activities; and

(6) Proof of compliance with all applicable City and CDBG standards in section 8-20-3.

(c) The Agency may establish a maximum funding request amount.

(d) The Agency shall notify applicants in writing of the Agency's intent to approve or deny a Job Training and Employment Services program funding request.

(e) The Agency may deny funding requests that exceed the Agency's available allocation of CDBG funds for the Job Training and Employment Services program.

(f) The Agency may establish preferences for funding requests that address the needs of priority initiatives or special subpopulations identified by the City.

(g) A subrecipient shall remain compliant with the certification in section 8-20-3(c) for the duration of its project.

[Eff] (Auth: RCH §§4-105.4, 6-302; ROH §1-9.1) (Imp: RCH §6-302; ROH §6-22.3; 24 C.F.R. §§570.200(f)(1), 570.489(m))

§8-20-5 Participant Eligibility for Job Training and Employment Services. (a) A participant shall meet the following criteria to be eligible for job training and employment services activities:

- (1) Shall reside on the island of Oahu;
- (2) Shall be seeking new or increased employment on the island of Oahu; and
- (3) Shall be a low-income person or moderate-income person at the time job training and employment services activities are provided.

(b) The subrecipient shall document each participant's eligibility for job training and work experience activities. Eligibility documentation shall be made available to the City. [Eff] (Auth: RCH §§4-105.4, 6-302; ROH §1-9.1) (Imp: RCH §6-302; ROH §6-22.3; 24 C.F.R. §§570.208(a), 570.309)

§8-20-6 Subrecipient Monitoring and Recordkeeping. (a) The subrecipient shall sign a written agreement with the City prior to receiving any Job Training and Employment Services funds.

(b) The subrecipient shall keep records of all job training and work experience activities provided to participants for the longer of three years after the expiration or termination of the subrecipient agreement. Records to be retained include, but are not limited to:

- (1) Names and contact information of all participants receiving assistance;
- (2) Records of job training and work experience activities provided to participants;
- (3) Timesheets verifying subrecipient staff time, including staff time of contracted

partners, spent providing job training and work experience activities to participants;

(4) Proof of payments made on behalf of participants for eligible job training and work experience activities; and

(5) Proof of participant annual income at the time of application.

(c) The subrecipient shall promptly notify the City of any anticipated lapse of Job Training and Employment Services funds. The City reserves the right to recapture unspent or surplus funds.

[Eff] (Auth: RCH §§4-105.4, 6-302, ROH §1-9.1) (Imp: RCH §6-302; ROH §6-22.3; 24 C.F.R. §§570.489(m), 570.502, 570.503, 570.501(b), 570.506)

§8-20-7 Duplication of Assistance. (a) The subrecipient shall certify that the activities funded by the Job Training and Employment Services program provide a new service or a quantifiable increase in the amount of a service funded by City or State funds within the twelve (12) calendar months prior to application.

(b) The City may disallow program funding of expenses for job training and work experience activities that do not represent a new service or a quantifiable increase in the level of service provided in accordance with this section.

[Eff] (Auth: RCH §§4-105.4, 6-302; ROH §1-9.1) (Imp: RCH §6-302; ROH §6-22.3; §570.201(e))

§8-20-8 Eligible and Ineligible Expenses. (a) Eligible expenses for the Job Training and Employment Services program include, but are not limited to:

(1) Staff time and labor, provided by either the subrecipient or its contracted partners, required to provide job training and work experience activities to participants;

(2) Supplies and materials required to provide job training and work experience activities to participants;

(3) Actual cost of professional or vocational certificates earned by participants;

(4) Transportation vouchers, including bus passes, for participants to attend job training and work experience activities; and

(5) Rental of space used to provide job training and work experience activities to participants.

(b) All proposed Job Training and Employment Services program expenses must be pre-approved by the Agency.

(c) The following expenses are ineligible for reimbursement under the Job Training and Employment Services program:

(1) Stipends or other financial compensation paid directly to participants;

(2) Equipment purchases;

(3) Vehicle purchases;

(4) Capital advances or startup costs for business development;

(5) Job training and work experience activities that are not allocable to participants in the Job Training and Employment Services program; and

(6) Expenses incurred for the general conduct of business, rather than for the exclusive benefit of participants in the Job Training and Employment Services program.

(d) In general, any expense not deemed eligible under section 8-20-8 is an ineligible expense unless pre-approved by the Agency.

(e) The subrecipient shall determine that all eligible costs paid on behalf of participants are necessary and reasonable. [Eff _____]

(Auth: RCH §§4-105.4, 6-302; ROH §1-9.1) (Imp: RCH §6-302; ROH §6-22.3; 24 C.F.R. §§570.201(e), 570.207, 570.501(b))

§8-20-9 Non-Compliance and Revocation of Certification. (a) The Agency may revoke an organization's certification for the Job Training and Employment Services program at any time.

(b) An organization's certification for the Job Training and Employment Services program may be revoked and the Agency may recapture the organization's program funding, for any of the following violations:

(1) Non-compliance with subrecipient agreement;

(2) Spending of program funding on ineligible expenses; or

(3) Non-compliance with certification requirements in section 8-20-3(c).

(c) The Agency shall notify organizations in writing of the Agency's intent to revoke certification for the Job Training and Employment Services program.

(1) The Agency shall identify the reason or reasons for issuing a notice of intent to revoke an organization's certification.

(2) Whenever appropriate, the Agency shall identify corrective actions an organization shall take and establish a deadline by which the corrective actions shall be completed. Upon successful completion of corrective actions as determined by the Agency, the Agency may formally rescind a notice of intent to revoke an organization's certification.

(d) An organization shall have the opportunity to submit a written appeal of a notice of intent to revoke certification for the Job Training and Employment Services program. Written appeals shall be received by the Agency within thirty calendar days after the date of the Agency's written intent to revoke an organization's certification under section 8-20-9(c).

(1) Upon receipt of an organization's written appeal under this section, the Agency may:

(i) Formally rescind its intent to revoke an organization's certification under section 8-20-9(c);

(ii) Request additional information or documentation from the organization to explain the organization's appeal prior to making a formal determination; or

(iii) Deny the organization's written appeal.

(2) Actions in section 8-20-9(d)(1) taken by the Agency shall be documented in writing.

(e) The organization may submit a written request for an administrative review of a denied appeal in section 8-20-9(d). Written requests for an administrative review shall be received by the Agency no more than ten calendar days after the date of the Agency's written determination in section 8-20-9(d)(1).

(1) The administrative review shall be conducted by a minimum of three City staff who are not party to any decisions made in the organization's certification.

(2) The administrative review shall be conducted within thirty calendar days from the date the written request was received by the Agency.

(3) Written notice of the administrative review determination shall be provided to the organization and the Agency.

[Eff] (Auth: RCH §§4-105.4, 6-302; ROH §1-9.1) (Imp: RCH §6-302; ROH §6-22.3; 24 C.F.R. §§570.201(e), 570.207, 570.501(b), 570.910)

**DEPARTMENT OF COMMUNITY SERVICES
CITY AND COUNTY OF HONOLULU**

Chapter 8-20, Community Development Block Grant Job Training and Employment Services, was adopted on [date], following a public hearing on [date], after public notice was given on [date], in the Honolulu Star-Advertiser Public Hearings.

These Rules shall take effect ten days after filing with the City Clerk of the City and County of Honolulu.

ANTON C. KRUCKY
Director
Department of Community
Services

APPROVED:

RICK BLANGIARDI
Mayor
City and County of Honolulu
Date: _____

FILED:

GLEN I. TAKAHASHI
City Clerk
Date: _____

APPROVED AS TO FORM

AND LEGALITY:

Deputy Corporation Counsel

DRAFT