
Appendix C: Citations from the Workforce Investment Act, the Carl D. Perkins Vocational and Technical Education Act, the Code of Federal Regulations, and the Federal Register

Citations from the Workforce Investment Act, the Carl Perkins Vocational and Applied Technology Education Act, and the Code of Federal Regulations

This Appendix provides the specific text from the Workforce Investment Act of 1998, and the Carl D. Perkins Vocational and Applied Technology Education Act of 1998, which contain provisions related to O*NET, and sections of the *Code of Federal Regulation* which mention the *Dictionary of Occupational Titles*, the predecessor to O*NET. The CFR citations were identified through electronic search of the *Code of Federal Regulation* on the Internet site of the Government Printing Office (www.access.gpo.gov/nara/cfr). Given the length of the documents obtained through this search, only the specific pages containing the DOT references are included. The following table, also shown as Exhibit A.4 of the main text of this OMB Clearance request, lists the specific citations, the regulatory entity, and the topic of the regulation.

Title	Section	Regulatory Entity	Topic
20	220	Railroad Retirement Board	Determining Disability
	220.131		Vocational Considerations - Work which exists in the national economy.
	220.132		Vocational Considerations - Physical exertion requirements
	220.134		Vocational Considerations - Medical-vocational guidelines
	220.187		
20	404 P	Social Security Administration	Determining Disability and Blindness
	404.1566		Work which exists in the national economy
	404.1567		Physical exertion requirements
	404.1569		Listing of Medical-Vocational Guidelines
20	416 Part I	Social Security Administration	Supplemental Security Income for Aged, Blind and Disabled
	416.966		
	416.969		Listing of Medical-Vocational Guidelines
20	627.240	Department of Labor	Job Training Partnership Act, On-the-job Training

Title	Section	Regulatory Entity	Topic
20	651.10	Department of Labor	General Provisions Governing the Federal-State Employment Service, Definition of terms used in parts 651-658.
20	653.103	Department of Labor	Migrant and Seasonal Farm Worker Job Applications
20	655, 656	Department of Labor	Temporary Employment of Aliens in the United States
	655.730		Labor Condition Applications and Requirements for Employers Using Non-immigrants on H-1B Visas in Specialty Occupations and as Fashion Models
	655.940		Attestations by Employers Using F-1 Students in Off-Campus Work
	656.21		Labor Certification Process for Permanent Employment of Aliens in the United States, Applications for labor certification for Schedule A occupations
22	42.33	Department of State	Visas: Immigrants subject to Numerical Limitations. Diversity immigrants, Determinants of Work Experience.
28	50.14	Department of Justice	Statement of Policy Regarding Equal Employment Opportunity, Guidelines on Employee Selection Procedures
29	553	Department of Labor, Wage and Hour Division	Application of Fair Labor Standards Act to Employees of State and Local Government
	553.30		Determination of exemptions for occasional or sporadic employment
	553.103		Determination of "same type of services" for exemption of volunteers
	1607.15	Equal Employment Opportunity Commission	
34	600.2	Department of Education, Office of Post Secondary Education	Institutional Eligibility under the Higher Education Act of 1965 as amended, Definition of "recognized occupation" for which institution provides training

Title	Section	Regulatory Entity	Topic
38	21.4802	Department of Veterans' Affairs	Vocational Education and Rehabilitation, Service Members Occupational Conversion and Training Program, Definition of "related occupation" for purposes of employment of separating military personnel
41	60-3	Department of Labor, Office of Federal Contract Compliance Programs, Equal Employment Opportunity	Uniform Guidelines on Employee Selection Procedures, to assist employers, labor organizations, employment agencies and licensing and certification boards to comply with requirements of Federal law prohibiting employment practices which discriminate...
	60-3.15		Documentation of impact and validity evidence
44	325.3	Federal Emergency Management Agency	Emergency Health and Medical Occupations, for planning emergency training and assignment of personnel

used by the local board for the administrative cost of carrying out local workforce investment activities described in subsection (d) or (e) of section 134 or in section 129(c).

(B) USE OF FUNDS.—Funds made available for administrative costs under subparagraph (A) may be used for the administrative cost of any of the local workforce investment activities described in subsection (d) or (e) of section 134 or in section 129(c), regardless of whether the funds were allocated under this subsection or section 133(b).

(C) REGULATIONS.—The Secretary, after consulting with the Governors, shall develop and issue regulations that define the term “administrative cost” for purposes of this title. Such definition shall be consistent with generally accepted accounting principles.

(c) REALLOCATION AMONG LOCAL AREAS.—

(1) IN GENERAL.—The Governor may, in accordance with this subsection, reallocate to eligible local areas within the State amounts that are allocated under paragraph (2)(A) or (3) of subsection (b) for youth activities and that are available for reallocation.

(2) AMOUNT.—The amount available for reallocation for a program year is equal to the amount by which the unobligated balance of the local area allocation under paragraph (2)(A) or (3) of subsection (b) for such activities, at the end of the program year prior to the program year for which the determination under this paragraph is made exceeds 20 percent of such allocation for the prior program year.

(3) REALLOCATION.—In making reallocations to eligible local areas of amounts available pursuant to paragraph (2) for a program year, the Governor shall allocate to each eligible local area within the State an amount based on the relative amount allocated to such local area under subsection (b)(3) for such activities for the prior program year, as compared to the total amount allocated to all eligible local areas in the State under subsection (b)(3) for such activities for such prior program year. For purposes of this paragraph, local areas that received allocations under subsection (b)(2)(A) for the prior program year shall be treated as if the local areas received allocations under subsection (b)(3) for such year.

(4) ELIGIBILITY.—For purposes of this subsection, an eligible local area means a local area that has obligated at least 80 percent of the local area allocation under paragraph (2)(A) or (3) of subsection (b) for such activities, for the program year prior to the program year for which the determination under paragraph (2) is made.

29 USC 2854.

SEC. 129. USE OF FUNDS FOR YOUTH ACTIVITIES.

(a) PURPOSES.—The purposes of this section are—

(1) to provide, to eligible youth seeking assistance in achieving academic and employment success, effective and comprehensive activities, which shall include a variety of options for improving educational and skill competencies and provide effective connections to employers;

(2) to ensure on-going mentoring opportunities for eligible youth with adults committed to providing such opportunities;

(3) to provide opportunities for training to eligible youth;

(4) to provide continued supportive services for eligible youth;

(5) to provide incentives for recognition and achievement to eligible youth; and

(6) to provide opportunities for eligible youth in activities related to leadership, development, decisionmaking, citizenship, and community service.

(b) STATEWIDE YOUTH ACTIVITIES.—

(1) IN GENERAL.—Funds reserved by a Governor for a State as described in sections 128(a) and 133(a)(1)—

(A) shall be used to carry out the statewide youth activities described in paragraph (2); and

(B) may be used to carry out any of the statewide youth activities described in paragraph (3), regardless of whether the funds were allotted to the State under section 127(b)(1) or under paragraph (1) or (2) of section 132(b).

(2) REQUIRED STATEWIDE YOUTH ACTIVITIES.—A State shall use funds reserved as described in sections 128(a) and 133(a)(1) (regardless of whether the funds were allotted to the State under section 127(b)(1) or paragraph (1) or (2) of section 132(b)) to carry out statewide youth activities, which shall include—

(A) disseminating a list of eligible providers of youth activities described in section 123;

(B) carrying out activities described in clauses (ii) through (vi) of section 134(a)(2)(B), except that references in such clauses to activities authorized under section 134 shall be considered to be references to activities authorized under this section; and

(C) providing additional assistance to local areas that have high concentrations of eligible youth to carry out the activities described in subsection (c).

(3) ALLOWABLE STATEWIDE YOUTH ACTIVITIES.—A State may use funds reserved as described in sections 128(a) and 133(a)(1) (regardless of whether the funds were allotted to the State under section 127(b)(1) or paragraph (1) or (2) of section 132(b)) to carry out additional statewide youth activities, which may include—

(A) carrying out activities described in clauses (i), (ii), (iii), (iv)(II), and (vi)(II) of section 134(a)(3)(A), except that references in such clauses to activities authorized under section 134 shall be considered to be references to activities authorized under this section; and

(B) carrying out, on a statewide basis, activities described in subsection (c).

(4) PROHIBITION.—No funds described in this subsection or section 134(a) shall be used to develop or implement education curricula for school systems in the State.

(c) LOCAL ELEMENTS AND REQUIREMENTS.—

(1) PROGRAM DESIGN.—Funds allocated to a local area for eligible youth under paragraph (2)(A) or (3), as appropriate, of section 128(b) shall be used to carry out, for eligible youth, programs that—

(A) provide an objective assessment of the academic levels, skill levels, and service needs of each participant, which assessment shall include a review of basic skills, occupational skills, prior work experience, employability,

interests, aptitudes (including interests and aptitudes for nontraditional jobs), supportive service needs, and developmental needs of such participant, except that a new assessment of a participant is not required if the provider carrying out such a program determines it is appropriate to use a recent assessment of the participant conducted pursuant to another education or training program;

(B) develop service strategies for each participant that shall identify an employment goal (including, in appropriate circumstances, nontraditional employment), appropriate achievement objectives, and appropriate services for the participant taking into account the assessment conducted pursuant to subparagraph (A), except that a new service strategy for a participant is not required if the provider carrying out such a program determines it is appropriate to use a recent service strategy developed for the participant under another education or training program; and

(C) provide—

(i) preparation for postsecondary educational opportunities, in appropriate cases;

(ii) strong linkages between academic and occupational learning;

(iii) preparation for unsubsidized employment opportunities, in appropriate cases; and

(iv) effective connections to intermediaries with strong links to—

(I) the job market; and

(II) local and regional employers.

(2) PROGRAM ELEMENTS.—The programs described in paragraph (1) shall provide elements consisting of—

(A) tutoring, study skills training, and instruction, leading to completion of secondary school, including dropout prevention strategies;

(B) alternative secondary school services, as appropriate;

(C) summer employment opportunities that are directly linked to academic and occupational learning;

(D) as appropriate, paid and unpaid work experiences, including internships and job shadowing;

(E) occupational skill training, as appropriate;

(F) leadership development opportunities, which may include community service and peer-centered activities encouraging responsibility and other positive social behaviors during non-school hours, as appropriate;

(G) supportive services;

(H) adult mentoring for the period of participation and a subsequent period, for a total of not less than 12 months;

(I) followup services for not less than 12 months after the completion of participation, as appropriate; and

(J) comprehensive guidance and counseling, which may include drug and alcohol abuse counseling and referral, as appropriate.

(3) ADDITIONAL REQUIREMENTS.—

(A) INFORMATION AND REFERRALS.—Each local board shall ensure that each participant or applicant who meets

the minimum income criteria to be considered an eligible youth shall be provided

(i) information on the full array of applicable or appropriate services that are available through the local board or other eligible providers or one-stop partners, including those receiving funds under this subtitle; and

(ii) referral to appropriate training and educational programs that have the capacity to serve the participant or applicant either on a sequential or concurrent basis.

(B) **APPLICANTS NOT MEETING ENROLLMENT REQUIREMENTS.**-Each eligible provider of a program of youth activities shall ensure that an eligible applicant who does not meet the enrollment requirements of the particular program or who cannot be served shall be referred for further assessment, as necessary, and referred to appropriate programs in accordance with subparagraph (A) to meet the basic skills and training needs of the applicant.

(C) **INVOLVEMENT IN DESIGN AND IMPLEMENTATION.**The local board shall ensure that parents, participants, and other members of the community with experience relating to programs for youth are involved in the design and implementation of the programs described in paragraph (1).

(4) **PRIORITY.**-

(A) **IN GENERAL.**-At a minimum, 30 percent of the funds described in paragraph (1) shall be used to provide youth activities to out-of-school youth.

(B) **EXCEPTION.**-A State that receives a minimum allotment under section 127(b)(1) in accordance with section 127(b)(1)(C)(iv)(II) or under section 132(b)(1) in accordance with section 132(b)(1)(B)(iv)(II) may reduce the percentage described in subparagraph (A) for a local area in the State, if

(i) after an analysis of the eligible youth population in the local area, the State determines that the local area will be unable to meet the percentage described in subparagraph (A) due to a low number of out-of-school youth; and

(ii)(I) the State submits to the Secretary, for the local area, a request including a proposed reduced percentage for purposes of subparagraph (A), and the summary of the eligible youth population analysis; and

(II) the request is approved by the Secretary.

(5) **EXCEPTIONS.**-Not more than 5 percent of participants assisted under this section in each local area may be individuals who do not meet the minimum income criteria to be considered eligible youth, if such individuals are within one or more of the following categories:

(A) Individuals who are school dropouts.

(B) Individuals who are basic skills deficient.

(C) Individuals with educational attainment that is one or more grade levels below the grade level appropriate to the age of the individuals.

(D) Individuals who are pregnant or parenting.

PUBLIC LAW 105-220-AUG. 7,1998

(E) Individuals with disabilities, including learning disabilities.

(F) Individuals who are homeless or runaway youth.

(G) Individuals who are offenders.

(H) Other eligible youth who face serious barriers to employment as identified by the local board.

(6) PROHIBITIONS.-

(A) PROHIBITION AGAINST FEDERAL CONTROL OF EDUCATION.-No provision of this Act shall be construed to authorize any department, agency, officer, or employee of the United States to exercise any direction, supervision, or control over the curriculum, program of instruction, administration, or personnel of any educational institution, school, or school system, or over the selection of library resources, textbooks, or other printed or published instructional materials by any educational institution, school, or sch

hool system.

(B) NONDUPLICATION.-All of the funds made available under this Act shall be used in accordance with the requirements of this Act. None of the funds made available under this Act may be used to provide funding under the Schoolto-Work Opportunities Act of 1994 (20 U.S.C. 6101 et seq.) or to carry out, through programs funded under this Act, activities that were funded under the School-to-Work Opportunities Act of 1994, unless the programs funded under this Act serve only those participants eligible to participate in the programs under this Act.

(C) NONINTERFERENCE AND NONREPLACEMENT OF REGULAR ACADEMIC REQUIREMENTS.-No funds described in paragraph (1) shall be used to provide an activity for eligible youth who are not school dropouts if participation in the activity would interfere with or replace the regular academic requirements of the youth.

(7) LINKAGES.-In coordinating the programs authorized under this section, youth councils shall establish linkages with educational agencies responsible for services to participants as appropriate.

(8) VOLUNTEERS.-The local board shall make opportunities available for individuals who have successfully participated in programs carried out under this section to volunteer assistance to participants in the form of mentoring, tutoring, and other activities.

**CHAPTER 5-ADULT AND DISLOCATED WORKER
EMPLOYMENT AND TRAINING ACTIVITIES**

29 USC 2861.

SEC. 131. GENERAL AUTHORIZATION.

The Secretary shall make allotments under paragraphs (1)(B) and (2)(B) of section 132(b) to each State that meets the requirements of section 112 and a grant to each outlying area that complies with the requirements of this title, to assist the State or outlying area, and to enable the State or outlying area to assist local areas, for the purpose of providing workforce investment activities for adults, and dislocated workers, in the State or outlying area and in the local areas.

(B) OTHER FUNDS.—A portion of the funds made available under Federal law authorizing the programs and activities described in section 121(b)(1)(B), including the Wagner-Peyser Act (29 U.S.C. 49 et seq.), shall be used as described in clauses (i) and (ii) of subparagraph (A), to the extent not inconsistent with the Federal law involved.

(2) CORE SERVICES.—Funds described in paragraph (1)(A) shall be used to provide core services, which shall be available to individuals who are adults or dislocated workers through the one-stop delivery system and shall, at a minimum, include—

(A) determinations of whether the individuals are eligible to receive assistance under this subtitle;

(B) outreach, intake (which may include worker profiling), and orientation to the information and other services available through the one-stop delivery system;

(C) initial assessment of skill levels, aptitudes, abilities, and supportive service needs;

(D) job search and placement assistance, and where appropriate, career counseling;

(E) provision of employment statistics information, including the provision of accurate information relating to local, regional, and national labor market areas, including—

(i) job vacancy listings in such labor market areas;

(ii) information on job skills necessary to obtain the jobs described in clause (i); and

(iii) information relating to local occupations in demand and the earnings and skill requirements for such occupations; and

(F) provision of performance information and program cost information on eligible providers of training services as described in section 122, provided by program, and eligible providers of youth activities described in section 123, providers of adult education described in title II, providers of postsecondary vocational education activities and vocational education activities available to school dropouts under the Carl D. Perkins Vocational and Applied Technology Education Act (20 U.S.C. 2301 et seq.), and providers of vocational rehabilitation program activities described in title I of the Rehabilitation Act of 1973 (29 U.S.C. 720 et seq.);

(G) provision of information regarding how the local area is performing on the local performance measures and any additional performance information with respect to the one-stop delivery system in the local area;

(H) provision of accurate information relating to the availability of supportive services, including child care and transportation, available in the local area, and referral to such services, as appropriate;

(I) provision of information regarding filing claims for unemployment compensation;

(J) assistance in establishing eligibility for—

(i) welfare-to-work activities authorized under section 403(a)(5) of the Social Security Act (as added by section 5001 of the Balanced Budget Act of 1997) available in the local area; and

(ii) programs of financial aid assistance for training and education programs that are not funded under this Act and are available in the local area; and

(K) followup services, including counseling regarding the workplace, for participants in workforce investment activities authorized under this subtitle who are placed in unsubsidized employment, for not less than 12 months after the first day of the employment, as appropriate.

(3) INTENSIVE SERVICES.—

(A) IN GENERAL.—Funds allocated to a local area for adults under paragraph (2)(A) or (3), as appropriate, of section 133(b), and funds allocated to the local area for dislocated workers under section 133(b)(2)(B), shall be used to provide intensive services to adults and dislocated workers, respectively—

(i)(I) who are unemployed and are unable to obtain employment through core services provided under paragraph (2); and

(II) who have been determined by a one-stop operator to be in need of more intensive services in order to obtain employment; or

(ii) who are employed, but who are determined by a one-stop operator to be in need of such intensive services in order to obtain or retain employment that allows for self-sufficiency.

(B) DELIVERY OF SERVICES.—Such intensive services shall be provided through the one-stop delivery system—

(i) directly through one-stop operators identified pursuant to section 121(d); or

(ii) through contracts with service providers, which may include contracts with public, private for-profit, and private nonprofit service providers, approved by the local board.

(C) TYPES OF SERVICES.—Such intensive services may include the following:

(i) Comprehensive and specialized assessments of the skill levels and service needs of adults and dislocated workers, which may include—

(I) diagnostic testing and use of other assessment tools; and

(II) in-depth interviewing and evaluation to identify employment barriers and appropriate employment goals.

(ii) Development of an individual employment plan, to identify the employment goals, appropriate achievement objectives, and appropriate combination of services for the participant to achieve the employment goals.

(iii) Group counseling.

(iv) Individual counseling and career planning.

(v) Case management for participants seeking training services under paragraph (4).

(vi) Short-term prevocational services, including development of learning skills, communication skills, interviewing skills, punctuality, personal maintenance skills, and professional conduct, to prepare individuals for unsubsidized employment or training.

PUBLIC LAW 105-220-AUG. 7, 1998

(4) TRAINING SERVICES.-

(A) **IN GENERAL.-**Funds allocated to a local area for adults under paragraph (2)(A) or (3), as appropriate, of section 133(b), and funds allocated to a local area for dislocated workers under section 133(b)(2)(B) shall be used to provide training services to adults and dislocated workers, respectively

(i) who have met the eligibility requirements for intensive services under paragraph (3)(A) and who are unable to obtain or retain employment through such services;

(ii) who after an interview, evaluation, or assessment, and case management, have been determined by a one-stop operator or one-stop partner, as appropriate, to be in need of training services and to have the skills and qualifications to successfully participate in the selected program of training services;

(iii) who select programs of training services that are directly linked to the employment opportunities in the local area involved or in another area in which the adults or dislocated workers receiving such services are willing to relocate;

(iv) who meet the requirements of subparagraph (B); and

(v) who are determined to be eligible in accordance with the priority system, if any, in effect under subparagraph (E).

(B) QUALIFICATION -

(i) **REQUIREMENT.-**Except as provided in clause (ii), provision of such training services shall be limited to individuals who

(I) are unable to obtain other grant assistance for such services, including Federal Pell Grants established under title IV of the Higher Education Act of 1965 (20 U.S.C. 1070 et seq.); or

(II) require assistance beyond the assistance made available under other grant assistance programs, including Federal Pell Grants.

(ii) **REIMBURSEMENTS.-**Training services may be provided under this paragraph to an individual who otherwise meets the requirements of this paragraph while an application for a Federal Pell Grant is pending, except that if such individual is subsequently awarded a Federal Pell Grant, appropriate reimbursement shall be made to the local area from such Federal Pell Grant.

(C) **PROVIDER QUALIFICATION.-**Training services shall be provided through providers identified in accordance with section 122.

(D) **TRAINING SERVICES.-**Training services may include

(i) occupational skills training, including training for nontraditional employment;

(ii) on-the-job training;

(iii) programs that combine workplace training with related instruction, which may include cooperative education programs;

- (iv) training programs operated by the private sector;
- (v) skill upgrading and retraining;
- (vi) entrepreneurial training;
- (vii) job readiness training;
- (viii) adult education and literacy activities provided in combination with services described in any of clauses (i) through (vii); and
- (ix) customized training conducted with a commitment by an employer or group of employers to employ an individual upon successful completion of the training.

(E) **PRIORITY.**-In the event that funds allocated to a local area for adult employment and training activities under paragraph (2)(A) or (3) of section 133(b) are limited, priority shall be given to recipients of public assistance and other low-income individuals for intensive services and training services. The appropriate local board and the Governor shall direct the one-stop operators in the local area with regard to making determinations related to such priority.

(F) **CONSUMER CHOICE REQUIREMENTS.**-

(i) **IN GENERAL.**-Training services provided under this paragraph shall be provided in a manner that maximizes consumer choice in the selection of an eligible provider of such services.

(ii) **ELIGIBLE PROVIDERS.**-Each local board, through one-stop centers referred to in subsection (c), shall make available

(I) the State list of eligible providers of training services required under section 122(e), with a description of the programs through which the providers may offer the training services, and the information identifying eligible providers of on-the-job training and customized training required under section 122(h); and

(II) the performance information and performance cost information relating to eligible providers of training services described in subsections (e) and (h) of section 122. (G) **USE OF INDIVIDUAL TRAINING ACCOUNTS.**

(i) **IN GENERAL.**-Except as provided in clause (ii), training services provided under this paragraph shall be provided through the use of individual training accounts in accordance with this paragraph, and shall be provided to eligible individuals through the onestop delivery system.

(ii) **EXCEPTIONS.**-Training services authorized under this paragraph may be provided pursuant to a contract for services in lieu of an individual training account if the requirements of subparagraph (F) are met and if-

(I) such services are on-the-job training provided by an employer or customized training;

(II) the local board determines there are an insufficient number of eligible providers of training services in the local area involved (such as in

a rural area) to accomplish the purposes of a system of individual training accounts; or

(III) the local board determines that there is a training services program of demonstrated effectiveness offered in the local area by a community-based organization or another private organization to serve special participant populations that face multiple barriers to employment.

(iii) LINKAGE TO OCCUPATIONS IN DEMAND.-Training services provided under this paragraph shall be directly linked to occupations that are in demand in the local area, or in another area to which an adult or dislocated worker receiving such services is willing to relocate, except that a local board may approve training services for occupations determined by the local board to be in sectors of the economy that have a high potential for sustained demand or growth in the local area.

(iv) DEFINITION.-In this subparagraph, the term "Special participant population that faces multiple barriers to employment" means a population of low-income individuals that is included in one or more of the following categories:

- (I) Individuals with substantial language or cultural barriers.
- (II) Offenders.
- (III) Homeless individuals.
- (IV) Other hard-to-serve populations as defined by the Governor involved.

(e) PERMISSIBLE LOCAL EMPLOYMENT AND TRAINING ACTIVITIES.

(1) DISCRETIONARY ONE-STOP DELIVERY ACTIVITIES.-Funds allocated to a local area for adults under paragraph (2)(A) or (3), as appropriate, of section 133(b), and funds allocated to the local area for dislocated workers under section 133(b)(2)(B), may be used to provide, through one-stop delivery described in subsection (c)(2)

(A) customized screening and referral of qualified participants in training services described in subsection (d)(4) to employment; and

(B) customized employment-related services to employers on a fee-for-service basis.

(2) SUPPORTIVE SERVICES.-Funds allocated to a local area for adults under paragraph (2)(A) or (3), as appropriate, of section 133(b), and funds allocated to the local area for dislocated workers under section 133(b)(2)(B), may be used to provide supportive services to adults and dislocated workers, respectively

(A) who are participating in programs with activities authorized in any of paragraphs (2), (3), or (4) of subsection (d); and

(B) who are unable to obtain such supportive services through other programs providing such services.

(3) NEEDS-RELATED PAYMENTS.-

(A) IN GENERAL.-Funds allocated to a local area for adults under paragraph (2)(A) or (3), as appropriate, of section 133(b), and funds allocated to the local area for

dislocated workers under section 133(b)(2)(B), may be used to provide needs-related payments to adults and dislocated workers, respectively, who are unemployed and do not qualify for (or have ceased to qualify for) unemployment compensation for the purpose of enabling such individuals to participate in programs of training services under subsection (d)(4).

(B) **ADDITIONAL ELIGIBILITY REQUIREMENTS.**—In addition to the requirements contained in subparagraph (A), a dislocated worker who has ceased to qualify for unemployment compensation may be eligible to receive needs-related payments under this paragraph only if such worker was enrolled in the training services—

(i) by the end of the 13th week after the most recent layoff that resulted in a determination of the worker's eligibility for employment and training activities for dislocated workers under this subtitle; or

(ii) if later, by the end of the 8th week after the worker is informed that a short-term layoff will exceed 6 months.

(C) **LEVEL OF PAYMENTS.**—The level of a needs-related payment made to a dislocated worker under this paragraph shall not exceed the greater of—

(i) the applicable level of unemployment compensation; or

(ii) if such worker did not qualify for unemployment compensation, an amount equal to the poverty line, for an equivalent period, which amount shall be adjusted to reflect changes in total family income.

CHAPTER 6—GENERAL PROVISIONS

SEC. 136. PERFORMANCE ACCOUNTABILITY SYSTEM.

29 USC 2871.

(a) **PURPOSE.**—The purpose of this section is to establish a comprehensive performance accountability system, comprised of the activities described in this section, to assess the effectiveness of States and local areas in achieving continuous improvement of workforce investment activities funded under this subtitle, in order to optimize the return on investment of Federal funds in statewide and local workforce investment activities.

(b) **STATE PERFORMANCE MEASURES.**—

(1) **IN GENERAL.**—For each State, the State performance measures shall consist of—

(A)(i) the core indicators of performance described in paragraph (2)(A) and the customer satisfaction indicator of performance described in paragraph (2)(B); and

(ii) additional indicators of performance (if any) identified by the State under paragraph (2)(C); and

(B) a State adjusted level of performance for each indicator described in subparagraph (A).

(2) **INDICATORS OF PERFORMANCE.**—

(A) **CORE INDICATORS OF PERFORMANCE.**—

(i) **IN GENERAL.**—The core indicators of performance for employment and training activities authorized under section 134 (except for self-service and informational activities) and (for participants who are eligible

youth age 19 through 21) for youth activities authorized under section 129 shall consist of—

- (I) entry into unsubsidized employment;
 - (II) retention in unsubsidized employment 6 months after entry into the employment;
 - (III) earnings received in unsubsidized employment 6 months after entry into the employment;
- and

(IV) attainment of a recognized credential relating to achievement of educational skills, which may include attainment of a secondary school diploma or its recognized equivalent, or occupational skills, by participants who enter unsubsidized employment, or by participants who are eligible youth age 19 through 21 who enter postsecondary education, advanced training, or unsubsidized employment.

(ii) CORE INDICATORS FOR ELIGIBLE YOUTH.—The core indicators of performance (for participants who are eligible youth age 14 through 18) for youth activities authorized under section 129, shall include—

- (I) attainment of basic skills and, as appropriate, work readiness or occupational skills;
- (II) attainment of secondary school diplomas and their recognized equivalents; and
- (III) placement and retention in postsecondary education or advanced training, or placement and retention in military service, employment, or qualified apprenticeships.

(B) CUSTOMER SATISFACTION INDICATORS.—The customer satisfaction indicator of performance shall consist of customer satisfaction of employers and participants with services received from the workforce investment activities authorized under this subtitle. Customer satisfaction may be measured through surveys conducted after the conclusion of participation in the workforce investment activities.

(C) ADDITIONAL INDICATORS.—A State may identify in the State plan additional indicators for workforce investment activities authorized under this subtitle.

(3) LEVELS OF PERFORMANCE.—

(A) STATE ADJUSTED LEVELS OF PERFORMANCE FOR CORE INDICATORS AND CUSTOMER SATISFACTION INDICATOR.—

(i) IN GENERAL.—For each State submitting a State plan, there shall be established, in accordance with this subparagraph, levels of performance for each of the core indicators of performance described in paragraph (2)(A) and the customer satisfaction indicator described in paragraph (2)(B) for workforce investment activities authorized under this subtitle. The levels of performance established under this subparagraph shall, at a minimum—

- (I) be expressed in an objective, quantifiable, and measurable form; and
- (II) show the progress of the State toward continuously improving in performance.

(ii) IDENTIFICATION IN STATE PLAN.-Each State shall identify, in the State plan submitted under section 112, expected levels of performance for each of the core indicators of performance and the customer satisfaction indicator of performance, for the first 3 program years covered by the State plan.

(iii) AGREEMENT ON STATE ADJUSTED LEVELS OF PERFORMANCE FOR FIRST 3 YEARS.-In order to ensure an optimal return on the investment of Federal funds in workforce investment activities authorized under this subtitle, the Secretary and each Governor shall reach agreement on levels of performance for each of the core indicators of performance and the customer satisfaction indicator of performance, for the first 3 program years covered by the State plan, taking into account the levels identified in the State plan under clause (ii) and the factors described in clause (iv). The levels agreed to under this clause shall be considered to be the State adjusted levels of performance for the State for such years and shall be incorporated into the State plan prior to the approval of such plan. (iv) FACTORS.-The agreement described in clause (iii) or (v) shall take into account

(1) the extent to which the levels involved will assist the State in attaining a high level of customer satisfaction;

(II) how the levels involved compare with the State adjusted levels of performance established for other States, taking into account factors including differences in economic conditions, the characteristics of participants when the participants entered the program, and the services to be provided; and

(III) the extent to which such levels involved promote continuous improvement in performance on the performance measures by such State and ensure optimal return on the investment of Federal funds.

(v) AGREEMENT ON STATE ADJUSTED LEVELS OF PERFORMANCE FOR 4TH AND 5TH YEARS.-Prior to the 4th program year covered by the State plan, the Secretary and each Governor shall reach agreement on levels of performance for each of the core indicators of performance and the customer satisfaction indicator of performance, for the 4th and 5th program years covered by the State plan, taking into account the factors described in clause (iv). The levels agreed to under this clause shall be considered to be the State adjusted levels of performance for the State for such years and shall be incorporated into the State plan. (vi) REVISIONS.-If unanticipated circumstances arise in a State resulting in a significant change in the factors described in clause (iv)(II) the Governor may request that the State adjusted levels of performance agreed to under clause (iii) or (v) be revised.

PUBLIC LAW 105-220-AUG. 7,1998

The Secretary, after collaboration with the representatives described in subsection (i), shall issue objective criteria and methods for making such revisions.

(B) LEVELS OF PERFORMANCE FOR ADDITIONAL INDICATORS.-The State may identify, in the State plan, State levels of performance for each of the additional indicators described in paragraph (2)(C). Such levels shall be considered to be State adjusted levels of performance for purposes of this title.

(c) LOCAL PERFORMANCE MEASURES.-

(1) IN GENERAL.-For each local area in a State, the local performance measures shall consist of

(A)(i) the core indicators of performance described in subsection (b)(2)(A), and the customer satisfaction indicator of performance described in subsection (b)(2)(B), for activities described in such subsections, other than statewide workforce investment activities; and

(ii) additional indicators of performance (if any) identified by the State under subsection (b)(2)(C) for activities described in such subsection, other than statewide workforce investment activities; and

(B) a local level of performance for each indicator described in subparagraph (A).

(2) LOCAL LEVEL OF PERFORMANCE.-The local board, the chief elected official, and the Governor shall negotiate and reach agreement on the local levels of performance based on the State adjusted levels of performance established under subsection (b).

(3) DETERMINATIONS.-In determining such local levels of performance, the local board, the chief elected official, and the Governor shall take into account the specific economic, demographic, and other characteristics of the populations to be served in the local area.

(d) REPORT.-

(1) IN GENERAL.-Each State that receives an allotment under section 127 or 132 shall annually prepare and submit to the Secretary a report on the progress of the State in achieving State performance measures, including information on the levels of performance achieved by the State with respect to the core indicators of performance and the customer satisfaction indicator. The annual report also shall include information regarding the progress of local areas in the State in achieving local performance measures, including information on the levels of performance achieved by the areas with respect to the core indicators of performance and the customer satisfaction indicator. The report also shall include information on the status of State evaluations of workforce investment activities described in subsection (e).

(2) ADDITIONAL INFORMATION.-In preparing such report, the State shall include, at a minimum, information on participants in workforce investment activities authorized under this subtitle relating to

(A) entry by participants who have completed training services provided under section 134(d)(4) into unsubsidized employment related to the training received;

(B) wages at entry into employment for participants in workforce investment activities who entered

unsubsidized employment, including the rate of wage replacement for such participants who are dislocated workers; (C) cost of workforce investment activities relative to the effect of the activities on the performance of participants;

(D) retention and earnings received in unsubsidized employment 12 months after entry into the employment;

(E) performance with respect to the indicators of performance specified in subsection (b)(2)(A) of participants in workforce investment activities who received the training services compared with the performance of participants in workforce investment activities who received only services other than the training services (excluding participants who received only self-service and informational activities); and

(F) performance with respect to the indicators of performance specified in subsection (b)(2)(A) of recipients of public assistance, out-of-school youth, veterans, individuals with disabilities, displaced homemakers, and older individuals.

(3) INFORMATION DISSEMINATION.-The Secretary-

Publication.

(A) shall make the information contained in such reports available to the general public through publication and other appropriate methods;

(B) shall disseminate State-by-State comparisons of the information; and

(C) shall provide the appropriate congressional committees with copies of such reports.

(e) EVALUATION OF STATE PROGRAMS.

(1) IN GENERAL.-Using funds made available under this subtitle, the State, in coordination with local boards in the State, shall conduct ongoing evaluation studies of workforce investment activities carried out in the State under this subtitle in order to promote, establish, implement, and utilize methods for continuously improving the activities in order to achieve high-level performance within, and high-level outcomes from, the statewide workforce investment system. To the maximum extent practicable, the State shall coordinate the evaluations with the evaluations provided for by the Secretary under section 172.

(2) DESIGN.-The evaluation studies conducted under this subsection shall be designed in conjunction with the State board and local boards and shall include analysis of customer feedback and outcome and process measures in the statewide workforce investment system. The studies may include use of control groups.

(3) RESULTS.-The State shall periodically prepare and submit to the State board, and local boards in the State, reports containing the results of evaluation studies conducted under this subsection, to promote the efficiency and effectiveness of the statewide workforce investment system in improving employability for jobseekers and competitiveness for employers.

Reports.

(f) FISCAL AND MANAGEMENT ACCOUNTABILITY INFORMATION SYSTEMS.

(1) IN GENERAL.-Using funds made available under this subtitle, the Governor, in coordination with local boards and

Guidelines.

PUBLIC LAW 105-220-AUG. 7,1998

chief elected officials in the State, shall establish and operate a fiscal and management accountability information system based on guidelines established by the Secretary after consultation with the Governors, local elected officials, and one-stop partners. Such guidelines shall promote efficient collection and use of fiscal and management information for reporting and monitoring the use of funds made available under this subtitle and for preparing the annual report described in subsection (d).

(2) WAGE RECORDS.-In measuring the progress of the State on State and local performance measures, a State shall utilize quarterly wage records, consistent with State law. The Secretary shall make arrangements, consistent with State law, to ensure that the wage records of any State are available to any other State to the extent that such wage records are required by the State in carrying out the State plan of the State or completing the annual report described in subsection (d).

(3) CONFIDENTIALITY.-In carrying out the requirements of this Act, the State shall comply with section 444 of the General Education Provisions Act (20 U.S.C. 1232g) (as added by the Family Educational Rights and Privacy Act of 1974).

(g) SANCTIONS FOR STATE FAILURE To MEET STATE PERFORMANCE MEASURES.

(1) STATES.-

(A) TECHNICAL ASSISTANCE.-If a State fails to meet State adjusted levels of performance relating to indicators described in subparagraph (A) or (B) of subsection (b)(2) for a program for any program year, the Secretary shall, upon request, provide technical assistance in accordance with section 170, including assistance in the development of a performance improvement plan.

(B) REDUCTION IN AMOUNT OF GRANT.-If such failure continues for a second consecutive year, or if a State fails to submit a report under subsection (d) for any program year, the Secretary may reduce by not more than 5 percent, the amount of the grant that would (in the absence of this paragraph) be payable to the State under such program for the immediately succeeding program year. Such penalty shall be based on the degree of failure to meet State adjusted levels of performance.

(2) FUNDS RESULTING FROM REDUCED ALLOTMENTS.-The Secretary shall use an amount retained, as a result of a reduction in an allotment to a State made under paragraph (1)(B), to provide incentive grants under section 503.

(h) SANCTIONS FOR LOCAL AREA FAILURE To MEET LOCAL PERFORMANCE MEASURES.

(1) TECHNICAL ASSISTANCE.-If a local area fails to meet levels of performance relating to indicators described in subparagraph (A) or (B) of subsection (b)(2) for a program for any program year, the Governor, or upon request by the Governor, the Secretary, shall provide technical assistance, which may include assistance in the development of a performance improvement plan, or the development of a modified local plan.

(2) CORRECTIVE ACTIONS.

PUBLIC LAW 105-220-AUG. 7,1998 112 STAT. 1005

(A) IN GENERAL.-If such failure continues for a second consecutive year, the Governor shall take corrective actions, which may include development of a reorganization plan through which the Governor may

(i) require the appointment and certification of a new local board (consistent with the criteria established under section 117(b));

(ii) prohibit the use of eligible providers and one stop partners identified as achieving a poor level of performance; or

(iii) take such other actions as the Governor determines are appropriate.

(B) APPEAL BY LOCAL AREA.-

Deadlines.

(i) **APPEAL TO GOVERNOR.**-A local area that is subject to a reorganization plan under subparagraph (A) may, not later than 30 days after receiving notice of the reorganization plan, appeal to the Governor to rescind or revise such plan. In such case, the Governor shall make a final decision not later than 30 days after the receipt of the appeal.

(ii) **SUBSEQUENT ACTION.**-The local area may, not later than 30 days after receiving a decision from the Governor pursuant to clause (i), appeal such decision to the Secretary. In such case, the Secretary shall make a final decision not later than 30 days after the receipt of the appeal.

(C) EFFECTIVE DATE.-The decision made by the Governor under clause (i) of subparagraph (B) shall become effective at the time the Governor issues the decision pursuant to such clause. Such decision shall remain effective unless the Secretary rescinds or revises such plan pursuant to clause (ii) of subparagraph (B).

(i) OTHER MEASURES AND TERMINOLOGY.

(1) RESPONSIBILITIES.-In order to ensure nationwide comparability of performance data, the Secretary, after collaboration with representatives of appropriate Federal agencies, and representatives of States and political subdivisions, business and industry, employees, eligible providers of employment and training activities, educators, and participants, with expertise regarding workforce investment policies and workforce investment activities, shall issue

(A) definitions for information required to be reported under subsection (d)(2);

(B) terms for a menu of additional indicators of performance described in subsection (b)(2)(C) to assist States in assessing their progress toward State workforce investment goals; and

(C) objective criteria and methods described in subsection (b)(3)(A)(vi) for making revisions to levels of performance.

(2) DEFINITIONS FOR CORE INDICATORS.-The Secretary and the representatives described in paragraph (1) shall participate in the activities described in section 502 concerning the issuance of definitions for indicators of performance described in subsection (b)(2)(A).

112 STAT. 1006

PUBLIC LAW 105-220-AUG. 7,1998

(3) ASSISTANCE.-The Secretary shall make the services of staff available to the representatives to assist the representatives in participating in the collaboration described in paragraph (1) and in the activities described in section 502.

29 USC 2872. SEC. 137. **AUTHORIZATION OF APPROPRIATIONS.**

(a) YOUTH ACTIVITIES.-There are authorized to be appropriated to carry out the activities described in section 127(a), such sums as may be necessary for each of fiscal years 1999 through 2003. (b) ADULT EMPLOYMENT AND TRAINING ACTIVITIES.-There are authorized to be appropriated to carry out the activities described in section 132(a)(1), such sums as may be necessary for each of fiscal years 1999 through 2003.

(c) DISLOCATED WORKER EMPLOYMENT AND TRAINING ACTIVITIES.-There are authorized to be appropriated to carry out the activities described in section 132(a)(2), such sums as may be necessary for each of fiscal years 1999 through 2003.

Subtitle C---Job Corps

29 USC 2881. SEC. 141. **PURPOSES.**

The purposes of this subtitle are-

(1) to maintain a national Job Corps program, carried out in partnership with States and communities, to assist eligible youth who need and can benefit from an intensive

program, operated in a group setting in residential and nonresidential centers, to become more responsible, employable, and productive citizens;

(2) to set forth standards and procedures for selecting individuals as enrollees in the Job Corps;

(3) to authorize the establishment of Job Corps centers in which enrollees will participate in intensive programs of activities described in this subtitle; and

(4) to prescribe various other powers, duties, and responsibilities incident to the operation and continuing development of the Job Corps.

29 USC 2882. SEC. 142. **DEFINITIONS.**

In this subtitle:

(1) **APPLICABLE LOCAL BOARD.**-The term "applicable local board" means a local board

(A) that provides information for a Job Corps center on local employment opportunities and the job skills needed to obtain the opportunities; and

(B) that serves communities in which the graduates of the Job Corps center seek employment.

(2) **APPLICABLE ONE-STOP CENTER.**-The term "applicable one-stop center" means a one-stop customer service center that provides services, such as referral, intake, recruitment, and placement, to a Job Corps center.

(3) **ENROLLEE.**-The term "enrollee" means an individual who has voluntarily applied for, been selected for, and enrolled in the Job Corps program, and remains with the program, but has not yet become a graduate.

(4) **FORMER ENROLLEE.**-The term "former enrollee" means an individual who has voluntarily applied for, been selected for, and enrolled in the Job Corps program, but left the program

SEC. 154. INDUSTRY COUNCILS.

29 USC 2894.

(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) at least 3 months prior to the date on which the center accepts the first enrollee at the center.

SEC. 155. ADVISORY COMMITTEES.

29 USC 2895.

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.

(5) by redesignating subsection (e) as subsection (d); and
 (6) in subsection (d) (as redesignated in paragraph (5)),
 by striking “such plans” and inserting “such detailed plans”.

SEC. 307. REPEAL OF FEDERAL ADVISORY COUNCIL.

Section 11 of the Wagner-Peyser Act (29 U.S.C. 49j) is amended—

- (1) by striking “11.” and all that follows through “(b) In” and inserting “11. In”; and
- (2) by striking “Director” and inserting “Secretary”.

SEC. 308. REGULATIONS.

Section 12 of the Wagner-Peyser Act (29 U.S.C. 49k) is amended by striking “The Director, with the approval of the Secretary of Labor,” and inserting “The Secretary”.

SEC. 309. EMPLOYMENT STATISTICS.

The Wagner-Peyser Act is amended—

- (1) by redesignating section 15 (29 U.S.C. 49 note) as section 16; and
- (2) by inserting after section 14 (29 U.S.C. 49l-1) the following:

29 USC 49l-2.

“SEC. 15. EMPLOYMENT STATISTICS.

“(a) SYSTEM CONTENT.—

“(1) IN GENERAL.—The Secretary, in accordance with the provisions of this section, shall oversee the development, maintenance, and continuous improvement of a nationwide employment statistics system of employment statistics that includes—

“(A) statistical data from cooperative statistical survey and projection programs and data from administrative reporting systems that, taken together, enumerate, estimate, and project employment opportunities and conditions at national, State, and local levels in a timely manner, including statistics on—

“(i) employment and unemployment status of national, State, and local populations, including self-employed, part-time, and seasonal workers;

“(ii) industrial distribution of occupations, as well as current and projected employment opportunities, wages, benefits (where data is available), and skill trends by occupation and industry, with particular attention paid to State and local conditions;

“(iii) the incidence of, industrial and geographical location of, and number of workers displaced by, permanent layoffs and plant closings; and

“(iv) employment and earnings information maintained in a longitudinal manner to be used for research and program evaluation;

“(B) information on State and local employment opportunities, and other appropriate statistical data related to labor market dynamics, which—

“(i) shall be current and comprehensive;

“(ii) shall meet the needs identified through the consultations described in subparagraphs (A) and (B) of subsection (e)(2); and

“(iii) shall meet the needs for the information identified in section 134(d);

“(C) technical standards (which the Secretary shall publish annually) for data and information described in subparagraphs (A) and (B) that, at a minimum, meet the criteria of chapter 35 of title 44, United States Code;

“(D) procedures to ensure compatibility and additivity of the data and information described in subparagraphs (A) and (B) from national, State, and local levels;

“(E) procedures to support standardization and aggregation of data from administrative reporting systems described in subparagraph (A) of employment-related programs;

“(F) analysis of data and information described in subparagraphs (A) and (B) for uses such as—

“(i) national, State, and local policymaking;

“(ii) implementation of Federal policies (including allocation formulas);

“(iii) program planning and evaluation; and

“(iv) researching labor market dynamics;

“(G) wide dissemination of such data, information, and analysis in a user-friendly manner and voluntary technical standards for dissemination mechanisms; and

“(H) programs of—

“(i) training for effective data dissemination;

“(ii) research and demonstration; and

“(iii) programs and technical assistance.

“(2) INFORMATION TO BE CONFIDENTIAL.—

“(A) IN GENERAL.—No officer or employee of the Federal Government or agent of the Federal Government may—

“(i) use any submission that is furnished for exclusively statistical purposes under the provisions of this section for any purpose other than the statistical purposes of this section for which the submission is furnished;

“(ii) make any publication or media transmittal of the data contained in the submission described in clause (i) that permits information concerning individual subjects to be reasonably inferred by either direct or indirect means; or

“(iii) permit anyone other than a sworn officer, employee, or agent of any Federal department or agency, or a contractor (including an employee of a contractor) of such department or agency, to examine an individual submission described in clause (i);

without the consent of the individual, agency, or other person who is the subject of the submission or provides that submission.

“(B) IMMUNITY FROM LEGAL PROCESS.—Any submission (including any data derived from the submission) that is collected and retained by a Federal department or agency, or an officer, employee, agent, or contractor of such a department or agency, for exclusively statistical purposes under this section shall be immune from the legal process and shall not, without the consent of the individual, agency, or other person who is the subject of the submission or provides that submission, be admitted as evidence or used

for any purpose in any action, suit, or other judicial or administrative proceeding.

“(C) RULE OF CONSTRUCTION.—Nothing in this section shall be construed to provide immunity from the legal process for such submission (including any data derived from the submission) if the submission is in the possession of any person, agency, or entity other than the Federal Government or an officer, employee, agent, or contractor of the Federal Government, or if the submission is independently collected, retained, or produced for purposes other than the purposes of this Act.

“(b) SYSTEM RESPONSIBILITIES.—

“(1) IN GENERAL.—The employment statistics system described in subsection (a) shall be planned, administered, overseen, and evaluated through a cooperative governance structure involving the Federal Government and States.

“(2) DUTIES.—The Secretary, with respect to data collection, analysis, and dissemination of labor employment statistics for the system, shall carry out the following duties:

“(A) Assign responsibilities within the Department of Labor for elements of the employment statistics system described in subsection (a) to ensure that all statistical and administrative data collected is consistent with appropriate Bureau of Labor Statistics standards and definitions.

“(B) Actively seek the cooperation of other Federal agencies to establish and maintain mechanisms for ensuring complementarity and nonduplication in the development and operation of statistical and administrative data collection activities.

“(C) Eliminate gaps and duplication in statistical undertakings, with the systemization of wage surveys as an early priority.

“(D) In collaboration with the Bureau of Labor Statistics and States, develop and maintain the elements of the employment statistics system described in subsection (a), including the development of consistent procedures and definitions for use by the States in collecting the data and information described in subparagraphs (A) and (B) of subsection (a)(1).

“(E) Establish procedures for the system to ensure that—

“(i) such data and information are timely;

“(ii) paperwork and reporting for the system are reduced to a minimum; and

“(iii) States and localities are fully involved in the development and continuous improvement of the system at all levels, including ensuring the provision, to such States and localities, of budget information necessary for carrying out their responsibilities under subsection (e).

“(c) ANNUAL PLAN.—The Secretary, working through the Bureau of Labor Statistics, and in cooperation with the States, and with the assistance of other appropriate Federal agencies, shall prepare an annual plan which shall be the mechanism for achieving cooperative management of the nationwide employment statistics system described in subsection (a) and the statewide

Procedures.

employment statistics systems that comprise the nationwide system. The plan shall—

“(1) describe the steps the Secretary has taken in the preceding year and will take in the following 5 years to carry out the duties described in subsection (b)(2);

“(2) include a report on the results of an annual consumer satisfaction review concerning the performance of the system, including the performance of the system in addressing the needs of Congress, States, localities, employers, jobseekers, and other consumers; Reports.

“(3) evaluate the performance of the system and recommend needed improvements, taking into consideration the results of the consumer satisfaction review, with particular attention to the improvements needed at the State and local levels;

“(4) justify the budget request for annual appropriations by describing priorities for the fiscal year succeeding the fiscal year in which the plan is developed and priorities for the 5 subsequent fiscal years for the system;

“(5) describe current (as of the date of the submission of the plan) spending and spending needs to carry out activities under this section, including the costs to States and localities of meeting the requirements of subsection (e)(2); and

“(6) describe the involvement of States in the development of the plan, through formal consultations conducted by the Secretary in cooperation with representatives of the Governors of every State, and with representatives of local workforce investment boards, pursuant to a process established by the Secretary in cooperation with the States.

“(d) COORDINATION WITH THE STATES.—The Secretary, working through the Bureau of Labor Statistics, and in cooperation with the States, shall—

“(1) develop the annual plan described in subsection (c) and address other employment statistics issues by holding formal consultations, at least once each quarter (beginning with the calendar quarter in which the Workforce Investment Act of 1998 is enacted) on the products and administration of the nationwide employment statistics system; and

“(2) hold the consultations with representatives from each of the 10 Federal regions of the Department of Labor, elected (pursuant to a process established by the Secretary) by and from the State employment statistics directors affiliated with the State agencies that perform the duties described in subsection (e)(2).

“(e) STATE RESPONSIBILITIES.—

“(1) DESIGNATION OF STATE AGENCY.—In order to receive Federal financial assistance under this section, the Governor of a State shall—

“(A) designate a single State agency to be responsible for the management of the portions of the employment statistics system described in subsection (a) that comprise a statewide employment statistics system and for the State’s participation in the development of the annual plan; and

“(B) establish a process for the oversight of such system.

“(2) DUTIES.—In order to receive Federal financial assistance under this section, the State agency shall—

“(A) consult with State and local employers, participants, and local workforce investment boards about the labor market relevance of the data to be collected and disseminated through the statewide employment statistics system;

“(B) consult with State educational agencies and local educational agencies concerning the provision of employment statistics in order to meet the needs of secondary school and postsecondary school students who seek such information;

“(C) collect and disseminate for the system, on behalf of the State and localities in the State, the information and data described in subparagraphs (A) and (B) of subsection (a)(1);

“(D) maintain and continuously improve the statewide employment statistics system in accordance with this section;

“(E) perform contract and grant responsibilities for data collection, analysis, and dissemination for such system;

“(F) conduct such other data collection, analysis, and dissemination activities as will ensure an effective statewide employment statistics system;

“(G) actively seek the participation of other State and local agencies in data collection, analysis, and dissemination activities in order to ensure complementary, compatibility, and usefulness of data;

“(H) participate in the development of the annual plan described in subsection (c); and

“(I) utilize the quarterly records described in section 136(f)(2) of the Workforce Investment Act of 1998 to assist the State and other States in measuring State progress on State performance measures.

“(3) **RULE OF CONSTRUCTION.**—Nothing in this section shall be construed as limiting the ability of a State agency to conduct additional data collection, analysis, and dissemination activities with State funds or with Federal funds from sources other than this section.

“(f) **NONDUPLICATION REQUIREMENT.**—None of the functions and activities carried out pursuant to this section shall duplicate the functions and activities carried out under the Carl D. Perkins Vocational and Applied Technology Education Act (20 U.S.C. 2301 et seq.).

“(g) **AUTHORIZATION OF APPROPRIATIONS.**—There are authorized to be appropriated to carry out this section such sums as may be necessary for each of the fiscal years 1999 through 2004.

“(h) **DEFINITION.**—In this section, the term ‘local area’ means the smallest geographical area for which data can be produced with statistical reliability.”

SEC. 310. TECHNICAL AMENDMENTS.

Sections 3(b), 6(b)(1), and 7(d) of the Wagner-Peyser Act (29 U.S.C. 49b(b), 49e(b)(1), and 49f(d)) are amended by striking “Secretary of Labor” and inserting “Secretary”.

29 USC 49a note.

SEC. 311. EFFECTIVE DATE.

The amendments made by this subtitle shall take effect on July 1, 1999.

The Workforce Investment Act
PUBLIC LAW 105-220—AUG. 7, 1998

“SEC. 508. ELECTRONIC AND INFORMATION TECHNOLOGY.

“(a) REQUIREMENTS FOR FEDERAL DEPARTMENTS AND AGENCIES.—

“(1) ACCESSIBILITY.—

“(A) DEVELOPMENT, PROCUREMENT, MAINTENANCE, OR USE OF ELECTRONIC AND INFORMATION TECHNOLOGY.—When developing, procuring, maintaining, or using electronic and information technology, each Federal department or agency, including the United States Postal Service, shall ensure, unless an undue burden would be imposed on the department or agency, that the electronic and information technology allows, regardless of the type of medium of the technology—

“(i) individuals with disabilities who are Federal employees to have access to and use of information and data that is comparable to the access to and use of the information and data by Federal employees who are not individuals with disabilities; and

“(ii) individuals with disabilities who are members of the public seeking information or services from a Federal department or agency to have access to and use of information and data that is comparable to the access to and use of the information and data by such members of the public who are not individuals with disabilities.

“(B) ALTERNATIVE MEANS EFFORTS.—When development, procurement, maintenance, or use of electronic and information technology that meets the standards published by the Access Board under paragraph (2) would impose an undue burden, the Federal department or agency shall provide individuals with disabilities covered by paragraph (1) with the information and data involved by an alternative means of access that allows the individual to use the information and data.

“(2) ELECTRONIC AND INFORMATION TECHNOLOGY STANDARDS.—

“(A) IN GENERAL.—Not later than 18 months after the date of enactment of the Rehabilitation Act Amendments of 1998, the Architectural and Transportation Barriers Compliance Board (referred to in this section as the ‘Access Board’), after consultation with the Secretary of Education, the Administrator of General Services, the Secretary of Commerce, the Chairman of the Federal Communications Commission, the Secretary of Defense, and the head of any other Federal department or agency that the Access Board determines to be appropriate, including consultation on relevant research findings, and after consultation with the electronic and information technology industry and appropriate public or nonprofit agencies or organizations, including organizations representing individuals with

disabilities, shall issue and publish standards setting forth—

“(i) for purposes of this section, a definition of electronic and information technology that is consistent with the definition of information technology specified in section 5002(3) of the Clinger-Cohen Act of 1996 (40 U.S.C. 1401(3)); and

“(ii) the technical and functional performance criteria necessary to implement the requirements set forth in paragraph (1).

“(B) REVIEW AND AMENDMENT.—The Access Board shall periodically review and, as appropriate, amend the standards required under subparagraph (A) to reflect technological advances or changes in electronic and information technology.

“(3) INCORPORATION OF STANDARDS.—Not later than 6 months after the Access Board publishes the standards required under paragraph (2), the Federal Acquisition Regulatory Council shall revise the Federal Acquisition Regulation and each Federal department or agency shall revise the Federal procurement policies and directives under the control of the department or agency to incorporate those standards. Not later than 6 months after the Access Board revises any standards required under paragraph (2), the Council shall revise the Federal Acquisition Regulation and each appropriate Federal department or agency shall revise the procurement policies and directives, as necessary, to incorporate the revisions.

“(4) ACQUISITION PLANNING.—In the event that a Federal department or agency determines that compliance with the standards issued by the Access Board under paragraph (2) relating to procurement imposes an undue burden, the documentation by the department or agency supporting the procurement shall explain why compliance creates an undue burden.

“(5) EXEMPTION FOR NATIONAL SECURITY SYSTEMS.—This section shall not apply to national security systems, as that term is defined in section 5142 of the Clinger-Cohen Act of 1996 (40 U.S.C. 1452).

“(6) CONSTRUCTION.—

“(A) EQUIPMENT.—In a case in which the Federal Government provides access to the public to information or data through electronic and information technology, nothing in this section shall be construed to require a Federal department or agency—

“(i) to make equipment owned by the Federal Government available for access and use by individuals with disabilities covered by paragraph (1) at a location other than that where the electronic and information technology is provided to the public; or

“(ii) to purchase equipment for access and use by individuals with disabilities covered by paragraph (1) at a location other than that where the electronic and information technology is provided to the public.

“(B) SOFTWARE AND PERIPHERAL DEVICES.—Except as required to comply with standards issued by the Access Board under paragraph (2), nothing in paragraph (1) requires the installation of specific accessibility-related software

or the attachment of a specific accessibility-related peripheral device at a workstation of a Federal employee who is not an individual with a disability.

“(b) TECHNICAL ASSISTANCE.—The Administrator of General Services and the Access Board shall provide technical assistance to individuals and Federal departments and agencies concerning the requirements of this section.

“(c) AGENCY EVALUATIONS.—Not later than 6 months after the date of enactment of the Rehabilitation Act Amendments of 1998, the head of each Federal department or agency shall evaluate the extent to which the electronic and information technology of the department or agency is accessible to and usable by individuals with disabilities described in subsection (a)(1), compared to the access to and use of the technology by individuals described in such subsection who are not individuals with disabilities, and submit a report containing the evaluation to the Attorney General.

“(d) REPORTS.—

“(1) INTERIM REPORT.—Not later than 18 months after the date of enactment of the Rehabilitation Act Amendments of 1998, the Attorney General shall prepare and submit to the President a report containing information on and recommendations regarding the extent to which the electronic and information technology of the Federal Government is accessible to and usable by individuals with disabilities described in subsection (a)(1).

“(2) BIENNIAL REPORTS.—Not later than 3 years after the date of enactment of the Rehabilitation Act Amendments of 1998, and every 2 years thereafter, the Attorney General shall prepare and submit to the President and Congress a report containing information on and recommendations regarding the state of Federal department and agency compliance with the requirements of this section, including actions regarding individual complaints under subsection (f).

“(e) COOPERATION.—Each head of a Federal department or agency (including the Access Board, the Equal Employment Opportunity Commission, and the General Services Administration) shall provide to the Attorney General such information as the Attorney General determines is necessary to conduct the evaluations under subsection (c) and prepare the reports under subsection (d).

“(f) ENFORCEMENT.—

“(1) GENERAL.—

“(A) COMPLAINTS.—Effective 2 years after the date of enactment of the Rehabilitation Act Amendments of 1998, any individual with a disability may file a complaint alleging that a Federal department or agency fails to comply with subsection (a)(1) in providing electronic and information technology.

“(B) APPLICATION.—This subsection shall apply only to electronic and information technology that is procured by a Federal department or agency not less than 2 years after the date of enactment of the Rehabilitation Act Amendments of 1998.

“(2) ADMINISTRATIVE COMPLAINTS.—Complaints filed under paragraph (1) shall be filed with the Federal department or agency alleged to be in noncompliance. The Federal department or agency receiving the complaint shall apply the complaint

procedures established to implement section 504 for resolving allegations of discrimination in a federally conducted program or activity.

“(3) CIVIL ACTIONS.—The remedies, procedures, and rights set forth in sections 505(a)(2) and 505(b) shall be the remedies, procedures, and rights available to any individual with a disability filing a complaint under paragraph (1).

“(g) APPLICATION TO OTHER FEDERAL LAWS.—This section shall not be construed to limit any right, remedy, or procedure otherwise available under any provision of Federal law (including sections 501 through 505) that provides greater or equal protection for the rights of individuals with disabilities than this section.”.

(c) PROTECTION AND ADVOCACY OF INDIVIDUAL RIGHTS.—Section 509 (29 U.S.C. 794e) is amended to read as follows: (see Section 509).

Carl D. Perkins Vocational and Applied Technology Education Act

“SEC. 118. OCCUPATIONAL AND EMPLOYMENT INFORMATION.

“(a) NATIONAL ACTIVITIES.—From funds appropriated under subsection (f), the Secretary, in consultation with appropriate Federal agencies, is authorized—

“(1) to provide assistance to an entity to enable the entity—

“(A) to provide technical assistance to State entities designated under subsection (b) to enable the State entities to carry out the activities described in subsection (b);

“(B) to disseminate information that promotes the replication of high quality practices described in subsection (b);

“(C) to develop and disseminate products and services related to the activities described in subsection (b); and

“(2) to award grants to States that designate State entities in accordance with subsection (b) to enable the State entities to carry out the State level activities described in subsection (b).

“(b) STATE LEVEL ACTIVITIES.—In order for a State to receive a grant under this section, the eligible agency and the Governor of the State shall jointly designate an entity in the State—

“(1) to provide support for a career guidance and academic counseling program designed to promote improved career and education decision making by individuals (especially in areas of career information delivery and use);

“(2) to make available to students, parents, teachers, administrators, and counselors, and to improve accessibility with respect to, information and planning resources that relate educational preparation to career goals and expectations;

“(3) to equip teachers, administrators, and counselors with the knowledge and skills needed to assist students and parents with career exploration, educational opportunities, and education financing.

“(4) to assist appropriate State entities in tailoring career-related educational resources and training for use by such entities;

“(5) to improve coordination and communication among administrators and planners of programs authorized by this Act and by section 15 of the Wagner-Peyser Act at the Federal, State, and local levels to ensure nonduplication of efforts and the appropriate use of shared information and data; and

“(6) to provide ongoing means for customers, such as students and parents, to provide comments and feedback on products and services and to update resources, as appropriate, to better meet customer requirements.

“(c) NONDUPLICATION.—

“(1) WAGNER-PEYSER ACT.—The State entity designated under subsection (b) may use funds provided under subsection (b) to supplement activities under section 15 of the Wagner-Peyser Act to the extent such activities do not duplicate activities assisted under such section.

“(2) PUBLIC LAW 105–220.—None of the functions and activities assisted under this section shall duplicate the functions and activities carried out under Public Law 105–220.

“(d) FUNDING RULE.—Of the amounts appropriated to carry out this section, the Federal entity designated under subsection

(a) shall use—

“(1) not less than 85 percent to carry out subsection (b);

and

“(2) not more than 15 percent to carry out subsection

(a).

“(e) REPORT.—The Secretary, in consultation with appropriate Federal agencies, shall prepare and submit to the appropriate committees of Congress, an annual report that includes—

“(1) an identification of activities assisted under this section during the prior program year;

“(2) a description of the specific products and services assisted under this section that were delivered in the prior program year; and

“(3) an assessment of the extent to which States have effectively coordinated activities assisted under this section with activities authorized under section 15 of the Wagner-Peyser Act.

“(f) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to carry out this section such sums as may be necessary for each of the fiscal years 1999 through 2003.

these work skills unless he or she cannot use them in other skilled or semi-skilled work that he or she can do. If the claimant cannot use his or her skills in other skilled or semi-skilled work, the Board will consider his or her work background the same as unskilled. However, even if the claimant has no work experience, the Board may consider that the claimant is able to do unskilled work because it requires little or no judgment and can be learned in a short period of time.

(b) *Information about the claimant's work.* (1) Sometimes the Board will need information about the claimant's past work to make a disability determination. The Board may request work information from—

(i) The claimant; and

(ii) The claimant's employer or other person who knows about the claimant's work (member of family or co-worker) with the claimant's permission.

(2) The Board will ask for the following information about all the jobs the claimant has had in the last 15 years:

(i) The dates the claimant worked.

(ii) All the duties the claimant did.

(iii) Any tools, machinery, and equipment the claimant used.

(iv) The amount of walking, standing, sitting, lifting and carrying the claimant did during the work day, as well as any other physical and mental duties of the job.

(3) If all the claimant's work in the past 15 years has been arduous and unskilled, and the claimant has very little education, the Board will ask the claimant to tell about all of his or her work from the time he or she first began working. (See § 220.45(b).)

§ 220.131 Work which exists in the national economy.

(a) *General.* The Board considers that work exists in the national economy when it exists in significant numbers either in the region where the claimant lives or in several other regions of the country. It does not matter whether—

(1) Work exists in the immediate area in which the claimant lives,

(2) A specific job vacancy exists for the claimant; or

(3) The claimant would be hired if the claimant applied for work.

(b) *How the Board determines the existence of work.* Work exists in the national economy when there are a significant number of jobs (in one or more occupations) having requirements which the claimant is able to meet with his or her physical or mental ability and vocational qualifications. Isolated jobs that exist in very limited numbers in relatively few locations outside the region where the claimant lives are not considered "work which exists in the national economy." The Board will not deny the claimant a disability annuity on the basis of the existence of these kinds of jobs. The Board will determine that the claimant is disabled if the work he or she can do does not exist in the national economy. If the work the claimant can do does exist in the national economy, the Board will determine that the claimant is not disabled.

(c) *Inability to obtain work.* The Board will determine that the claimant is not disabled if he or she has the residual functional capacity and vocational abilities to do work which exists in the national economy but the claimant remains unemployed because of—

(1) His or her inability to get work;

(2) Lack of work in his or her local area;

(3) The hiring practices of employers;

(4) Technological changes in the industry in which the claimant has worked;

(5) Cyclical economic conditions;

(6) No job openings for the claimant;

(7) The claimant not actually being hired to do work he or she could otherwise do; or

(8) The claimant not wishing to do a particular type of work.

(d) *Administrative notice of job data.* The following sources are used when the Board determines that unskilled, sedentary, light and medium jobs exist in the national economy:

(1) *Dictionary of Occupational Titles*, published by the Department of Labor.

(2) *County Business Patterns*, published by the Bureau of the Census.

(3) *Census Reports*, also published by the Bureau of the Census.

(4) *Occupational Analyses*, prepared by the Social Security Administration by various State employment agencies.

§ 220.132

(5) *Occupational Outlook Handbook*, published by the Bureau of Labor Statistics.

(e) *Use of vocational experts and other specialists*. If the issue in determining whether the claimant is disabled is whether his or her work skills can be used in other work and the specific occupations in which they can be used, or there is a similarly complex issue, the Board may use the services of a vocational expert or other specialist. The Board will decide whether to use a vocational expert or other specialist.

§ 220.132 Physical exertion requirements.

To determine the physical exertion requirements of work in the national economy, jobs are classified as "sedentary", "light", "medium", "heavy", and "very heavy." These terms have the same meaning as they have in the Dictionary of Occupational Titles, published by the Department of Labor. In making disability determinations the Board uses the following definitions:

(a) *Sedentary work*. Sedentary work involves lifting no more than 10 pounds at a time and occasionally lifting or carrying articles like docket files, ledgers, and small tools. Although a sedentary job is defined as one which involves sitting, a certain amount of walking and standing is often necessary in carrying out job duties. Jobs are sedentary if walking and standing are required occasionally and the other sedentary criteria are met.

(b) *Light work*. Light work involves lifting no more than 20 pounds at a time with frequent lifting or carrying of objects weighing up to 10 pounds. Even though the weight lifted may be very little, a job is in this category when it requires a good deal of walking or standing, or when it involves sitting most of the time with some pushing and pulling of arm or leg controls. To be considered capable of performing a full or wide range of light work, the claimant must have the ability to do substantially all of these activities. If the claimant can do light work, the Board determines that he or she can also do sedentary work, unless there are additional limiting factors such as loss of fine dexterity or inability to sit for long periods of time.

20 CFR Ch. II (4-1-97 Edition)

(c) *Medium work*. Medium work involves lifting no more than 50 pounds at a time with frequent lifting or carrying of objects weighing up to 25 pounds. If the claimant can do medium work, the Board determines that he or she can also do sedentary and light work.

(d) *Heavy work*. Heavy work involves lifting no more than 100 pounds at a time with frequent lifting or carrying of objects weighing up to 50 pounds. If the claimant can do heavy work, the Board determines that he or she can also do medium, light, and sedentary work.

(e) *Very heavy work*. Very heavy work involves lifting objects weighing more than 100 pounds at a time with frequent lifting or carrying of objects weighing 50 pounds or more. If the claimant can do very heavy work, the Board determines that he or she can also do heavy, medium, light and sedentary work.

§ 220.133 Skill requirements.

(a) *General*. To evaluate skills and to help determine the existence in the national economy of work the claimant is able to do, occupations are classified as unskilled, semi-skilled, and skilled. In classifying these occupations, the Board uses materials published by the Department of Labor.

(b) *Unskilled work*. Unskilled work is work which needs little or no judgment to do simple duties that can be learned on the job in a short period of time (30 days). The job may or may not require considerable strength. A job is considered unskilled if the claimant can usually learn to do the job in 30 days, and little job training and judgment are needed. The claimant does not gain work skills by doing unskilled jobs. For example, jobs are considered unskilled if primary work duties are—

(1) Handling;

(2) Feeding;

(3) Offbearing (placing or removing materials from machines which are automatic or operated by others); or

(4) Machine tending.

(c) *Semi-skilled work*. Semi-skilled work is work which needs some skills but does not require doing the more complex work duties. A job may be classified as semi-skilled where coordination and dexterity are necessary, as

when hand or feet must be moved quickly to do repetitive tasks. Semi-skilled jobs may require—

- (1) Alertness and close attention to watching machine processes;
- (2) Inspecting, testing, or otherwise looking for irregularities;
- (3) Tending or guarding equipment, property, materials, or persons against loss, damage, or injury; or
- (4) Other types of activities which are similarly less complex than skilled work but more complex than unskilled work.

(d) *Skilled work.* Skilled work requires qualifications in which a person uses judgment to determine the machine and manual operations to be performed in order to obtain the proper form, quality, or quantity of material to be produced. Skilled jobs may require—

- (1) Laying out work;
- (2) Estimating quality;
- (3) Determining suitability and needed quantities of materials;
- (4) Making precise measurements;
- (5) Reading blueprints or other specifications;
- (6) Making necessary computations or mechanical adjustments to control or regulate work; or
- (7) Dealing with people, facts, figures or abstract ideas at a high level of complexity.

(e) *Skills that can be used in other work (transferability)*—(1) *What the Board means by transferable skills.* The Board considers the claimant to have skills that can be used in other jobs, when the skilled or semi-skilled work activities the claimant did in past work can be used to meet the requirements of skilled or semi-skilled work activities of other jobs or kinds of work. This depends largely on the similarity of occupationally significant work activities among different jobs.

(2) *How the Board determines skills that can be transferred to other jobs.* Transferability is most probable and meaningful among jobs in which—

- (i) The same or a lesser degree of skill is required;
- (ii) The same or similar tools and machines are used; and
- (iii) The same or similar raw materials, products, processes, or services are involved.

(3) *Degrees of transferability.* There are degrees of transferability of skills ranging from very close similarities to remote and incidental similarities among jobs. A complete similarity of all three factors is not necessary for transferability. However, when skills are so specialized or have been acquired in such an isolated vocational setting (like many jobs in mining, agriculture, or fishing) that they are not readily usable in other industries, jobs, and work settings, they are considered not transferable.

§ 220.134 Medical-vocational guidelines in appendix 2 of this part.

(a) The Dictionary of Occupational Titles includes information about jobs (classified by their exertional and skill requirements) that exist in the national economy. Appendix 2 of this part provides rules using this data reflecting major functional and vocational patterns.

(b) The Board applies that rules in appendix 2 of this part in cases where a claimant is not doing substantial gainful activity and is prevented by a severe impairment(s) from doing vocationally relevant past work.

(c) The rules in appendix 2 of this part do not cover all possible variations of factors. The Board does not apply these rules if one of the findings of fact about the claimant's vocational factors and residual functional capacity is not the same as the corresponding criterion of a rule. In these instances, the Board gives full consideration to all relevant facts in accordance with the definitions and discussions under vocational considerations. However, if the findings of fact made about all factors are the same as the rule, the Board uses that rule to decide whether that claimant is disabled.

Subpart L—Substantial Gainful Activity

§ 220.140 General.

The work that a claimant has done during any period in which the claimant believes he or she is disabled may show that the claimant is able to do work at the substantial gainful activity level. If the claimant is able to engage in substantial gainful activity,

§ 220.187

frequently than once every 5 years. Regardless of the annuitant's classification, the Board will conduct an immediate continuing disability review if a question of continuing disability is raised pursuant to paragraph (b) of this section.

(e) *Change in classification of impairment.* If the evidence developed during a continuing disability review demonstrates that the annuitant's impairment has improved, is expected to improve, or has worsened since the last review, the Board may reclassify the annuitant's impairment to reflect this change in severity. A change in the classification of the annuitant's impairment will change the frequency with which the Board will review the case. The Board may also reclassify certain impairments because of improved tests, treatment, and other technical advances concerning those impairments.

(f) *Review after administrative appeal.* If the annuitant was found eligible to receive or to continue to receive disability benefits on the basis of a decision by a hearings officer, the three-member Board or a Federal court, the agency will not conduct a continuing disability review earlier than 3 years after that decision unless the annuitant's case should be scheduled for a medical improvement expected or vocational reexamination diary review or a question of continuing disability is raised pursuant to paragraph (b) of this section.

(g) *Waiver of timeframes.* All cases involving a nonpermanent impairment will be reviewed by the Board at least once every 3 years unless the Board determines that the requirements should be waived to ensure that only the appropriate number of cases are reviewed. The appropriate number of cases to be reviewed is to be based on such considerations as the backlog of pending reviews, the projected number of new applications, and projected staffing levels. Therefore, an annuitant's continuing disability review may be delayed longer than 3 years following the Board's original decision or other review under certain circumstances. Such a delay would be based on the Board's need to ensure that backlogs, and new disability claims workloads

20 CFR Ch. II (4-1-97 Edition)

are accomplished within available medical and other resources and that such reviews are done carefully and accurately.

§ 220.187 If the annuitant's medical recovery was expected and the annuitant returned to work.

If the annuitant's impairment was expected to improve and the annuitant returned to full-time work with no significant medical limitations and acknowledges that medical improvement has occurred, the Board may find that the annuitant's disability ended in the month he or she returned to work. Unless there is evidence showing that the annuitant's disability has not ended, the Board will use the medical and other evidence already in the annuitant's file and the fact that he or she has returned to full-time work without significant limitations to determine that the annuitant is no longer disabled. (If the annuitant's impairment is not expected to improve, the Board will not ordinarily review his or her claim until the end of the trial work period, as described in § 220.170.)

Example: Evidence obtained during the processing of the annuitant's claim showed that the annuitant had an impairment that was expected to improve about 18 months after the annuitant's disability began. The Board, therefore, told the annuitant that his or her claim would be reviewed again at that time. However, before the time arrived for the annuitant's scheduled medical reexamination, the annuitant told the Board that he or she had returned to work and the annuitant's impairment had improved. The Board investigated immediately and found that, in the 16th month after the annuitant's began, the annuitant returned to full-time work without any significant medical restrictions. Therefore, the Board would find that the annuitant's disability ended in the first month the annuitant returned to full-time work.

APPENDIX 1—LISTING OF IMPAIRMENTS

In the Listing of Impairments, the listings under each separate body system in both Part A and Part B will be effective for periods ranging from 4 to 8 years unless extended or revised and promulgated again. Specifically, the body system listings in the Listing of Impairments will be subject to the following termination dates:

Musculoskeletal system (1.00) within 5 years. Consequently, the listings in this body system will no longer be effective on June 6, 1992.

Railroad Retirement Board

Pt. 220, App. 2

20 CFR Ch. 11 (4-1-97 Edition)

113.05 *Retinoblastoma*. With one of the following:
A. Bilateral involvement, or B. Metastases. or
C. Extension beyond the orbit: or D. Recurrence.

APPENDIX 2-MEDICAL-VOCATIONAL
GUIDELINES

Sec.

200.00 Introduction.

201.00 Maximum sustained work capability limited to sedentary work as a result of severe medically determinable impairment(s).

202.00 Maximum sustained work capability limited to light work as a result of severe medically determinable impairment(s).

203.00 Maximum sustained work capability limited to medium work as a result of severe medically determinable impairment(s).

204.00 Maximum sustained work capability limited to heavy work (or very heavy work) as a result of severe medically determinable impairment(s).

200.00 *Introduction*. (a) The following rules reflect the major functional and vocational patterns which are encountered in cases which cannot be evaluated on medical considerations alone, where all individual with a severe medically determinable physical or mental Impairment(s) is not engaging in substantial gainful activity and the individual's impairment(s) prevents tile performance of his or her vocationally relevant past work. They also reflect tile analysis of the various vocational factors (i.e., age, education, and work experience) in combination with the individual's residual functional capacity (used to determine his or tier maximum sustained work capability for sedentary, light, medium, heavy, or very heavy work) in evaluating the Individual's ability to engage in substantial gainful activity in other than his or her vocationally relevant past work. Where the findings of fact made with respect to a particular individual's vocational factors and residual functional capacity coincide with all of the criteria of a particular rule, the rule directs a conclusion as to whether the individual is or is not disabled. However, each of these findings of fact is subject to rebuttal and the Individual may present evidence to refute such findings. Where any one of the findings of fact does not coincide with tile corresponding criterion of a rule, the rule does not apply in that particular case and, accordingly, does not direct a conclusion of disabled or not disabled. In any instance where a rule does not apply, full consideration must be given to all of the relevant facts of the case in accordance with the definitions and discussions of each factor in the appropriate sections of the regulations.

(b) The existence of jobs in the national economy is reflected in the "Decisions" shown in the rules. i.e., in promulgating the rules, administrative notice has been taken of the numbers of unskilled jobs that exist throughout the national economy at the various functional levels (sedentary, light, medium, heavy, and very heavy) as supported by the "Dictionary of Occupational Titles" and the "Occupational Outlook Handbook.--published by tile Department of Labor: tile, "County Business Patterns- and "Census Surveys- published by the Bureau of the Census; and occupational surveys of light and sedentary jobs prepared for the Social Security Administration by various State employment agencies. Thus, when all factors coincide with the criteria of a rule, the existence of such jobs is established. However, the existence of such jobs for Individuals whose remaining functional capacity or other factors do not coincide with the criteria of a rule must be further considered in terms of what kinds of jobs or types of work may be, either additionally indicated or precluded.

(c) In tile application of the rules, the individual's residual functional capacity (i.e., the maximum degree to which the individual retains the capacity for sustained performance of tile physical-mental requirements of jobs), age, education, and work experience must first be determined.

(d) Tile correct disability decision (i.e., Oil tile issue of ability to engage in substantial gainful activity) is found by then locating the individual's specific vocational profile. If all individual's specific profile is not listed within this appendix 2, a conclusion of disabled or not disabled is not directed. Thus, for example, an individual's ability to engage in substantial gainful work where his or tier residual functional capacity falls between the ranges of work indicated in the rules (e.g., the individual who can perform more than light but less than medium work), is decided on the basis of the principles and definitions in the regulations, giving consideration to the rules for specific case situations in this appendix 2. These rules represent various combinations of exertional capabilities, age, education and work experience and also provide an overall structure for evaluation of those cases in which tile judgments as to each factor do not coincide with those of any specific rule. Thus, when tile necessary judgments have been made as to each factor and it is found that no specific rule applies, the rules still provide guidance for decisionmaking, such as in case-% involving combinations of impairments. For example, if strength limitations resulting from all individual's impairment(s) considered with tile, judgments made as to the individual's

§ 404.1566 Work which exists in the national economy.

(a) *General.* We consider that work exists in the national economy when it exists in significant numbers either in the region where you live or in several other regions of the country. It does not matter whether—

- (1) Work exists in the immediate area in which you live;
- (2) A specific job vacancy exists for you; or
- (3) You would be hired if you applied for work.

(b) *How we determine the existence of work.* Work exists in the national economy when there is a significant number of jobs (in one or more occupations) having requirements which you are able to meet with your physical or mental abilities and vocational qualifications. Isolated jobs that exist only in very limited numbers in relatively few locations outside of the region where you live are not considered “work which exists in the national economy”. We will not deny you disability benefits on the basis of the existence of these kinds of jobs. If work that you can do does not exist in the national economy, we will determine that you are disabled. However, if work that you can do does exist in the national economy, we will determine that you are not disabled.

(c) *Inability to obtain work.* We will determine that you are not disabled if your residual functional capacity and vocational abilities make it possible for you to do work which exists in the national economy, but you remain unemployed because of—

- (1) Your inability to get work;
- (2) Lack of work in your local area;
- (3) The hiring practices of employers;
- (4) Technological changes in the industry in which you have worked;
- (5) Cyclical economic conditions;
- (6) No job openings for you;
- (7) You would not actually be hired to do work you could otherwise do; or
- (8) You do not wish to do a particular type of work.

(d) *Administrative notice of job data.* When we determine that unskilled, sedentary, light, and medium jobs exist in the national economy (in significant numbers either in the region where you live or in several regions of the coun-

try), we will take administrative notice of reliable job information available from various governmental and other publications. For example, we will take notice of—

- (1) *Dictionary of Occupational Titles*, published by the Department of Labor;
- (2) *County Business Patterns*, published by the Bureau of the Census;
- (3) *Census Reports*, also published by the Bureau of the Census;
- (4) *Occupational Analyses*, prepared for the Social Security Administration by various State employment agencies; and
- (5) *Occupational Outlook Handbook*, published by the Bureau of Labor Statistics.

(e) *Use of vocational experts and other specialists.* If the issue in determining whether you are disabled is whether your work skills can be used in other work and the specific occupations in which they can be used, or there is a similarly complex issue, we may use the services of a vocational expert or other specialist. We will decide whether to use a vocational expert or other specialist.

§ 404.1567 Physical exertion requirements.

To determine the physical exertion requirements of work in the national economy, we classify jobs as *sedentary*, *light*, *medium*, *heavy*, and *very heavy*. These terms have the same meaning as they have in the *Dictionary of Occupational Titles*, published by the Department of Labor. In making disability determinations under this subpart, we use the following definitions:

(a) *Sedentary work.* Sedentary work involves lifting no more than 10 pounds at a time and occasionally lifting or carrying articles like docket files, ledgers, and small tools. Although a sedentary job is defined as one which involves sitting, a certain amount of walking and standing is often necessary in carrying out job duties. Jobs are sedentary if walking and standing are required occasionally and other sedentary criteria are met.

(b) *Light work.* Light work involves lifting no more than 20 pounds at a time with frequent lifting or carrying of objects weighing up to 10 pounds. Even though the weight lifted may be

§ 404.1569

(i) The same or a lesser degree of skill is required;

(ii) The same or similar tools and machines are used; and

(iii) The same or similar raw materials, products, processes, or services are involved.

(3) *Degrees of transferability.* There are degrees of transferability of skills ranging from very close similarities to remote and incidental similarities among jobs. A complete similarity of all three factors is not necessary for transferability. However, when skills are so specialized or have been acquired in such an isolated vocational setting (like many jobs in mining, agriculture, or fishing) that they are not readily usable in other industries, jobs, and work settings, we consider that they are not transferable.

§ 404.1569 Listing of Medical-Vocational Guidelines in appendix 2.

The Dictionary of Occupational Titles includes information about jobs (classified by their exertional and skill requirements) that exist in the national economy. Appendix 2 provides rules using this data reflecting major functional and vocational patterns. We apply these rules in cases where a person is not doing substantial gainful activity and is prevented by a severe medically determinable impairment from doing vocationally relevant past work. The rules in appendix 2 do not cover all possible variations of factors. Also, as we explain in § 200.00 of appendix 2, we do not apply these rules if one of the findings of fact about the person's vocational factors and residual functional capacity is not the same as the corresponding criterion of a rule. In these instances, we give full consideration to all relevant facts in accordance with the definitions and discussions under vocational considerations. However, if the findings of fact made about all factors are the same as the rule, we use that rule to decide whether a person is disabled.

§ 404.1569a Exertional and nonexertional limitations.

(a) *General.* Your impairment(s) and related symptoms, such as pain, may cause limitations of function or restrictions which limit your ability to

meet certain demands of jobs. These limitations may be exertional, nonexertional, or a combination of both. Limitations are classified as exertional if they affect your ability to meet the strength demands of jobs. The classification of a limitation as exertional is related to the United States Department of Labor's classification of jobs by various exertional levels (sedentary, light, medium, heavy, and very heavy) in terms of the strength demands for sitting, standing, walking, lifting, carrying, pushing, and pulling. Sections 404.1567 and 404.1569 explain how we use the classification of jobs by exertional levels (strength demands) which is contained in the Dictionary of Occupational Titles published by the Department of Labor, to determine the exertional requirements of work which exists in the national economy. Limitations or restrictions which affect your ability to meet the demands of jobs other than the strength demands, that is, demands other than sitting, standing, walking, lifting, carrying, pushing or pulling, are considered nonexertional. Sections 404.1520(f) and 404.1594(f)(8) explain that if you can no longer do your past relevant work because of a severe medically determinable impairment(s), we must determine whether your impairment(s), when considered along with your age, education, and work experience, prevents you from doing any other work which exists in the national economy in order to decide whether you are disabled (§ 404.1520(f)) or continue to be disabled (§ 404.1594(f)(8)). Paragraphs (b), (c), and (d) of this section explain how we apply the medical-vocational guidelines in appendix 2 of this subpart in making this determination, depending on whether the limitations or restrictions imposed by your impairment(s) and related symptoms, such as pain, are exertional, nonexertional, or a combination of both.

(b) *Exertional limitations.* When the limitations and restrictions imposed by your impairment(s) and related symptoms, such as pain, affect only your ability to meet the strength demands of jobs (sitting, standing, walking, lifting, carrying, pushing, and pulling), we consider that you have only exertional

Pt. 404, Subpt. P, App. 2

(1) Marked restriction of age-appropriate activities of daily living, documented by history and medical findings (including consideration of information from parents or other individuals who have knowledge of the child, when such information is needed and available) and including, if necessary, appropriate standardized tests: or

(2) Persistent serious maladaptive behaviors destructive to self, others, animals, or property, requiring protective intervention, or

114.00 IMMUNE SYSTEM

D.* **

6. Evaluation of HIV infection in children. The criteria in 114.08 do not describe the full spectrum of diseases or conditions manifested by children with HIV infection. As in any case, consideration must be given to whether a child's impairment(s) meets or equals in severity any other listing in appendix I of subpart P (e.g., a neoplastic disorder listed in 113.00ff). Although 114.08 includes cross-references to other listings for the more common manifestations of HIV infection, additional listings may also apply.

* * * If the child's impairment or impairments do not meet or equal a listing in severity, evaluation must proceed through the final step(s) of the sequential evaluation process (or, as appropriate, the steps in the medical improvement review standard) before any conclusion can be reached on the issue of disability.

EFFECTIVE DATE NOTE 2: At 62 FR 13733, Mar. 21, 1997, in appendix I to subpart P, in 112.OOC4, the word "measure" was corrected to read "measures", effective Apr. 14, 1997.

APPENDIX 2 TO SUBPART P-MEDICAL-
VOCATIONAL GUIDELINES

Sec.

200.00 Introduction.

201.00 Maximum sustained work capability limited to sedentary work as a result of severe medically determinable impairment(s).

202.00 Maximum sustained work capability limited to light work as a result of severe medically determinable impairments

203.00 Maximum sustained work capability limited to medium work as a result of severe medically determinable impairment(s).

20 CFR Ch. 111 (4-1-97 Edition)

204.00 Maximum sustained work capability limited to heavy work (or very heavy work) as a result of severe medically determinable impairment(s).

200.00 Introduction. (a) The following rules reflect the major functional and vocational patterns which are encountered in cases which cannot be evaluated on medical considerations alone, where an individual with a severe medically determinable physical or mental impairment(s) is not engaging in substantial gainful activity and the individual's impairment(s) prevents the performance of his or her vocationally relevant past work. They also reflect the analysis of the various vocational factors (i.e., age, education, and work experience) in combination with the individual's residual functional capacity (used to determine his or her maximum sustained work capability for sedentary, light, medium, heavy, or very heavy work) in evaluating the individual's ability to engage in substantial gainful activity in other than his or her vocationally relevant past work. Where the findings of fact made with respect to a particular individual's vocational factors and residual functional capacity coincide with all of the criteria of a particular rule, the rule directs a conclusion as to whether the individual is or is not disabled. However, each of these findings of fact is subject to rebuttal and the individual may present evidence to refute such findings. Where any one of the findings of fact does not coincide with the corresponding criterion of a rule, the rule does not apply in that particular case and, accordingly, does not direct a conclusion of disabled or not disabled. In any instance where a rule does not apply, full consideration must be given to all of the relevant facts of the case in accordance with the definitions and discussions of each factor in the appropriate sections of the regulations.

(b) The existence of jobs in the national economy is reflected in the -Declension shown in the rules: i.e., in promulgating the rules, administrative notice has been taken of the number of unskilled jobs that exist throughout the national economy at the various functional levels (sedentary, light, medium, heavy, and very heavy) as supported by the "Dictionary of Occupational Titles" and the "Occupational Outlook Handbook," published by the Department of Labor; the -County Business Patterns" and "Census Surveys" published by the Bureau of the Census; and occupational surveys of light and sedentary jobs prepared for the **Social Security Administration by various State employment agencies**. Thus, when all factors coincide with the criteria of a rule, the existence of such jobs is established. However, the existence of such jobs for individuals whose remaining functional capacity or other factor-, do not coincide with the criteria of a rule must be further considered in terms of

and any other activities which might help you to work.

§416.965 Your work experience as a vocational factor.

(a) *General. Work experience* means skills and abilities you have acquired through work you have done which show the type of work you may be expected to do. Work you have already been able to do shows the kind of work that you may be expected to do. We consider that your work experience applies when it was done within the last 15 years, lasted long enough for you to learn to do it, and was substantial gainful activity. We do not usually consider that work you did 15 years or more before the time we are deciding whether you are disabled applies. A gradual change occurs in most jobs so that after 15 years it is no longer realistic to expect that skills and abilities acquired in a job done then continue to apply. The 15-year guide is intended to insure that remote work experience is not currently applied. If you have no work experience or worked only *off-and-on* or for brief periods of time during the 15-year period, we generally consider that these do not apply. If you have acquired skills through your past work, we consider you to have these work skills unless you cannot use them in other skilled or semi-skilled work that you can now do. If you cannot use your skills in other skilled or semi-skilled work, we will consider your work background the same as unskilled. However, even if you have no work experience, we may consider that you are able to do unskilled work because it requires little or no judgment and can be learned in a short period of time.

(b) *Information about your work.* Under certain circumstances, we will ask you about the work you have done in the past. If you cannot give us all of the information we need, we will try, with your permission, to get it from your employer or other person who knows about your work, such as a member of your family or a co-worker. When we need to consider your work experience to decide whether you are able to do work that is different from what you have done in the past, we will ask you to tell us about all of the jobs

you have had in the last 15 years. You must tell us the dates you worked, all of the duties you did, and any tools, machinery, and equipment you used. We will need to know about the amount of walking, standing, sitting, lifting and carrying you did during the work day, as well as any other physical or mental duties of your job. If all of your work in the past 15 years has been arduous and unskilled, and you have very little education, we will ask you to tell us about all of your work from the time you first began working. This information could help you to get disability benefits.

§416.966 Work which exists in the national economy.

(a) *General.* We consider that work exists in the national economy when it exists in significant numbers either in the region where you live or in several other regions of the country. It does not matter whether—

- (1) Work exists in the immediate area in which you live;
- (2) A specific job vacancy exists for you; or
- (3) You would be hired if you applied for work.

(b) *How we determine the existence of work.* Work exists in the national economy when there is a significant number of jobs (in one or more occupations) having requirements which you are able to meet with your physical or mental abilities and vocational qualifications. Isolated jobs that exist only in very limited numbers in relatively few locations outside of the region where you live are not considered *work which exists in the national economy*. We will not deny you disability benefits on the basis of the existence of these kinds of jobs. If work that you can do does not exist in the national economy, we will determine that you are disabled. However, if work that you can do does exist in the national economy, we will determine that you are not disabled.

(c) *Inability to obtain work.* We will determine that you are not disabled if your residual functional capacity and vocational abilities make it possible for you to do work which exists in the national economy, but you remain unemployed because of—

- (1) Your inability to get work;
- (2) Lack of work in your local area;
- (3) The hiring practices of employers;
- (4) Technological changes in the industry in which you have worked;
- (5) Cyclical economic conditions;
- (6) No job openings for you;
- (7) You would not actually be hired to do work you could otherwise do, or;
- (8) You do not wish to do a particular type of work.

(d) *Administrative notice of job data.* When we determine that unskilled, sedentary, light, and medium jobs exist in the national economy (in significant numbers either in the region where you live or in several regions of the country), we will take administrative notice of reliable job information available from various governmental and other publications. For example, we will take notice of—

- (1) *Dictionary of Occupational Titles*, published by the Department of Labor;
- (2) *County Business Patterns*, published by the Bureau of the Census;
- (3) *Census Reports*, also published by the Bureau of the Census;
- (4) *Occupational Analyses* prepared for the Social Security Administration by various State employment agencies; and
- (5) *Occupational Outlook Handbook*, published by the Bureau of Labor Statistics.

(e) *Use of vocational experts and other specialists.* If the issue in determining whether you are disabled is whether your work skills can be used in other work and the specific occupations in which they can be used, or there is a similarly complex issue, we may use the services of a vocational expert or other specialist. We will decide whether to use a vocational expert or other specialist.

§416.967 Physical exertion requirements.

To determine the physical exertion requirements of work in the national economy, we classify jobs as *sedentary*, *light*, *medium*, *heavy*, and *very heavy*. These terms have the same meaning as they have in the *Dictionary of Occupational Titles*, published by the Department of Labor. In making disability determinations under this subpart, we use the following definitions:

(a) *Sedentary work.* Sedentary work involves lifting no more than 10 pounds at a time and occasionally lifting or carrying articles like docket files, ledgers, and small tools. Although a sedentary job is defined as one which involves sitting, a certain amount of walking and standing is often necessary in carrying out job duties. Jobs are sedentary if walking and standing are required occasionally and other sedentary criteria are met.

(b) *Light work.* Light work involves lifting no more than 20 pounds at a time with frequent lifting or carrying of objects weighing up to 10 pounds. Even though the weight lifted may be very little, a job is in this category when it requires a good deal of walking or standing, or when it involves sitting most of the time with some pushing and pulling of arm or leg controls. To be considered capable of performing a full or wide range of light work, you must have the ability to do substantially all of these activities. If someone can do light work, we determine that he or she can also do sedentary work, unless there are additional limiting factors such as loss of fine dexterity or inability to sit for long periods of time.

(c) *Medium work.* Medium work involves lifting no more than 50 pounds at a time with frequent lifting or carrying of objects weighing up to 25 pounds. If someone can do medium work, we determine that he or she can also do sedentary and light work.

(d) *Heavy work.* Heavy work involves lifting no more than 100 pounds at a time with frequent lifting or carrying of objects weighing up to 50 pounds. If someone can do heavy work, we determine that he or she can also do medium, light, and sedentary work.

(e) *Very heavy work.* Very heavy work involves lifting objects weighing more than 100 pounds at a time with frequent lifting or carrying of objects weighing 50 pounds or more. If someone can do very heavy work, we determine that he or she can also do heavy, medium, light, and sedentary work.

§416.968 Skill requirements.

In order to evaluate your skills and to help determine the existence in the national economy of work you are able

to do, occupations are classified as unskilled, semi-skilled, and skilled. In classifying these occupations, we use materials published by the Department of Labor. When we make disability determinations under this subpart, we use the following definitions:

(a) *Unskilled work.* Unskilled work is work which needs little or no judgment to do simple duties that can be learned on the job in a short period of time. The job may or may not require considerable strength. For example, we consider jobs unskilled if the primary work duties are handling, feeding and offbearing (that is, placing or removing materials from machines which are automatic or operated by others), or machine tending, and a person can usually learn to do the job in 30 days, and little specific vocational preparation and judgment are needed. A person does not gain work skills by doing unskilled jobs.

(b) *Semi-skilled work.* Semi-skilled work is work which needs some skills but does not require doing the more complex work duties. Semi-skilled jobs may require alertness and close attention to watching machine processes; or inspecting, testing or otherwise looking for irregularities; or tending or guarding equipment, property, materials, or persons against loss, damage or injury; or other types of activities which are similarly less complex than skilled work, but more complex than unskilled work. A job may be classified as semi-skilled where coordination and dexterity are necessary, as when hands or feet must be moved quickly to do repetitive tasks.

(c) *Skilled work.* Skilled work requires qualifications in which a person uses judgment to determine the machine and manual operations to be performed in order to obtain the proper form, quality, or quantity of material to be produced. Skilled work may require laying out work, estimating quality, determining the suitability and needed quantities of materials, making precise measurements, reading blueprints or other specifications, or making necessary computations or mechanical adjustments to control or regulate the work. Other skilled jobs may require dealing with people, facts, or figures or

abstract ideas at a high level of complexity.

(d) *Skills that can be used in other work (transferability)*—(1) *What we mean by transferable skills.* We consider you to have skills that can be used in other jobs, when the skilled or semi-skilled work activities you did in past work can be used to meet the requirements of skilled or semi-skilled work activities of other jobs or kinds of work. This depends largely on the similarity of occupationally significant work activities among different jobs.

(2) *How we determine skills that can be transferred to other jobs.* Transferability is most probable and meaningful among jobs in which—

(i) The same or a lesser degree of skill is required;

(ii) The same or similar tools and machines are used; and

(iii) The same or similar raw materials, products, processes, or services are involved.

(3) *Degrees of transferability.* There are degrees of transferability of skills ranging from very close similarities to remote and incidental similarities among jobs. A complete similarity of all three factors is not necessary for transferability. However, when skills are so specialized or have been acquired in such an isolated vocational setting (like many jobs in mining, agriculture, or fishing) that they are not readily usable in other industries, jobs, and work settings, we consider that they are not transferable.

§416.969 Listing of Medical-Vocational Guidelines in appendix 2 of subpart P of part 404 of this chapter.

The *Dictionary of Occupational Titles* includes information about jobs (classified by their exertional and skill requirements) that exist in the national economy. Appendix 2 provides rules using this data reflecting major functional and vocational patterns. We apply these rules in cases where a person is not doing substantial gainful activity and is prevented by a severe medically determinable impairment from doing vocationally relevant past work. The rules in appendix 2 do not cover all possible variations of factors. Also, as we explain in §200.00 of appendix 2, we do not apply these rules if one

of the findings of fact about the person's vocational factors and residual functional capacity is not the same as the corresponding criterion of a rule. In these instances, we give full consideration to all relevant facts in accordance with the definitions and discussions under vocational considerations. However, if the findings of fact made about all factors are the same as the rule, we use that rule to decide whether a person is disabled.

§ 416.969a Exertional and nonexertional limitations.

(a) *General.* Your impairment(s) and related symptoms, such as pain, may cause limitations of function or restrictions which limit your ability to meet certain demands of jobs. These limitations may be exertional, nonexertional, or a combination of both. Limitations are classified as exertional if they affect your ability to meet the strength demands of jobs. The classification of a limitation as exertional is related to the United States Department of Labor's classification of jobs by various exertional levels (sedentary, light, medium, heavy, and very heavy) in terms of the strength demands for sitting, standing, walking, lifting, carrying, pushing, and pulling. Sections 416.967 and 416.969 explain how we use the classification of jobs by exertional levels (strength demands) which is contained in the Dictionary of Occupational Titles published by the Department of Labor, to determine the exertional requirements of work which exists in the national economy. Limitations or restrictions which affect your ability to meet the demands of jobs other than the strength demands, that is, demands other than sitting, standing, walking, lifting, carrying, pushing or pulling, are considered nonexertional. Sections 416.920(f) and 416.994(b)(5)(viii) explain that if you can no longer do your past relevant work because of a severe medically determinable impairment(s), we must determine whether your impairment(s), when considered along with your age, education, and work experience, prevents you from doing any other work which exists in the national economy in order to decide whether you are disabled (§416.920(f)) or con-

tinue to be disabled (§416.994(b)(5)(viii)). Paragraphs (b), (c), and (d) of this section explain how we apply the medical-vocational guidelines in appendix 2 of subpart P of part 404 of this chapter in making this determination, depending on whether the limitations or restrictions imposed by your impairment(s) and related symptoms, such as pain, are exertional, nonexertional, or a combination of both.

(b) *Exertional limitations.* When the limitations and restrictions imposed by your impairment(s) and related symptoms, such as pain, affect only your ability to meet the strength demands of jobs (sitting, standing, walking, lifting, carrying, pushing, and pulling), we consider that you have only exertional limitations. When your impairment(s) and related symptoms only impose exertional limitations and your specific vocational profile is listed in a rule contained in appendix 2, we will directly apply that rule to decide whether you are disabled.

(c) *Nonexertional limitations.* (1) When the limitations and restrictions imposed by your impairment(s) and related symptoms, such as pain, affect only your ability to meet the demands of jobs other than the strength demands, we consider that you have only nonexertional limitations or restrictions. Some examples of nonexertional limitations or restrictions include the following:

- (i) You have difficulty functioning because you are nervous, anxious, or depressed;
- (ii) You have difficulty maintaining attention or concentrating;
- (iii) You have difficulty understanding or remembering detailed instructions;
- (iv) You have difficulty in seeing or hearing;
- (v) You have difficulty tolerating some physical feature(s) of certain work settings, e.g., you cannot tolerate dust or fumes; or
- (vi) You have difficulty performing the manipulative or postural functions of some work such as reaching, handling, stooping, climbing, crawling, or crouching.

(2) If your impairment(s) and related symptoms, such as pain, only affect

foreign travel for employment generating activities, economic development activities, or similar activities.

(b) JTPA funds may be used for normal employer outreach and job development activities including, but not limited to: contacts with potential employers for the purpose of placement of JTPA participants; participation in business associations (such as chambers of commerce); JTPA staff participation on economic development boards and commissions, and work with economic development agencies, to provide information about JTPA and to assist in making informed decisions about community job training needs; subscriptions to relevant publications; general dissemination of information on JTPA programs and activities; labor market surveys; and development of on-the-job training (OJT) opportunities, as defined in § 627.240; and other allowable JTPA activities in the private sector.

§ 627.230 Displacement.

(a) No currently employed worker shall be displaced by any participant (including partial displacement such as a reduction in the hours of non-overtime work, wages, or employment benefits).

(b) No participant shall be employed or job opening filled: (1) When any other individual is on layoff from the same or any substantially equivalent job, or

(2) When the employer has terminated any regular employee without cause or otherwise reduced its workforce with the intention of filling the vacancy so created by hiring a participant whose wages are subsidized under the Act.

(c) *Violations and sanctions.* The Department will promptly review and take appropriate action with regard to alleged violations of the provisions of paragraphs (a) and (b) of this section. Procedures for the investigation and resolution of violations are provided for under subpart F of this part. Sanctions and remedies are provided for under subpart G of this part.

§ 627.235 General program requirements.

(a) The requirements set forth in sections 141, 142 and 143 of the Act apply to all programs under titles I, II, and III of the Act, except as provided elsewhere in the Act.

(b) Recipients shall ensure that an individual enrolled in a JTPA program meets the requirements of section 167(a)(5) of the Act, Section 3 of the Military Selective Service Act (50 U.S.C. App. 453) and other requirements applicable to programs funded under the specific section or title of the Act under which the participant is enrolling (section 604).

(c) Recipients shall ensure that individuals are enrolled within 45 days of the date of eligibility determination or a new eligibility determination (including new application, if necessary) shall be made, except that eligible summer program applicants under title II-B may be enrolled within 45 days into a summer youth enrollee pool, and no subsequent eligibility determination need be made prior to participation during the period of that summer program. In addition, the 45-day enrollment requirement shall not apply for individuals who have a valid certificate of continuing eligibility under the title III program, as described in § 631.3 and § 631.53 of this chapter.

(d) Programs operated under titles I, II, and III of the Act are not subject to the provisions of 29 CFR part 97, "Uniform Administrative Requirements for Grants and Cooperative Agreements to State and Local Governments," except as otherwise explicitly provided in this chapter.

(e) If a recipient or SDA imposes a requirement that is in addition to the provisions of the Act and these regulations relating to the administration and operation of programs funded by the Act, the recipient or SDA shall identify the requirement as a State- or SDA-imposed requirement (section 124).

§ 627.240 On-the-job training.

(a) *General*—(1) *On-the-job training* (OJT) means training by an employer in the private or public sector given to

a participant who, after objective assessment, and in accordance with the ISS, has been referred to and hired by the employer following the development of an agreement with the employer to provide occupational training in exchange for reimbursement of the employer's extraordinary costs. On-the-job training occurs while the participant is engaged in productive work which provides knowledge and skills essential to the full and adequate performance of the job.

(2) This does not preclude a participant who has been trained by one employer from ultimately being placed in a comparable training-related position with another employer.

(3) On-the-job training may be sequenced with or accompanied by other types of training such as classroom training or literacy training.

(b) *Duration of OJT.*—(1) OJT authorized for a participant shall be limited to a period not in excess of that required for the participant to acquire the skills needed for the OJT position. Except as described in paragraph (b) (3) of this section, the period of reimbursement to the employer under an OJT agreement shall not exceed 6 months of training.

(2) The 6-month duration of OJT may be expressed as a number of hours, days, or weeks the participant is expected to work in a 6-month period if the participant works full-time.

(3) In the event that a participant's regular employment is less than full-time and less than 500 hours of OJT has occurred by the end of 6 months, that participant may remain in OJT until 499 hours OJT hours have occurred.

(4)(i) Recipients shall develop policies and procedures for determining the average training duration for occupations including to reflect an individual participant's need for additional training time, or reduction in training time to reflect the individual participant's partial acquisition of needed skills. (In no case should an individual who is fully skilled in an occupation be placed in OJT in that occupation.)

(ii) In determining the average training time, consideration should be given to recognized reference materials, such as the "Dictionary of Occupational Titles" (DOT) and employer training

plans. Such materials need not be limited to the DOT, however.

(5) On-the-job training is encouraged, but not required, in all occupations with significant training content, particularly in higher-skill occupations appropriate to the participant's needs. Training plans may be developed that recognize the full duration of the OJT period necessary for the full and adequate performance of the job, but the period of reimbursement may not exceed the duration in paragraph (a)(1) or (a)(2) of this section.

(6) When the OJT period in a given occupation for a participant for whom the ISS identifies OJT as appropriate varies from the average for that occupation, the basis for the variation shall be recorded in the ISS.

(c) *On-the-job training payments to employers.* (1) On-the-job training payments to employers are deemed to be in compensation for the extraordinary costs associated with training participants and in compensation for the costs associated with the lower productivity of such participants. Employers shall not be required to document such extraordinary costs or lower productivity (section 141(g)(1)).

(2)(i) On-the-job training payments to employers shall not, during the period of such training, average more than 50 percent of the wages paid by the employer to OJT participants.

(ii) On-the-job training payments to employers may be based upon scheduled raises or regular pay increases.

(iii) On-the-job training payments may not be based on overtime, shift differential, premium pay and other nonregular wages paid by the employer to participants.

(iv) On-the-job training payments may not be based upon periods of time such as illness, holidays, plant downtime or other events in which no training occurs.

(3) Employers which provide classroom or vestibule training to meet the specific training needs of JTPA participants to equip them with education and knowledge necessary to the OJT occupation may be separately reimbursed for training costs, such as instructors and training material.

**PART 651—GENERAL PROVISIONS
GOVERNING THE FEDERAL-STATE
EMPLOYMENT SERVICE SYSTEM**

§ 651.10 Definitions of terms used in parts 651-658.

Administrator, United States Employment Service (Administrator) means the chief official of the United States Employment Service (USES) or the Administrator's designee.

Affirmative action means positive, result-oriented action imposed on or assumed by an employer pursuant to legislation, court order, consent decree, directive of a fair employment practice authority, government contract, grant or loan, or voluntary affirmative action plan adopted pursuant to the Affirmative Action Guidelines of the Equal Employment Opportunity Commission to provide equal employment opportunities for members of a specified group which for reasons of past custom, historical practice, or other nonoccupationally valid purposes has been discouraged from entering certain occupational fields.

Agricultural worker means a worker, whose primary work experience has been in farmwork in industries with a Standard Industrial Classification (SIC) of 01-07, except 027, 074, 0752, and 078, whether alien or citizen, who is legally allowed to work in the United States.

Applicant means a person who files an application for services with a local office of a State agency, with outstationed staff or with an outreach worker.

Application card means the basic local office record for an applicant.

A *Bona Fide Occupational Qualification (BFOQ)* means that an employment decision or request based on age, sex, national origin or religion is based on a finding that such characteristic is necessary to the individual's ability to perform the job in question. Since a BFOQ is an exception to the general prohibition against discrimination on the basis of age, sex, national origin or religion, it must be interpreted narrowly in accordance with the Equal Employment Opportunity Commission regulations set forth at 29 CFR parts 1604, 1605 and 1627.

Clearance means activities in the placement process involving joint action of local offices in different labor market areas and/or States in the location, selection and the job referral of an applicant.

Complaint means a representation made or referred to a State or local JS office of a violation of the JS regulations and/or other federal, State or local employment related law.

Complainant means the individual, employer, organization, association, or other entity filing a complaint.

Day-haul means the assembly of workers at a pick-up point waiting to be employed, transportation of them to farm employment, and the return of the workers to the pick-up point on the same day. For the purposes of this definition "day-haul" shall exclude transportation and return of workers employed under regularly scheduled job orders such as corn detasseling jobs for youth.

Decertification means the rescission by the Secretary of the year end certification made under Section 7 of the Wagner-Peyser Act to the Secretary of the Treasury that the State agency may receive funds authorized by the Wagner-Peyser Act.

Dictionary of Occupational Titles (DOT) means the Dictionary of Occupational Titles, the reference work published by the USES which contains brief, non-technical definitions of U.S. job titles, distinguishing number codes, and worker trait data.

DOL means the Department of Labor.

D.O.T. means the Dictionary of Occupational Titles, the reference work published by the USES which contains brief, non-technical definitions of U.S. job titles, distinguishing number codes, and worker trait data.

Employment and Training Administration (ETA) means the component of the Department of Labor containing the United States Employment Service (USES).

Employer means a person, firm, corporation or other association or organization (1) which currently has a location within the United States to which U.S. workers may be referred for employment, and which proposes to employ a worker at a place within the

United States and (2) which has an employer relationship with respect to employees under this subpart as indicated by the fact that it hires, pays, fires, supervises and otherwise controls the work of such employee. An association of employers shall be considered an employer if it has all of the indicia of an employer set forth in this definition. Such an association, however, shall be considered as a joint employer with the employer member if either shares in exercising one or more of the definitional indicia.

Establishment means a public or private economic employing unit generally at a single physical location which produces and/or sells goods or services, for example, a mine, factory, store, farm orchard or ranch. It is usually engaged in one, or predominantly one, type of commercial or governmental activity. Each branch or subsidiary unit of a large employer in a geographical area or community should be considered an individual establishment, except that all such units in the same physical location shall be considered a single establishment. A component of an establishment which may not be located in the same physical structure (such as the warehouse of a department store) should also be considered as part of the parent establishment. For the purpose of the "seasonal farmworker" definition, farm labor contractors and crew leaders are not considered establishments; it is the organizations to which they supply the workers that are the establishments.

Farmwork means work performed for wages in agricultural production or agricultural services in establishments included in industries 01—Agricultural Production-Crops; 02—Agricultural Production-Livestock excluding 027—Animal Specialties; 07—Agricultural Services excluding 074—Veterinary Services, 0752—Animal Speciality Services, and 078—Landscape and Horticultural Services, as defined in the most recent edition of the Standard Industrial Classification (SIC) Code definitions.

Farmworker, see *Agricultural worker*.

Full application means an application for an applicant who has participated in an application interview and which includes the applicant's personal char-

acteristics, work history and an occupational classification and DOT code.

Hearing Officer means a Department of Labor Administrative Law Judge, designated to preside at DOL administrative hearings.

Identification card (applicant identification card) means a card given to the applicant on which are recorded identifying information and the dates of the applicant's visits to the local employment office.

Intrastate job order means a job order describing one or more hard-to-fill job openings, which a local office uses to request recruitment assistance from other local offices within the State.

JS regulations means the Federal regulations at 20 CFR parts 601-604, 620, 621, and 651-658, and at 29 CFR parts 8, 26, and 75.

Job bank means a computer assisted system which provides listings of current job openings in the area, on a regular basis, for distribution to JS and WIN offices and to cooperating agencies.

Job development means the process of securing a job interview with a public or private employer for a specific applicant for whom the local office has no suitable opening on file.

Job information means information derived from data compiled in the normal course of employment service activities from reports, job orders, applications and the like.

Job opening means a single job opportunity for which the local office has on file a request to select and refer on applicant or applicants.

Job Information Service (JIS) means a unit or an area within a JS local office where applicants primarily, on a self-service basis or with minimum professional help, can obtain specific and general information on where and how to get a job.

Job referral means (1) the act of bringing to the attention of an employer an applicant or group of applicants who are available for specific job openings and (2) the record of such referral. "Job referral" means the same as "referral to a job."

Job Service (JS) means the nationwide system of public employment offices, funded through the United States Employment Service (USES) as grantee

Employment and Training Administration, Labor

§ 651.10

State agencies, and the various offices of the State agencies.

Labor market area means a geographic area consisting of a central city (or cities) and the surrounding territory within a reasonable commuting distance.

Labor Market Information (LMI) means that body of knowledge pertaining to the socio-economic forces influencing the employment process in specific labor market areas. These forces, which affect labor demand-supply relationships and define the content of the LMI program, include population and growth characteristics, trends in industrial and occupational structure, technological developments, shifts in consumer demands, unionization, trade disputes, retirement practices, wage levels, conditions of employment, training opportunities, job vacancies, and job search information.

Local office manager means the JS official in charge of all JS activities in a local office of a State agency.

LMI means labor market information.

Migrant farmworker is a seasonal farmworker who had to travel to do the farmwork so that he/she was unable to return to his/her permanent residence within the same day. Full-time students traveling in organized groups rather than with their families are excluded.

Migrant food processing worker means a person who during the preceding 12 months has worked at least an aggregate of 25 or more days or parts of days in which some work was performed in food processing (as classified in the 1972 Standard Industrial Classification (SIC) definitions 201, 2033, 2035, and 2037 for food processing establishments), earned at least half of his/her earned income from processing work and was not employed in food processing year round by the same employer, provided that the food processing required travel such that the worker was unable to return to his/her permanent residence in the same day. Migrant food processing workers who are full-time students but who travel in organized groups rather than with their families are excluded.

MSFW means a migrant farmworker, a migrant food processing worker, or a seasonal farmworker.

Partial application means the application of an applicant who has not participated in an application interview and which does not include an occupational classification of DOT code. Partial applications prepared for Migrants and Seasonal Farmworkers must include a signed waiver for full services at that time in accordance with 20 CFR 653.103.

Placement means the hiring by a public or private employer of an individual referred by the employment office for a job or an interview, provided that the employment office completed all of the following steps:

(a) Prepared a job order form prior to referral, except in the case of a job development contact on behalf of a specific applicant;

(b) Made prior arrangements with the employer for the referral of an individual or individuals;

(c) Referred an individual who had not been specifically designated by the employer, except for referrals on agricultural job orders for a specific crew leader or worker;

(d) Verified from a reliable source, preferably the employer, that the individual had entered on a job; and

(e) Appropriately recorded the placement.

Program Budget Plan (PBP) means the annual planning document for the SESA required by Sec. 8 of the Wagner-Peyser Act containing the SESA's detailed planning, programming and budget for carrying out employment security activities. For the purpose of JS regulations, this definition shall be restricted to the employment service portion of the PBP.

Public housing means housing operated by or on behalf of any public agency.

RA; see *Regional Administrator*.

Regional Administrator, Employment and Training Administration (RA) means the chief DOL Employment and Training Administration (ETA) official in each DOL regional office.

Respondent means the employer or State agency (including a State agency

§ 653.102

MSFWs and the availability of job and training opportunities.

(b) Each State agency shall assure that, in a local area, the same local offices, including itinerant and satellite offices, but exclusive of day-haul operations, offer services to both non-MSFWs and MSFWs. Separate farm labor service local offices, which offer only farmwork to agricultural workers while another local office serving the same geographical area offers other JS services to other applicants, are prohibited so that all applicants receive employment services on the same basis.

§ 653.102 Job information.

All State agencies shall make job order information conspicuous and available to MSFWs in all local offices. This information shall include Job Bank information in local offices where it is available. Such information shall be made available either by computer terminal, microfiche, hard copy, or other equally effective means. Each significant MSFW local office shall provide adequate staff assistance to each MSFW to use the job order information effectively. In those offices designated as significant MSFW bilingual offices, such assistance shall be provided to MSFWs in Spanish and English, wherever requested or necessary, during any period of substantial MSFW activity.

§ 653.103 MSFW job applications.

(a) Every local office shall determine whether or not applicants are MSFWs as defined at § 651.10 of this chapter.

(b) Except as provided in § 653.105, when an MSFW applies for JS services at a local office or is contacted by an Outreach worker, the services available through the JS shall be explained to the MSFW. In local offices which have been designated as significant MSFW bilingual offices by ETA, this explanation shall be made in Spanish, if necessary or requested during any period of substantial MSFW activity. Other local offices shall provide bilingual explanations wherever feasible.

(c) The local office staff member shall provide the MSFW a list of those services. The list shall be written in English and Spanish and shall specify

20 CFR Ch. V (4-1-97 Edition)

those services which are available after completion of a full application and those services which are available after completion of a partial application. The JS staff member shall explain to each MSFW the advantages of completing a full application.

Applications shall be reviewed periodically by the local office manager or a member of his/her staff to ensure their accuracy and quality. Applications and the application-taking process shall also be reviewed during State and Federal onsite reviews by the State and Regional MSFW Monitor Advocates and/or review staff, who shall check overall accuracy and quality, and offer technical advice on corrections or improvements.

(d) If the MSFW wishes to complete a full application, the staff shall provide all assistance necessary to complete the application and shall ensure that the form includes complete information. It shall include, to the extent possible, the significant history of the MSFW's prior employment, training and educational background and a statement of any desired employment and any training needs in order to permit a thorough assessment of the applicant's skills, abilities and preferences. All applicable items shall be completed according to the ETA instructions for preparation of the application card (ES-511). Additional Dictionary of Occupational Titles codes or keywords shall be assigned, where appropriate, based on the MSFW's work history, training, and skills, knowledges, and abilities. Secondary cards shall be completed and separately filed when keywords are not used. In extremely small local offices where the limited applicant load and file size does not require completion of secondary cards, additional D.O.T. codes shall be noted on the primary application card.

(e) If an MSFW wishes any JS service, and does not wish or is unable to file a full application, the interviewer shall try to obtain as much information as possible for a partial application. The interviewer shall enter the information on the partial application. The interviewer shall offer to refer the applicant to any available jobs for which the MSFW may be qualified, and

Employment and Training Administration, Labor

§ 655.730

South Dearborn Street, Room 605, Chicago, Illinois 60604. Telephone: 312-353-1550.

Region VI (Arkansas, Louisiana, New Mexico, Oklahoma, and Texas): 525 Griffin Street, Room 311, Dallas, Texas 75202. Telephone: 214-767-4989.

Region VII (Iowa, Kansas, Missouri, and Nebraska): 1100 Main, Rm. 1050, Kansas City, Missouri 64105. Telephone: 816-426-3796.

Region VIII (Colorado, Montana, North Dakota, South Dakota, Utah, and Wyoming): 1999 Broadway, Rm. 1780, Denver, Colorado 80202. Telephone: 303-391-5742.

Region IX (Arizona, California, Guam, Hawaii, and Nevada): 71 Stevenson Street, Room 805, San Francisco, California 94105. Telephone: 415-744-7618.

Region X (Alaska, Idaho, Oregon, and Washington): 1111 Third Avenue, Suite 900, Seattle, Washington 98101-3212. Telephone: 206-553-7700.

§ 655.730 Labor condition application.

(a) *Who must submit labor condition applications?* An employer, or the employer's authorized agent or representative, which meets the definition of employer set forth in § 655.715 of this part and intends to employ an H-1B nonimmigrant in a specialty occupation or as a fashion model of distinguished merit and ability shall submit a labor condition application to DOL. Attorneys and agents submitting applications on an employer's behalf shall submit, also, a completed INS Form G-28.

(b) *Where and when should a labor condition application be submitted?* A labor condition application shall be submitted, by U.S. mail, private carrier, or facsimile transmission, to the ETA regional office shown in § 655.720 of this part in whose geographic area of jurisdiction the H-1B nonimmigrant will be employed no earlier than six months before the beginning date of the period of intended employment shown on the LCA. It is the employer's responsibility to ensure that a complete and accurate application is received by the appropriate regional office of ETA. Incomplete or obviously inaccurate applications will not be certified. The regional office shall process all applications sequentially upon receipt regardless of

the method used by the employer to submit the application and shall make a determination to certify or not certify the labor condition application within 7 working days of the date the application is received and date-stamped by the Department. If the application is submitted by facsimile transmission, the application containing the original signature shall be maintained by the employer as set forth at § 655.760(a)(1) of this part.

(c) *What should be submitted? Form ETA 9035.*

(1) *General.* One completed and dated original Form ETA 9035 containing the labor condition statements referenced in §§ 655.731 through 655.734 of this part, bearing the employer's original signature (or that of the employer's authorized agent or representative) and one copy of the completed and dated original Form ETA 9035 shall be submitted to ETA (see paragraph (b) of this section and § 655.760(a)(1) of this part with respect to applications filed by facsimile transmission). Copies of Form ETA 9035 are available at the addresses listed in § 655.720 of this part; photocopies of the form (obtained from any source) also are permitted. Each application shall identify the occupational classification for which the labor condition application is being submitted and shall state:

(i) The occupation, by Dictionary of Occupational Titles (DOT) Three-Digit Occupational Groups code and by the employer's own title for the job;

(ii) The number of H-1B nonimmigrants sought;

(iii) The gross wage rate to be paid to each H-1B nonimmigrant, expressed on an hourly, weekly, biweekly, monthly or annual basis;

(iv) The starting and ending dates of the H-1B nonimmigrants' employment;

(v) The place(s) of intended employment; and

(vi) The prevailing wage for the occupation in the area of intended employment and the specific source (*e.g.*, name of published survey) relied upon by the employer to determine the wage. If the wage is obtained from a SESA, the appropriate box must be checked and the wage provided; wages obtained from a source other than a

employed in the geographic area of intended employment.

Secretary means the Secretary of Labor or the Secretary's designee.

United States is defined at 8 U.S.C. 1101(a)(38).

United States (U.S.) worker means any U.S. citizen or alien who is legally permitted to work indefinitely within the United States.

§ 655.930 Addresses of Department of Labor regional offices.

Region I (Connecticut, Maine, Massachusetts, New Hampshire, Rhode Island, and Vermont): One Congress Street 10th Floor, Boston, MA 02114-2021. Telephone: 617-565-4446.

Region II (New York, New Jersey, Puerto Rico, and the Virgin Islands): 201 Varick Street, room 755, New York, NY 10014. Telephone: 212-660-2185.

Region III (Delaware, District of Columbia, Maryland, Pennsylvania, Virginia, and West Virginia): Post Office Box 8796, Philadelphia, PA 19101. Telephone: 215-596-6363.

Region IV (Alabama, Florida, Georgia, Kentucky, Mississippi, North Carolina, South Carolina, and Tennessee): 1371 Peachtree Street, NE., Atlanta, GA 30309. Telephone: 404-347-3938.

Region V (Illinois, Indiana, Michigan, Minnesota, Ohio, and Wisconsin): 230 South Dearborn Street, room 605, Chicago, IL 60604. Telephone: 312-353-1550.

Region VI (Arkansas, Louisiana, New Mexico, Oklahoma, and Texas): 525 Griffin Street, room 314, Dallas, TX 75202. Telephone: 214-767-4989.

Region VII (Iowa, Kansas, Missouri, and Nebraska) 911 Walnut Street, Kansas City, MO 64106. Telephone: 816-426-3796.

Region VIII (Colorado, Montana, North Dakota, South Dakota, Utah, and Wyoming) 1961 Stout Street, 16th Floor, Denver, CO 80294. Telephone: 303-844-4613.

Region IX (Arizona, California, Guam, Hawaii, and Nevada) 71 Stevenson Street, room 830, San Francisco, CA 94119. Telephone: 415-744-6647.

Region X (Alaska, Idaho, Oregon, and Washington) 1111 Third Avenue, room 900, Seattle, WA 98101. Telephone: 206-553-5297.

The telephone numbers set forth in this section are not toll-free.

§ 655.940 Employer attestations.

(a) *Who may submit attestations?* An employer (or the employer's designated agent or representative) seeking to employ F-1 student(s) for off-campus work shall submit an attestation on Form ETA-9034. The attestation shall be

signed by the employer (or the employer's designated agent or representative). For this purpose, the employer's authorized agent or representative shall mean an official of the employer who has the legal authority to commit the employer to the terms and conditions of F-1 student attestations.

(b) *Where and when should attestations be submitted?* (1) Attestations shall be submitted, by U.S. mail, private carrier, or facsimile transmission, to the appropriate ETA Regional office, as defined in § 655.920 of this part, not later than 60 days after the employer's recruitment period (see paragraph (d) of this section) has ended and shall be accepted for filing, returned, or rejected by ETA in accordance with paragraph (f) of this section.

(2) Attestations shall also be submitted to the Designated School Official (DSO) at each educational institution from which the employer seeks to hire any F-1 student(s). Attestations may be filed simultaneously with ETA and the DSO, or the employer may file the approved attestation with the DSO. However, in no case shall the employer file the attestation with the DSO before filing the attestation with ETA or in the absence of filing the attestation with ETA.

(3) If the attestation is submitted simultaneously with ETA and the DSO, and ETA does not receive its copy of the attestation, the Administrator, for purposes of enforcement proceedings under subpart K of this part, shall consider that the attestation was accepted for filing by ETA as of the date the attestation is received by the DSO.

(c) *What should be submitted?* (1) Form ETA-9034. One completed and dated original Form ETA-9034 (or a facsimile), containing the attestation elements referenced in paragraphs (d) and (e) of this section, and the original signature (or a facsimile of the original signature) of the employer (or the employer's authorized agent or representative) and one copy of Form ETA-9034 shall be submitted to ETA. Each attestation form shall identify the position(s) for which the attestation is provided, state the occupational division in which the position is located, by Dictionary of Occupational Titles

(DOT) Two-Digit Occupational Divisions code, and shall state the rate(s) of pay for the position(s). The DOT Two-Digit Occupational Division code is required for DOL recordkeeping and reporting purposes only and should not be used by the employer to determine the prevailing wage, as it is too general for this purpose. (Copies of Form ETA-9034 are available at the addresses listed in §655.930 of this part). When an employer has filed an attestation by facsimile transmission, the employer shall retain in its files the original of the attestation which contains the employer's original signature.

(2) The employer may file an attestation for a single position or for multiple positions in the same occupation, or in multiple occupations, provided that all positions are located within the same geographic area of intended employment.

(3) If the employer files the attestation simultaneously with ETA and the DSO, or files the attestation first with ETA and subsequently files with the DSO before an accepted copy is returned from ETA to the employer, the employer shall, within fifteen days of receipt of ETA's notification of acceptance of the attestation for filing, provide an exact copy of the accepted attestation to the DSO at each educational institution from which the employer seeks to employ an F-1 student. The DSO shall notify ETA if the educational institution has not been provided with a copy of the attestation indicating that it was accepted for filing by ETA within 90 days from the date that the attestation was filed with the DSO.

(4) *Attestation Elements.* The attestation elements referenced in §655.940 (d) and (e) of this section are mandated by section 221(a)(2) of the Act (8 U.S.C. 1184 note). Section 221(a)(2) of the Act provides that one of the conditions for the Attorney General to grant F-1 students work authorization, as described in INA section 101(a)(15)(F), to be employed off-campus in positions unrelated to their field of study, is that the employer provides the educational institution and the Secretary with an attestation that the employer:

(i) Has recruited for at least 60 days for the position; and

(ii) Will pay the F-1 student and all other similarly situated workers at a rate not less than the "required wage rate" (see §655.920 of this part).

(d) *The first attestation element: 60-day recruitment.* An employer seeking to employ an F-1 student shall attest on Form ETA-9034 that it has recruited for at least 60 days for the position(s) and that a sufficient number of U.S. workers were not able, qualified, and available for the position(s).

(1) *Establishing the 60-day recruitment requirement.* (i) The first attestation element is demonstrated if the employer attests that:

(A) It has recruited unsuccessfully for U.S. workers for at least 60 days for the position prior to filing the attestation; and

(B) It will conduct at least 60 days of unsuccessful recruitment for U.S. workers for each position in which, and at each time at which (until September 30, 1996), an F-1 student is subsequently employed.

(ii) To satisfy paragraph (d)(1)(i)(A) of this section, the employer shall recruit for the position for 60 consecutive days by posting the job vacancy (or help wanted) notice at the worksite and by placing a job order with the State Employment Service agency (SESA) local office which services the worksite.

(iii) To satisfy paragraph (d)(1)(i)(B) of this section, the employer shall either:

(A) Recruit for each position vacancy in the manner required by paragraph (d)(1)(ii) of this section; or

(B) File an "open job order" with the SESA local office which services the worksite. The employer shall accept referrals from the SESA local office on the "open job order".

(2) *Documenting the first attestation element.* In the event of an investigation, the employer shall have the burden of proving that it has complied with the elements described in paragraph (d)(1) of this section and attested to on ETA Form 9034. Documentation that is truthful, accurate and substantiates compliance as identified in Appendix A to this subpart shall be sufficient to meet the employer's burden of proof. The employer retains the right to meet its burden of proof in proving

Department of Labor

Employment and Training Administration, Labor**§656.10**

counsel of persons requiring nursing care; and administering of medicines and treatments prescribed by the physician or dentist; the participation in activities for the promotion of health and the prevention of illness in others. A program of study for professional nurses generally includes theory and practice in clinical areas such as: obstetrics, surgery, pediatrics, psychiatry, and medicine. This definition includes only those occupations within Occupational Group No. 075 of the *Dictionary of Occupational Title* (4th ed.)

Regional Administrator, Employment and Training Administration (RA) means the chief official of the Employment and Training Administration (ETA) in a Department of Labor (DOL) regional office.

Schedule A means the list of occupations set forth at §656.10, with respect to which the Director has determined that there are not sufficient United States workers who are able, willing, qualified and available, and that the employment of aliens in such occupations will not adversely affect the wages and working conditions of United States workers similarly employed.

Schedule B means the list of occupations set forth in §656.11, with respect to which the Director has determined that there are generally sufficient United States workers who are able, willing, qualified and available, and that the employment of aliens in such occupations will generally adversely affect the wages and working conditions of the United States workers similarly employed.

Secretary means the Secretary of Labor, the chief official of the U.S. Department of Labor, or the Secretary's designee.

Secretary of State means the chief official of the U.S. Department of State or the Secretary of State's designee.

United States, when used in a geographic sense, means the fifty States, the District of Columbia, Puerto Rico, the U.S. Virgin Islands, and Guam.

United States Employment Service (USES) means the agency of the U.S. Department of Labor, established under the Wagner-Peyser Act (29 U.S.C. 49 *et seq.*), which is charged with administering the national system of public employment offices (the Employment Service (ES) System) and with carrying out the functions of the Secretary under section 212(a)(14) of the Immigration and Nationality Act (8 U.S.C. 1182(a)(14)).

United States worker means any worker who is a U.S. citizen: is a U.S. national: is lawfully admitted for permanent residence; is granted the status of an alien lawfully admitted for permanent residence under 8 U.S.C. 1160(a), 1161(a), or 1255a(a)(1); Is admitted as a refugee under 8 U.S.C. 1157; or is granted asylum under 8 U.S.C. 1158.

145 FR 83933, Dec. 19, 1980, as amended at 52 FR 11219, Apr. 8, 1987; 52 FR 20596, June 2, 1987; 56 FR 549.30, Oct. 23, 1991, Redesignated and amended at 56 FR 54930, Oct. 23, 1991]

**Subpart B-Occupational Labor
Certification Determinations**

§656.10 Schedule A.

The Director, United States Employment Service (Director), has determined that there are not sufficient United States workers who are able, willing, qualified, and available for the occupations listed below on *Schedule A* and that the wages and working conditions of United States workers similarly employed will not be adversely affected by the employment of aliens in *Schedule A* occupations. An alien seeking a labor certification for an occupation listed on *Schedule A* may apply for that labor certification pursuant to §656.22.

SCHEDULE A

(a) Group I:

(1) Persons who will be employed as physical therapists, and who possess all the qualifications necessary to take the physical therapist licensing examination in the State in which they propose to practice physical therapy.

(2) Aliens who will be employed as professional nurses: and (i) who have passed the Commission on Graduates of Foreign Nursing Schools (CGFNS) Examination; or (ii) who hold a full and unrestricted license to practice professional nursing in the State of intended employment.

(3) Definitions of Group I occupations:

(i) "Physical therapist" means a person who applies the art and science of physical therapy to the treatment of patients with disabilities, disorders and injuries to relieve pain, develop or restore function, and maintain performance, using physical means

§ 656.21

20 CFR Ch. V (4-1-97 Edition)

translation, and as to the translator's competency to translate.

(b) Except for labor certification applications involving occupations designated for special handling (see § 656.21a) and *Schedule A* occupations (see §§ 656.10 and 656.22), the employer shall submit, as a part of every labor certification application, on the *Application for Alien Employment Certification* form or in attachments, as appropriate, the following clear documentation:

(1) If the employer has attempted to recruit U.S. workers prior to filing the application for certification, the employer shall document the employer's reasonable good faith efforts to recruit U.S. workers without success through the Employment Service System and/or through other labor referral and recruitment sources normal to the occupation:

(i) this documentation shall include documentation of the employer's recruitment efforts for the job opportunity which shall:

(A) List the sources the employer may have used for recruitment, including, but not limited to, advertising; public and/or private employment agencies; colleges or universities; vocational, trade, or technical schools; labor unions; and/or development or promotion from within the employer's organization;

(B) Identify each recruitment source by name;

(C) Give the number of U.S. workers responding to the employer's recruitment;

(D) Give the number of interviews conducted with U.S. workers;

(E) Specify the lawful job-related reasons for not hiring each U.S. worker interviewed; and

(F) Specify the wages and working conditions offered to the U.S. workers; and

(ii) If the employer advertised the job opportunity prior to filing the application for certification, the employer shall include also a copy of at least one such advertisement.

(2) The employer shall document that the job opportunity has been and is being described without unduly restrictive job requirements:

(i) The job opportunity's requirements, unless adequately documented as arising from business necessity:

(A) Shall be those normally required for the job in the United States;

(B) Shall be those defined for the job in the *Dictionary of Occupational Titles (D.O.T.)* including those for subclasses of jobs;

(C) Shall not include requirements for a language other than English.

(ii) If the job opportunity involves a combination of duties, for example engineer-pilot, the employer must document that it has normally employed persons for that combination of duties and/or workers customarily perform the combination of duties in the area of intended employment, and or the combination job opportunity is based on a business necessity.

(iii) If the job opportunity involves a requirement that the worker live on the employer's premises, the employer shall document adequately that the requirement is a business necessity.

(iv) If the job opportunity has been or is being described with an employer preference, the employer preference shall be deemed to be a job requirement for purposes of this paragraph (b)(2).

(3) The employer shall document that its other efforts to locate and employ U.S. workers for the job opportunity, such as recruitment efforts by means of private employment agencies, labor unions, advertisements placed with radio or TV stations, recruitment at trade schools, colleges, and universities or attempts to fill the job opportunity by development or promotion from among its present employees, have been and continue to be unsuccessful. Such efforts may be required after the filing of an application if appropriate to the occupation.

(4) If unions are customarily used as a recruitment source in the area or industry, the employer shall document that they were unable to refer U.S. workers.

(5) The employer shall document that its requirements for the job opportunity, as described, represent the employer's actual minimum requirements for the job opportunity, and the employer has not hired workers with less training or experience for jobs similar

INA 203(b)(4) as a special immigrant qualified under this section, if not otherwise entitled to an immigrant status and the immediate issuance of a visa, is entitled to a derivative status corresponding to the classification and priority date of the beneficiary of the petition.

(4) *Spouse and children of certain foreign medical graduates.* The accompanying spouse and children of a graduate of a foreign medical school or of a person qualified to practice medicine in a foreign state who has adjusted status as a special immigrant under the provisions of INA 101(a)(27)(H) are classifiable under INA 203(b)(4) as special immigrants defined in INA 101(a)(27)(H) if the consular officer has received an approved petition from INS which accords such status and the consular officer is satisfied that the alien is within the class described in INA 101(a)(27)(H).

(5) *Certain International Organization employees—(i) Entitlement to status.* An alien is classifiable under INA 203(b)(4) as a special immigrant described in INA 101(a)(27)(I) if the consular officer has received a petition approved by the INS to accord such classification or official notification of such approval, and the consular officer is satisfied from the evidence presented that the alien is within one of the classes described in that section.

(ii) *Timeliness of application.* An alien accorded status under INA 203(b)(4) because of qualification under INA 101(a)(27)(I) must appear for a final visa interview and issuance of the immigrant visa within six months of establishing entitlement to status.

(6) *Certain juvenile court dependents.* An alien shall be classifiable under INA 203(b)(4) as a special immigrant defined in INA 101(a)(27)(J) if the consular officer has received from INS an approved petition to accord such status, or an official notification of such an approval, and the consular officer is satisfied the alien is within the class described in that section.

(7) *Certain members of the United States Armed Forces recruited abroad—(i) Entitlement to status.* An alien is classifiable under INA 203(b)(4) as a special immigrant described in INA 101(a)(27)(K) if the consular office has received a petition approved by the INS to accord

such classification, or official notification of such an approval, and the consular officer is satisfied from the evidence presented that the alien is within the class described in INA 101(a)(27)(K).

(ii) *Entitlement to derivative status.* Pursuant to INA 203(d), and whether or not named in the petition, the spouse or child of any alien classified under INA 203(b)(4) as a special immigrant qualified under this section, if not otherwise entitled to an immigrant status and the immediate issuance of a visa, is entitled to a derivative status corresponding to the classification and priority date of the beneficiary of the petition.

(e) *Fifth preference—Employment-creation immigrants—(1) Entitlement to status.* An alien shall be classifiable as a fifth preference employment-creation immigrant if the consular officer has received from INS an approved petition to accord such status, or official notification of such an approval, and the consular officer is satisfied that the alien is within the class described in INA 203(b)(5).

(2) *Entitlement to derivative status.* Pursuant to INA 203(d), and whether or not named in the petition, the spouse or child of an employment-based fifth preference immigrant, if not otherwise entitled to an immigrant status and the immediate issuance of a visa, is entitled to a derivative status corresponding to the classification and priority date of the beneficiary of the petition.

[56 FR 49676, Oct. 1, 1991, as amended at 56 FR 51172, Oct. 10, 1991; 56 FR 55077, Oct. 24, 1991; 60 FR 35839, July 12, 1995]

§ 42.33 Diversity immigrants.

(a) *General—(1) Eligibility to compete for consideration under section 203(c).* An alien shall be eligible to compete for consideration for visa issuance under INA 203(c) during a fiscal year only if he or she is a native of a low-admission foreign state, as determined by the Attorney General pursuant to INA 203(c)(1)(E)(i), with respect to the fiscal year in question; and if he or she has at least a high school education or its equivalent or, within the five years preceding the date of application for a visa, has two years of work experience

in an occupation requiring at least two years training or experience.

(2) *Definition of high school education or its equivalent.* For the purposes of this section, the phrase *high school education or its equivalent* shall mean successful completion of a twelve-year course of elementary and secondary education in the United States or successful completion in another country of a formal course of elementary and secondary education comparable to completion of twelve years' elementary and secondary education in the United States.

(3) *Determinations of work experience.* The most recent edition of the Dictionary of Occupational Titles published by the Employment and Training Administration, United States Department of Labor, shall be controlling in determining whether a particular occupation is one "which requires at least 2 years of training or experience" as provided in INA 203(c)(2).

(4) *Limitation on number of petitions per year.* No more than one petition may be submitted by, or on behalf of, any alien for consideration during any single fiscal year. If two or more petitions for any single fiscal year are submitted by, or on behalf of, any alien, all such petitions shall be void and the alien by or for whom submitted shall not be eligible for consideration for visa issuance during the fiscal year in question.

(5) *Northern Ireland.* For purposes of determining eligibility to file a petition for consideration under INA 203(c) for a fiscal year, the districts comprising that portion of the United Kingdom of Great Britain and Northern Ireland, known as "Northern Ireland", shall be treated as a separate foreign state. The districts comprising "Northern Ireland" are Antrim, Ards, Armagh, Ballymena, Ballymoney, Banbridge, Belfast, Carrickfergus, Castlereagh, Coleraine, Cookstown, Craigavon, Down, Dungannon, Fermanagh, Larne, Limavady, Lisburn, Londonderry, Magherafelt, Moyle, Newry and Mourne, Newtownabbey, North Down, Omagh, and Strabane.

(b) *Petition for consideration*—(1) *Form of petition.* An alien claiming to be entitled to compete for consideration under INA 203(c) shall file a petition for

such consideration. The petition shall consist of a sheet of paper on which shall be typed or legibly printed in the Roman alphabet the petitioner's name; date and place of birth (including city and country, province or other political subdivision of the country); the country of which the alien claims to be a native, if other than the country of birth; name[s] and date[s] and place[s] of birth of spouse and child[ren], if any; a current mailing address; and location of consular office nearest to current residence or, if in the United States, nearest to last foreign residence prior to entry into the United States. The alien shall sign his or her signature on the sheet of paper, using his or her usual signature. The alien shall also affix to the sheet of paper a recent photograph of himself or herself. The photograph shall be 1½ inches square (37mm × 37mm) and the alien shall clearly print his or her name in the Roman alphabet on the reverse of the photograph before affixing the photograph to the sheet of paper.

(2) *Submission of petition*—(i) *General.* A petition for consideration for visa issuance under INA 203(c) shall be submitted by mail to the address designated by the Department for that purpose. The Department shall establish a period of not less than thirty days during each fiscal year during which petitions for consideration during the next following fiscal year may be submitted. Each fiscal year, the Department shall give timely notice of both the mailing address and the exact dates of the application period, through publication in the FEDERAL REGISTER and such other methods as will ensure the widest possible dissemination of the information, both abroad and within the United States.

(ii) *Form of mailing.* Petitions for consideration under this section shall be submitted by normal surface or air mail only. Petitions submitted by hand, telegram, FAX, or by any means requiring any form of special handling or acknowledgement of receipt will not be given consideration. The petitioner shall type or print legibly, using the Roman alphabet, on the upper left-hand corner of the envelope in which the petition is mailed his or her full name and mailing address, and the

Department of Justice

§ 50.14

outside the receiving departments, related agencies, or other authorized entities. Officials at the governmental institutions and other entities authorized to submit fingerprints and receive FBI identification records under this authority must notify the individuals fingerprinted that the fingerprints will be used to check the criminal history records of the FBI. The officials making the determination of suitability for licensing or employment shall provide the applicants the opportunity to complete, or challenge the accuracy of, the information contained in the FBI identification record. These officials should not deny the license or employment based on information in the record until the applicant has been afforded a reasonable time to correct or complete the record, or has declined to do so. Those officials making such determinations must advise the applicants that procedures for obtaining a change, correcting, or updating of an FBI identification record are set forth in 28 CFR 16.34. A statement incorporating these use-and-challenge requirements will be placed on all records disseminated under this program. This policy is intended to ensure that all relevant criminal record information is made available to provide for the public safety and further, to protect the interests of the prospective employee/licensee who may be affected by the information or lack of information in an identification record.

(c) There will be no change in FBI Identification Division procedures for dissemination of all criminal record information for criminal justice purposes and to agencies of the Federal Government as currently authorized by 28 U.S.C. 534.

[Order No. 1438-90, 55 FR 32075, Aug. 7, 1990]

§ 50.14 Guidelines on employee selection procedures.

The guidelines set forth below are intended as a statement of policy of the Department of Justice and will be applied by the Department in exercising its responsibilities under Federal law relating to equal employment opportunity.

UNIFORM GUIDELINES ON EMPLOYEE SELECTION PROCEDURES (1978)

NOTE: These guidelines are issued jointly by four agencies. Separate official adoptions follow the guidelines in this part IV as follows: Civil Service Commission, Department of Justice, Equal Employment Opportunity Commission, Department of Labor.

For official citation see section 18 of these guidelines.

TABLE OF CONTENTS

GENERAL PRINCIPLES

1. Statement of Purpose
 - A. Need for Uniformity—Issuing Agencies
 - B. Purpose of Guidelines
 - C. Relation to Prior Guidelines
2. Scope
 - A. Application of Guidelines
 - B. Employment Decisions
 - C. Selection Procedures
 - D. Limitations
 - E. Indian Preference Not Affected
3. Discrimination Defined: Relationship Between Use of Selection Procedures and Discrimination
 - A. Procedure Having Adverse Impact Constitutes Discrimination Unless Justified
 - B. Consideration of Suitable Alternative Selection Procedures
4. Information on Impact
 - A. Records Concerning Impact
 - B. Applicable Race, Sex and Ethnic Groups For Record Keeping
 - C. Evaluation of Selection Rates. The "Bottom Line"
 - D. Adverse Impact And The "Four-Fifths Rule"
 - E. Consideration of User's Equal Employment Opportunity Posture
5. General Standards for Validity Studies
 - A. Acceptable types of Validity Studies
 - B. Criterion-Related, Content, and Construct Validity
 - C. Guidelines Are Consistent with Professional Standards
 - D. Need For Documentation of Validity
 - E. Accuracy and Standardization
 - F. Caution Against Selection on Basis of Knowledge, Skills or Abilities Learned in Brief Orientation Period
 - G. Method of Use of Selection Procedures
 - H. Cutoff Scores
 - I. Use of Selection Procedures for Higher Level Jobs
 - J. Interim Use of Selection Procedures
 - K. Review of Validity Studies for Currency
6. Use of Selection Procedures Which Have Not Been Validated
 - A. Use of Alternate Selection Procedures to Eliminate Adverse Impact
 - B. Where Validity Studies Cannot or Need Not Be Performed

§ 50.14

28 CFR Ch. I (7-1-97 Edition)

- (1) Where Informal or Unscored Procedures Are Used
- (2) Where Formal And Scored Procedures Are Used
- 7. Use of Other Validity Studies
 - A. Validity Studies not Conducted by the User
 - B. Use of Criterion-Related Validity Evidence from Other Sources
 - (1) Validity Evidence
 - (2) Job Similarity
 - (3) Fairness Evidence
 - C. Validity Evidence from Multi-Unit Study
 - D. Other Significant Variables
- 8. Cooperative Studies
 - A. Encouragement of Cooperative Studies
 - B. Standards for Use of Cooperative Studies
- 9. No Assumption of Validity
 - A. Unacceptable Substitutes for Evidence of Validity
 - B. Encouragement of Professional Supervision
- 10. Employment Agencies and Employment Services
 - A. Where Selection Procedures Are Devised by Agency
 - B. Where Selection Procedures Are Devised Elsewhere
- 11. Disparate Treatment
- 12. Retesting of Applicants
- 13. Affirmative Action
 - A. Affirmative Action Obligations
 - B. Encouragement of Voluntary Affirmative Action Programs

TECHNICAL STANDARDS

- 14. Technical Standards for Validity Studies
 - A. Validity Studies Should be Based on Review of Information about the Job
 - B. Technical Standards for Criterion-Related Validity Studies
 - (1) Technical Feasibility
 - (2) Analysis of the Job
 - (3) Criterion Measures
 - (4) Representativeness of the Sample
 - (5) Statistical Relationships
 - (6) Operational Use of Selection Procedures
 - (7) Over-Statement of Validity Findings
 - (8) Fairness
 - (a) Unfairness Defined
 - (b) Investigation of Fairness
 - (c) General Considerations in Fairness Investigations
 - (d) When Unfairness Is Shown
 - (e) Technical Feasibility of Fairness Studies
 - (f) Continued Use of Selection Procedures When Fairness Studies not Feasible
 - C. Technical Standards for Content Validity Studies
 - (1) Appropriateness of Content Validity Studies
 - (2) Job Analysis for Content Validity

- (3) Development of Selection Procedure
- (4) Standards For Demonstrating Content Validity
- (5) Reliability
- (6) Prior Training or Experience
- (7) Training Success
- (8) Operational Use
- (9) Ranking Based on Content Validity Studies
- D. Technical Standards For Construct Validity Studies
 - (1) Appropriateness of Construct Validity Studies
 - (2) Job Analysis For Construct Validity Studies
 - (3) Relationship to the Job
 - (4) Use of Construct Validity Study Without New Criterion-Related Evidence
 - (a) Standards for Use
 - (b) Determination of Common Work Behaviors

DOCUMENTATION OF IMPACT AND VALIDITY EVIDENCE

- 15. Documentation of Impact and Validity Evidence
 - A. Required Information
 - (1) Simplified Recordkeeping for Users With Less Than 100 Employees
 - (2) Information on Impact
 - (a) Collection of Information on Impact
 - (b) When Adverse Impact Has Been Eliminated in The Total Selection Process
 - (c) When Data Insufficient to Determine Impact
 - (3) Documentation of Validity Evidence
 - (a) Type of Evidence
 - (b) Form of Report
 - (c) Completeness
 - B. Criterion-Related Validity Studies
 - (1) User(s), Location(s), and Date(s) of Study
 - (2) Problem and Setting
 - (3) Job Analysis or Review of Job Information
 - (4) Job Titles and Codes
 - (5) Criterion Measures
 - (6) Sample Description
 - (7) Description of Selection Procedure
 - (8) Techniques and Results
 - (9) Alternative Procedures Investigated
 - (10) Uses and Applications
 - (11) Source Data
 - (12) Contact Person
 - (13) Accuracy and Completeness
 - C. Content Validity Studies
 - (1) User(s), Location(s), and Date(s) of Study
 - (2) Problem and Setting
 - (3) Job Analysis—Content of the Job
 - (4) Selection Procedure and its Content
 - (5) Relationship Between Selection Procedure and the Job
 - (6) Alternative Procedures Investigated
 - (7) Uses and Applications
 - (8) Contact Person

- (9) Accuracy and Completeness
- D. Construct Validity Studies
 - (1) User(s), Location(s), and Date(s) of Study
 - (2) Problem and Setting
 - (3) Construct Definition
 - (4) Job Analysis
 - (5) Job Titles and Codes
 - (6) Selection Procedure
 - (7) Relationship to Job Performance
 - (8) Alternative Procedures Investigated
 - (9) Uses and Applications
 - (10) Accuracy and Completeness
 - (11) Source Data
 - (12) Contact Person
- E. Evidence of Validity from Other Studies
 - (1) Evidence from Criterion-Related Validity Studies
 - (a) Job Information
 - (b) Relevance of Criteria
 - (c) Other Variables
 - (d) Use of the Selection Procedure
 - (e) Bibliography
 - (2) Evidence from Content Validity Studies
 - (3) Evidence from Construct Validity Studies
- F. Evidence of Validity from Cooperative Studies
- G. Selection for Higher Level Jobs
- H. Interim Use of Selection Procedures

DEFINITIONS

16. Definitions

APPENDIX

- 17. Policy Statement on Affirmative Action (see Section 13B)
- 18. Citations

GENERAL PRINCIPLES

SECTION 1. *Statement of purpose*—A. *Need for uniformity—Issuing agencies.* The Federal government's need for a uniform set of principles on the question of the use of tests and other selection procedures has long been recognized. The Equal Employment Opportunity Commission, the Civil Service Commission, the Department of Labor, and the Department of Justice jointly have adopted these uniform guidelines to meet that need, and to apply the same principles to the Federal Government as are applied to other employers.

B. *Purpose of guidelines.* These guidelines incorporate a single set of principles which are designed to assist employers, labor organizations, employment agencies, and licensing and certification boards to comply with requirements of Federal law prohibiting employment practices which discriminate on grounds of race, color, religion, sex, and national origin. They are designed to provide a framework for determining the proper use of tests and other selection procedures. These guidelines do not require a user to conduct

validity studies of selection procedures where no adverse impact results. However, all users are encouraged to use selection procedures which are valid, especially users operating under merit principles.

C. *Relation to prior guidelines.* These guidelines are based upon and supersede previously issued guidelines on employee selection procedures. These guidelines have been built upon court decisions, the previously issued guidelines of the agencies, and the practical experience of the agencies, as well as the standards of the psychological profession. These guidelines are intended to be consistent with existing law.

SEC. 2. *Scope*—A. *Application of guidelines.* These guidelines will be applied by the Equal Employment Opportunity Commission in the enforcement of title VII of the Civil Rights Act of 1964, as amended by the Equal Employment Opportunity Act of 1972 (hereinafter "Title VII"); by the Department of Labor, and the contract compliance agencies until the transfer of authority contemplated by the President's Reorganization Plan No. 1 of 1978, in the administration and enforcement of Executive Order 11246, as amended by Executive Order 11375 (hereinafter "Executive Order 11246"); by the Civil Service Commission and other Federal agencies subject to section 717 of title VII; by the Civil Service Commission in exercising its responsibilities toward State and local governments under section 208(b)(1) of the Intergovernmental Personnel Act; by the Department of Justice in exercising its responsibilities under Federal law; by the Office of Revenue Sharing of the Department of the Treasury under the State and Local Fiscal Assistance Act of 1972, as amended; and by any other Federal agency which adopts them.

B. *Employment decisions.* These guidelines apply to tests and other selection procedures which are used as a basis for any employment decision. Employment decisions include but are not limited to hiring, promotion, demotion, membership (for example, in a labor organization), referral, retention, and licensing and certification, to the extent that licensing and certification may be covered by Federal equal employment opportunity law. Other selection decisions, such as selection for training or transfer, may also be considered employment decisions if they lead to any of the decisions listed above.

C. *Selection procedures.* These guidelines apply only to selection procedures which are used as a basis for making employment decisions. For example, the use of recruiting procedures designed to attract members of a particular race, sex, or ethnic group, which were previously denied employment opportunities or which are currently underutilized, may be necessary to bring an employer into compliance with Federal law, and is frequently an essential element of any effective

in section 15(A)(2)(a) above until the information is sufficient to determine that the overall selection process does not have an adverse impact as defined in section 4 above, or until the job has changed substantially.

(3) *Documentation of validity evidence*—(a) *Types of evidence.* Where a total selection process has an adverse impact (see section 4 above) the user should maintain and have available for each component of that process which has an adverse impact, one or more of the following types of documentation evidence:

(i) Documentation evidence showing criterion-related validity of the selection procedure (see section 15B, below).

(ii) Documentation evidence showing content validity of the selection procedure (see section 15C, below).

(iii) Documentation evidence showing construct validity of the selection procedure (see section 15D, below).

(iv) Documentation evidence from other studies showing validity of the selection procedure in the user's facility (see section 15E, below).

(v) Documentation evidence showing why a validity study cannot or need not be performed and why continued use of the procedure is consistent with Federal law.

(b) *Form of report.* This evidence should be compiled in a reasonably complete and organized manner to permit direct evaluation of the validity of the selection procedure. Previously written employer or consultant reports of validity, or reports describing validity studies completed before the issuance of these guidelines are acceptable if they are complete in regard to the documentation requirements contained in this section, or if they satisfied requirements of guidelines which were in effect when the validity study was completed. If they are not complete, the required additional documentation should be appended. If necessary information is not available the report of the validity study may still be used as documentation, but its adequacy will be evaluated in terms of compliance with the requirements of these guidelines.

(c) *Completeness.* In the event that evidence of validity is reviewed by an enforcement agency, the validation reports completed after the effective date of these guidelines are expected to contain the information set forth below. Evidence denoted by use of the word "(Essential)" is considered critical. If information denoted essential is not included, the report will be considered incomplete unless the user affirmatively demonstrates either its unavailability due to circumstances beyond the user's control or special circumstances of the user's study which make the information irrelevant. Evidence not so denoted is desirable but its absence will not be a basis for considering a report incomplete. The user should maintain and

have available the information called for under the heading "Source Data" in sections 15B(11) and 15D(11). While it is a necessary part of the study, it need not be submitted with the report. All statistical results should be organized and presented in tabular or graphic form to the extent feasible.

B. *Criterion-related validity studies.* Reports of criterion-related validity for a selection procedure should include the following information:

(1) *User(s), location(s), and date(s) of study.* Dates and location(s) of the job analysis or review of job information, the date(s) and location(s) of the administration of the selection procedures and collection of criterion data, and the time between collection of data on selection procedures and criterion measures should be provided (Essential). If the study was conducted at several locations, the address of each location, including city and State, should be shown.

(2) *Problem and setting.* An explicit definition of the purpose(s) of the study and the circumstances in which the study was conducted should be provided. A description of existing selection procedures and cutoff scores, if any, should be provided.

(3) *Job analysis or review of job information.* A description of the procedure used to analyze the job or group of jobs, or to review the job information should be provided (Essential). Where a review of job information results in criteria which may be used without a full job analysis (see section 14B(3)), the basis for the selection of these criteria should be reported (Essential). Where a job analysis is required a complete description of the work behavior(s) or work outcome(s), and measures of their criticality or importance should be provided (Essential). The report should describe the basis on which the behavior(s) or outcome(s) were determined to be critical or important, such as the proportion of time spent on the respective behaviors, their level of difficulty, their frequency of performance, the consequences of error, or other appropriate factors (Essential). Where two or more jobs are grouped for a validity study, the information called for in this subsection should be provided for each of the jobs, and the justification for the grouping (see section 14B(1)) should be provided (Essential).

(4) *Job titles and codes.* It is desirable to provide the user's job title(s) for the job(s) in question and the corresponding job title(s) and code(s) from U.S. Employment Service's Dictionary of Occupational Titles.

(5) *Criterion measures.* The bases for the selection of the criterion measures should be provided, together with references to the evidence considered in making the selection of criterion measures (essential). A full description of all criteria on which data were collected and means by which they were observed, recorded, evaluated, and quantified,

who may be contacted for further information about the validity study should be provided (essential).

(9) *Accuracy and completeness.* The report should describe the steps taken to assure the accuracy and completeness of the collection, analysis, and report of data and results.

D. *Construct validity studies.* Reports of construct validity for a selection procedure should include the following information:

(1) *User(s), location(s), and date(s) of study.* Date(s) and location(s) of the job analysis and the gathering of other evidence called for by these guidelines should be provided (essential).

(2) *Problem and setting.* An explicit definition of the purpose(s) of the study and the circumstances in which the study was conducted should be provided. A description of existing selection procedures and cutoff scores, if any, should be provided.

(3) *Construct definition.* A clear definition of the construct(s) which are believed to underlie successful performance of the critical or important work behavior(s) should be provided (essential). This definition should include the levels of construct performance relevant to the job(s) for which the selection procedure is to be used (essential). There should be a summary of the position of the construct in the psychological literature, or in the absence of such a position, a description of the way in which the definition and measurement of the construct was developed and the psychological theory underlying it (essential). Any quantitative data which identify or define the job constructs, such as factor analyses, should be provided (essential).

(4) *Job analysis.* A description of the method used to analyze the job should be provided (essential). A complete description of the work behavior(s) and, to the extent appropriate, work outcomes and measures of their criticality and/or importance should be provided (essential). The report should also describe the basis on which the behavior(s) or outcomes were determined to be important, such as their level of difficulty, their frequency of performance, the consequences of error or other appropriate factors (essential). Where jobs are grouped or compared for the purposes of generalizing validity evidence, the work behavior(s) and work product(s) for each of the jobs should be described, and conclusions concerning the similarity of the jobs in terms of observable work behaviors or work products should be made (essential).

(5) *Job titles and codes.* It is desirable to provide the selection procedure user's job title(s) for the job(s) in question and the corresponding job title(s) and code(s) from the United States Employment Service's dictionary of occupational titles.

(6) *Selection procedure.* The selection procedure used as a measure of the construct should be completely and explicitly de-

scribed or attached (essential). If commercially available selection procedures are used, they should be identified by title, form and publisher (essential). The research evidence of the relationship between the selection procedure and the construct, such as factor structure, should be included (essential). Measures of central tendency, variability and reliability of the selection procedure should be provided (essential). Whenever feasible, these measures should be provided separately for each relevant race, sex and ethnic group.

(7) *Relationship to job performance.* The criterion-related study(ies) and other empirical evidence of the relationship between the construct measured by the selection procedure and the related work behavior(s) for the job or jobs in question should be provided (essential). Documentation of the criterion-related study(ies) should satisfy the provisions of section 15B above or section 15E(1) below, except for studies conducted prior to the effective date of these guidelines (essential). Where a study pertains to a group of jobs, and, on the basis of the study, validity is asserted for a job in the group, the observed work behaviors and the observed work products for each of the jobs should be described (essential). Any other evidence used in determining whether the work behavior(s) in each of the jobs is the same should be fully described (essential).

(8) *Alternative procedures investigated.* The alternative selection procedures investigated and available evidence of their impact should be identified (essential). The scope, method, and findings of the investigation, and the conclusions reached in light of the findings should be fully described (essential).

(9) *Uses and applications.* The methods considered for use of the selection procedure (e.g., as a screening device with a cutoff score, for grouping or ranking, or combined with other procedures in a battery) and available evidence of their impact should be described (essential). This description should include the rationale for choosing the method for operational use, and the evidence of the validity and utility of the procedure as it is to be used (essential). The purpose for which the procedure is to be used (e.g., hiring, transfer, promotion) should be described (essential). If weights are assigned to different parts of the selection procedure, these weights and the validity of the weighted composite should be reported (essential). If the selection procedure is used with a cutoff score, the user should describe the way in which normal expectations of proficiency within the work force were determined and the way in which the cutoff score was determined (essential).

(10) *Accuracy and completeness.* The report should describe the steps taken to assure the accuracy and completeness of the collection, analysis, and report of data and results.

granted to employees for hours worked in excess of 8 in a day, or for working on a scheduled day off in a non-overtime workweek. The FLSA does not require compensatory time to be granted in such situations.

(b) Compensatory time which is earned and accrued by an employee working hours which are "overtime" hours under State or local law, ordinance, or other provisions, but which are not overtime hours under section 7 of the FLSA is also considered "other" compensatory time. For example, a local law or ordinance may provide that compensatory time be granted to employees for hours worked in excess of 35 in a workweek. Under section 7(a) of the FLSA, only hours worked in excess of 40 in a workweek are overtime hours which must be compensated at one and one-half times the regular rate of pay.

(c) Similarly, compensatory time earned or accrued by an employee for employment in excess of a standard established by the personnel policy or practice of an employer, or by custom, which does not result from the FLSA provision, is another example of "other" compensatory time.

(d) The FLSA does not require that the rate at which "other" compensatory time is earned has to be at a rate of one and one-half hours for each hour of employment. The rate at which "other" compensatory time is earned may be some lesser or greater multiple of the rate or the straight-time rate itself.

(e) The requirements of section 7(o) of the FLSA, including the limitations on accrued compensatory time, do not apply to "other" compensatory time as described above.

OTHER EXEMPTIONS

§ 553.30 Occasional or sporadic employment-section 7(p)(2).

(a) Section 7(p)(2) of the FLSA provides that where State or local government employees, solely at their option, work occasionally or sporadically on a part-time basis for the same public agency in a different capacity from their regular employment, the hours worked in the different jobs shall not be combined for the purpose of deter-

mining overtime liability under the Act.

(b) *Occasional or sporadic.* (1) The term *occasional or sporadic* means infrequent, irregular, or occurring in scattered instances. There may be an occasional need for additional resources in the delivery of certain types of public services which is at times best met by the part-time employment of an individual who is already a public employee. Where employees freely and solely at their own option enter into such activity, the total hours worked will not be combined for purposes of determining any overtime compensation due on the regular, primary job. However, in order to prevent overtime abuse, such hours worked are to be excluded from computing overtime compensation due only where the occasional or sporadic assignments are not within the same general occupational category as the employee's regular work.

(2) In order for an employee's occasional or sporadic work on a part-time basis to qualify for exemption under section 7(p)(2), the employee's decision to work in a different capacity must be made freely and without coercion, implicit or explicit, by the employer. An employer may suggest that an employee undertake another kind of work for the same unit of government when the need for assistance arises, but the employee must be free to refuse to perform such work without sanction and without being required to explain or justify the decision.

(3) Typically, public recreation and park facilities, and stadiums or auditoriums utilize employees in occasional or sporadic work. Some of these employment activities are the taking of tickets, providing security for special events (*e.g.*, concerts, sports events, and lectures), officiating at youth or other recreation and sports events, or engaging in food or beverage sales at special events, such as a county fair. Employment in such activity may be considered occasional or sporadic for regular employees of State or local government agencies even where the need can be anticipated because it recurs seasonally (*e.g.*, a holiday concert at a city college, a program of scheduled sports events, or assistance by a

city payroll clerk in processing returns at tax filing time). An activity does not fail to be occasional merely because it is recurring. In contrast, for example, if a parks department clerk, in addition to his or her regular job, also regularly works additional hours on a part-time basis (e.g., every week or every other week) at a public park food and beverage sales center operated by that agency, the additional work does not constitute intermittent and irregular employment and, therefore, the hours worked would be combined in computing any overtime compensation due.

(c) *Different capacity.* (1) In order for employment in these occasional or sporadic activities not to be considered subject to the overtime requirements of section 7 of the FLSA, the regular government employment of the individual performing them must also be in a different capacity, *i.e.*, it must not fall within the same general occupational category.

(2) In general, the Administrator will consider the duties and other factors contained in the definitions of the 3-digit categories of occupations in the *Dictionary of Occupational Titles* (except in the case of public safety employees as discussed below in section (3)), as well as all the facts and circumstances in a particular case, in determining whether employment in a second capacity is substantially different from the regular employment.

(3) For example, if a public park employee primarily engaged in playground maintenance also from time to time cleans an evening recreation center operated by the same agency, the additional work would be considered hours worked for the same employer and subject to the Act's overtime requirements because it is not in a *different capacity*. This would be the case even though the work was *occasional or sporadic*, and, was not regularly scheduled. Public safety employees taking on any kind of security or safety function within the same local government are never considered to be employed in a *different capacity*.

(4) However, if a bookkeeper for a municipal park agency or a city mail clerk occasionally referees for an adult evening basketball league sponsored by

the city, the hours worked as a referee would be considered to be in a different general occupational category than the primary employment and would not be counted as hours worked for overtime purposes on the regular job. A person regularly employed as a bus driver may assist in crowd control, for example, at an event such as a winter festival, and in doing so, would be deemed to be serving in a different capacity.

(5) In addition, any activity traditionally associated with teaching (e.g., coaching, career counseling, etc.) will not be considered as employment in a *different capacity*. However, where personnel other than teachers engage in such teaching-related activities, the work will be viewed as employment in a *different capacity*, provided that these activities are performed on an occasional or sporadic basis and all other requirements for this provision are met. For example, a school secretary could substitute as a coach for a basketball team or a maintenance engineer could provide instruction on auto repair on an occasional or sporadic basis.

§ 553.31 Substitution—section 7(p)(3).

(a) Section 7(p)(3) of the FLSA provides that two individuals employed in any occupation by the same public agency may agree, solely at their option and with the approval of the public agency, to substitute for one another during scheduled work hours in performance of work in the same capacity. The hours worked shall be excluded by the employer in the calculation of the hours for which the substituting employee would otherwise be entitled to overtime compensation under the Act. Where one employee substitutes for another, each employee will be credited as if he or she had worked his or her normal work schedule for that shift.

(b) The provisions of section 7(p)(3) apply only if employees' decisions to substitute for one another are made freely and without coercion, direct or implied. An employer may suggest that an employee substitute or "trade time" with another employee working in the same capacity during regularly scheduled hours, but each employee must be free to refuse to perform such

notation of the time of day and beginning day of the work period will suffice for these workers.

Subpart B—Volunteers

§ 553.100 General.

Section 3(e) of the Fair Labor Standards Act, as amended in 1985, provides that individuals performing volunteer services for units of State and local governments will not be regarded as “employees” under the statute. The purpose of this subpart is to define the circumstances under which individuals may perform hours of volunteer service for units of State and local governments without being considered to be their employees during such hours for purposes of the FLSA.

§ 553.101 “Volunteer” defined.

(a) An individual who performs hours of service for a public agency for civic, charitable, or humanitarian reasons, without promise, expectation or receipt of compensation for services rendered, is considered to be a volunteer during such hours. Individuals performing hours of service for such a public agency will be considered volunteers for the time so spent and not subject to sections 6, 7, and 11 of the FLSA when such hours of service are performed in accord with sections 3(e)(4) (A) and (B) of the FLSA and the guidelines in this subpart.

(b) Congress did not intend to discourage or impede volunteer activities undertaken for civic, charitable, or humanitarian purposes, but expressed its wish to prevent any manipulation or abuse of minimum wage or overtime requirements through coercion or undue pressure upon individuals to “volunteer” their services.

(c) Individuals shall be considered volunteers only where their services are offered freely and without pressure or coercion, direct or implied, from an employer.

(d) An individual shall not be considered a volunteer if the individual is otherwise employed by the same public agency to perform the same type of services as those for which the individual proposes to volunteer.

§ 553.102 Employment by the same public agency.

(a) Section 3(e)(4)(A)(ii) of the FLSA does not permit an individual to perform hours of volunteer service for a public agency when such hours involve the same type of services which the individual is employed to perform for the same public agency.

(b) Whether two agencies of the same State or local government constitute the same public agency can only be determined on a case-by-case basis. One factor that would support a conclusion that two agencies are separate is whether they are treated separately for statistical purposes in the Census of Governments issued by the Bureau of the Census, U.S. Department of Commerce.

§ 553.103 “Same type of services” defined.

(a) The 1985 Amendments provide that employees may volunteer hours of service to their public employer or agency provided “such services are not the same type of services which the individual is employed to perform for such public agency.” Employees may volunteer their services in one capacity or another without contemplation of pay for services rendered. The phrase “same type of services” means similar or identical services. In general, the Administrator will consider, but not as the only criteria, the duties and other factors contained in the definitions of the 3-digit categories of occupations in the *Dictionary of Occupational Titles* in determining whether the volunteer activities constitute the “same type of services” as the employment activities. Equally important in such a determination will be the consideration of all the facts and circumstances in a particular case, including whether the volunteer service is closely related to the actual duties performed by or responsibilities assigned to the employee.

(b) An example of an individual performing services which constitute the “same type of services” is a nurse employed by a State hospital who proposes to volunteer to perform nursing services at a State-operated health clinic which does not qualify as a separate public agency as discussed in

§ 553.104

§ 553.102. Similarly, a firefighter cannot volunteer as a firefighter for the same public agency.

(c) Examples of volunteer services which do not constitute the "same type of services" include: A city police officer who volunteers as a part-time referee in a basketball league sponsored by the city; an employee of the city parks department who serves as a volunteer city firefighter; and an office employee of a city hospital or other health care institution who volunteers to spend time with a disabled or elderly person in the same institution during off duty hours as an act of charity.

§ 553.104 Private individuals who volunteer services to public agencies.

(a) Individuals who are not employed in any capacity by State or local government agencies often donate hours of service to a public agency for civic or humanitarian reasons. Such individuals are considered volunteers and not employees of such public agencies if their hours of service are provided with no promise expectation, or receipt of compensation for the services rendered, except for reimbursement for expenses, reasonable benefits, and nominal fees, or a combination thereof, as discussed in § 553.106. There are no limitations or restrictions imposed by the FLSA on the types of services which private individuals may volunteer to perform for public agencies.

(b) Examples of services which might be performed on a volunteer basis when so motivated include helping out in a sheltered workshop or providing personal services to the sick or the elderly in hospitals or nursing homes; assisting in a school library or cafeteria; or driving a school bus to carry a football team or band on a trip. Similarly, individuals may volunteer as firefighters or auxiliary police, or volunteer to perform such tasks as working with retarded or handicapped children or disadvantaged youth, helping in youth programs as camp counselors, soliciting contributions or participating in civic or charitable benefit programs and volunteering other services needed to carry out charitable or educational programs.

[52 FR 2032, Jan. 16, 1987; 52 FR 2648, Jan. 23, 1987]

29 CFR Ch. V (7-1-98 Edition)

§ 553.105 Mutual aid agreements.

An agreement between two or more States, political subdivisions, or interstate governmental agencies for mutual aid does not change the otherwise volunteer character of services performed by employees of such agencies pursuant to said agreement. For example, where Town A and Town B have entered into a mutual aid agreement related to fire protection, a firefighter employed by Town A who also is a volunteer firefighter for Town B will not have his or her hours of volunteer service for Town B counted as part of his or her hours of employment with Town A. The mere fact that services volunteered to Town B may in some instances involve performance in Town A's geographic jurisdiction does not require that the volunteer's hours are to be counted as hours of employment with Town A.

§ 553.106 Payment of expenses, benefits, or fees.

(a) Volunteers may be paid expenses, reasonable benefits, a nominal fee, or any combination thereof, for their service without losing their status as volunteers.

(b) An individual who performs hours of service as a volunteer for a public agency may receive payment for expenses without being deemed an employee for purposes of the FLSA. A school guard does not become an employee because he or she receives a uniform allowance, or reimbursement for reasonable cleaning expenses or for wear and tear on personal clothing worn while performing hours of volunteer service. (A uniform allowance must be reasonably limited to relieving the volunteer of the cost of providing or maintaining a required uniform from personal resources.) Such individuals would not lose their volunteer status because they are reimbursed for the approximate out-of-pocket expenses incurred incidental to providing volunteer services, for example, payment for the cost of meals and transportation expenses.

(c) Individuals do not lose their status as volunteers because they are reimbursed for tuition, transportation and meal costs involved in their attending classes intended to teach them

DOCUMENTATION OF IMPACT AND
VALIDITY EVIDENCE**§ 1607.15 Documentation of impact and validity evidence.**

A. *Required information.* Users of selection procedures other than those users complying with section 15A(1) below should maintain and have available for each job information on adverse impact of the selection process for that job and, where it is determined a selection process has an adverse impact, evidence of validity as set forth below.

(1) *Simplified recordkeeping for users with less than 100 employees.* In order to minimize recordkeeping burdens on employers who employ one hundred (100) or fewer employees, and other users not required to file EEO-1, et seq., reports, such users may satisfy the requirements of this section 15 if they maintain and have available records showing, for each year:

(a) The number of persons hired, promoted, and terminated for each job, by sex, and where appropriate by race and national origin;

(b) The number of applicants for hire and promotion by sex and where appropriate by race and national origin; and

(c) The selection procedures utilized (either standardized or not standardized).

These records should be maintained for each race or national origin group (see section 4 above) constituting more than two percent (2%) of the labor force in the relevant labor area. However, it is not necessary to maintain records by race and/or national origin (see §4 above) if one race or national origin group in the relevant labor area constitutes more than ninety-eight percent (98%) of the labor force in the area. If the user has reason to believe that a selection procedure has an adverse impact, the user should maintain any available evidence of validity for that procedure (see sections 7A and 8).

(2) *Information on impact—(a) Collection of information on impact.* Users of selection procedures other than those complying with section 15A(1) above should maintain and have available for each job records or other information showing whether the total selection process for that job has an adverse im-

pact on any of the groups for which records are called for by sections 4B above. Adverse impact determinations should be made at least annually for each such group which constitutes at least 2 percent of the labor force in the relevant labor area or 2 percent of the applicable workforce. Where a total selection process for a job has an adverse impact, the user should maintain and have available records or other information showing which components have an adverse impact. Where the total selection process for a job does not have an adverse impact, information need not be maintained for individual components except in circumstances set forth in subsection 15A(2)(b) below. If the determination of adverse impact is made using a procedure other than the “four-fifths rule,” as defined in the first sentence of section 4D above, a justification, consistent with section 4D above, for the procedure used to determine adverse impact should be available.

(b) *When adverse impact has been eliminated in the total selection process.* Whenever the total selection process for a particular job has had an adverse impact, as defined in section 4 above, in any year, but no longer has an adverse impact, the user should maintain and have available the information on individual components of the selection process required in the preceding paragraph for the period in which there was adverse impact. In addition, the user should continue to collect such information for at least two (2) years after the adverse impact has been eliminated.

(c) *When data insufficient to determine impact.* Where there has been an insufficient number of selections to determine whether there is an adverse impact of the total selection process for a particular job, the user should continue to collect, maintain and have available the information on individual components of the selection process required in section 15(A)(2)(a) above until the information is sufficient to determine that the overall selection process does not have an adverse impact as defined in section 4 above, or until the job has changed substantially.

(3) *Documentation of validity evidence—(a) Types of evidence.* Where a

total selection process has an adverse impact (see section 4 above) the user should maintain and have available for each component of that process which has an adverse impact, one or more of the following types of documentation evidence:

(i) Documentation evidence showing criterion-related validity of the selection procedure (see section 15B, below).

(ii) Documentation evidence showing content validity of the selection procedure (see section 15C, below).

(iii) Documentation evidence showing construct validity of the selection procedure (see section 15D, below).

(iv) Documentation evidence from other studies showing validity of the selection procedure in the user's facility (see section 15E, below).

(v) Documentation evidence showing why a validity study cannot or need not be performed and why continued use of the procedure is consistent with Federal law.

(b) *Form of report.* This evidence should be compiled in a reasonably complete and organized manner to permit direct evaluation of the validity of the selection procedure. Previously written employer or consultant reports of validity, or reports describing validity studies completed before the issuance of these guidelines are acceptable if they are complete in regard to the documentation requirements contained in this section, or if they satisfied requirements of guidelines which were in effect when the validity study was completed. If they are not complete, the required additional documentation should be appended. If necessary information is not available the report of the validity study may still be used as documentation, but its adequacy will be evaluated in terms of compliance with the requirements of these guidelines.

(c) *Completeness.* In the event that evidence of validity is reviewed by an enforcement agency, the validation reports completed after the effective date of these guidelines are expected to contain the information set forth below. Evidence denoted by use of the word "(Essential)" is considered critical. If information denoted essential is not included, the report will be considered incomplete unless the user affirma-

tively demonstrates either its unavailability due to circumstances beyond the user's control or special circumstances of the user's study which make the information irrelevant. Evidence not so denoted is desirable but its absence will not be a basis for considering a report incomplete. The user should maintain and have available the information called for under the heading "Source Data" in sections 15B(11) and 15D(11). While it is a necessary part of the study, it need not be submitted with the report. All statistical results should be organized and presented in tabular or graphic form to the extent feasible.

B. *Criterion-related validity studies.* Reports of criterion-related validity for a selection procedure should include the following information:

(1) *User(s), location(s), and date(s) of study.* Dates and location(s) of the job analysis or review of job information, the date(s) and location(s) of the administration of the selection procedures and collection of criterion data, and the time between collection of data on selection procedures and criterion measures should be provided (Essential). If the study was conducted at several locations, the address of each location, including city and State, should be shown.

(2) *Problem and setting.* An explicit definition of the purpose(s) of the study and the circumstances in which the study was conducted should be provided. A description of existing selection procedures and cutoff scores, if any, should be provided.

(3) *Job analysis or review of job information.* A description of the procedure used to analyze the job or group of jobs, or to review the job information should be provided (Essential). Where a review of job information results in criteria which may be used without a full job analysis (see section 14B(3)), the basis for the selection of these criteria should be reported (Essential). Where a job analysis is required a complete description of the work behavior(s) or work outcome(s), and measures of their criticality or importance should be provided (Essential). The report should describe the basis on which the behavior(s) or outcome(s) were determined to be critical or important,

such as the proportion of time spent on the respective behaviors, their level of difficulty, their frequency of performance, the consequences of error, or other appropriate factors (Essential). Where two or more jobs are grouped for a validity study, the information called for in this subsection should be provided for each of the jobs, and the justification for the grouping (see section 14B(1)) should be provided (Essential).

(4) *Job titles and codes.* It is desirable to provide the user's job title(s) for the job(s) in question and the corresponding job title(s) and code(s) from U.S. Employment Service's Dictionary of Occupational Titles.

(5) *Criterion measures.* The bases for the selection of the criterion measures should be provided, together with references to the evidence considered in making the selection of criterion measures (essential). A full description of all criteria on which data were collected and means by which they were observed, recorded, evaluated, and quantified, should be provided (essential). If rating techniques are used as criterion measures, the appraisal form(s) and instructions to the rater(s) should be included as part of the validation evidence, or should be explicitly described and available (essential). All steps taken to insure that criterion measures are free from factors which would unfairly alter the scores of members of any group should be described (essential).

(6) *Sample description.* A description of how the research sample was identified and selected should be included (essential). The race, sex, and ethnic composition of the sample, including those groups set forth in section 4A above, should be described (essential). This description should include the size of each subgroup (essential). A description of how the research sample compares with the relevant labor market or work force, the method by which the relevant labor market or work force was defined, and a discussion of the likely effects on validity of differences between the sample and the relevant labor market or work force, are also desirable. Descriptions of educational levels, length of service, and age are also desirable.

(7) *Description of selection procedures.* Any measure, combination of measures, or procedure studied should be completely and explicitly described or attached (essential). If commercially available selection procedures are studied, they should be described by title, form, and publisher (essential). Reports of reliability estimates and how they were established are desirable.

(8) *Techniques and results.* Methods used in analyzing data should be described (essential). Measures of central tendency (e.g., means) and measures of dispersion (e.g., standard deviations and ranges) for all selection procedures and all criteria should be reported for each race, sex, and ethnic group which constitutes a significant factor in the relevant labor market (essential). The magnitude and direction of all relationships between selection procedures and criterion measures investigated should be reported for each relevant race, sex, and ethnic group and for the total group (essential). Where groups are too small to obtain reliable evidence of the magnitude of the relationship, need not be reported separately. Statements regarding the statistical significance of results should be made (essential). Any statistical adjustments, such as for less than perfect reliability or for restriction of score range in the selection procedure or criterion should be described and explained; and uncorrected correlation coefficients should also be shown (essential). Where the statistical technique categorizes continuous data, such as biserial correlation and the phi coefficient, the categories and the bases on which they were determined should be described and explained (essential). Studies of test fairness should be included where called for by the requirements of section 14B(8) (essential). These studies should include the rationale by which a selection procedure was determined to be fair to the group(s) in question. Where test fairness or unfairness has been demonstrated on the basis of other studies, a bibliography of the relevant studies should be included (essential). If the bibliography includes unpublished studies, copies of these studies, or adequate abstracts or summaries, should

PART 600—INSTITUTIONAL ELIGIBILITY UNDER THE HIGHER EDUCATION ACT OF 1965, AS AMENDED

Subpart A—General

- Sec.
600.1 Scope.
600.2 Definitions.
600.3 [Reserved]
600.4 Institution of higher education.
600.5 Proprietary institution of higher education.
600.6 Postsecondary vocational institution.
600.7 Conditions of institutional ineligibility.
600.8 Treatment of a branch campus.
600.9 Written agreement between an eligible institution and another institution or organization.
600.10 Date, extent, duration, and consequence of eligibility.
600.11 Special rules regarding institutional accreditation or preaccreditation.

Subpart B—Procedures for Establishing Eligibility

- 600.20 Application procedures.
600.21 Eligibility notification.

Subpart C—Maintaining Eligibility

- 600.30 Institutional notification requirements.
600.31 Change in ownership resulting in a change of control.
600.32 Eligibility of additional locations.

Subpart D—Loss of Eligibility

- 600.40 Loss of eligibility.
600.41 Termination and emergency action proceedings.

Subpart E—Eligibility of Foreign Institutions To Apply To Participate in the Federal Family Education Loan (FFEL) Programs

- 600.51 Purpose and scope.
600.52 Definitions.
600.53 Requesting an eligibility determination.
600.54 Criteria for determining whether a foreign institution is eligible to apply to participate in the FFEL programs.
600.55 Additional criteria for determining whether a foreign graduate medical school is eligible to apply to participate in the FFEL programs.
600.56 Duration of eligibility determination.

AUTHORITY: 20 U.S.C. 1088, 1091, 1094, 1099b, 1099c, and 1141, unless otherwise noted.

SOURCE: 53 FR 11210, Apr. 5, 1988, unless otherwise noted.

Subpart A—General

SOURCE: 59 FR 22336, Apr. 29, 1994, unless otherwise noted.

§ 600.1 Scope.

This part establishes the rules and procedures that the Secretary uses to determine whether an educational institution qualifies in whole or in part as an eligible institution of higher education under the Higher Education Act of 1965, as amended (HEA). An eligible institution of higher education may apply to participate in programs authorized by the HEA (HEA programs).

(Authority: 20 U.S.C. 1088, 1094, 1099b, 1099c, and 1141)

§ 600.2 Definitions.

The following definitions apply to terms used in this part:

Accredited: The status of public recognition that a nationally recognized accrediting agency grants to an institution or educational program that meets the agency's established requirements.

Award year: The period of time from July 1 of one year through June 30 of the following year.

Branch Campus: A location of an institution that is geographically apart and independent of the main campus of the institution. The Secretary considers a location of an institution to be independent of the main campus if the location—

- (1) Is permanent in nature;
- (2) Offers courses in educational programs leading to a degree, certificate, or other recognized educational credential;
- (3) Has its own faculty and administrative or supervisory organization; and
- (4) Has its own budgetary and hiring authority.

Clock hour: A period of time consisting of—

- (1) A 50- to 60-minute class, lecture, or recitation in a 60-minute period;
- (2) A 50- to 60-minute faculty-supervised laboratory, shop training, or internship in a 60-minute period; or

§ 600.2

34 CFR Ch. VI (7-1-97 Edition)

(3) Sixty minutes of preparation in a correspondence course.

Correspondence course: (1) A “home study” course provided by an institution under which the institution provides instructional materials, including examinations on the materials, to students who are not physically attending classes at the institution. When students complete a portion of the instructional materials, the students take the examinations that relate to that portion of the materials, and return the examinations to the institution for grading.

(2) A home study course that provides instruction in whole or in part through the use of video cassettes or video discs in an award year is a correspondence course unless the institution also delivers the instruction on the cassette or disc to students physically attending classes at the institution during the same award year.

(3) A course at an institution that may otherwise satisfy the definition of a “telecommunications course” is a correspondence course if the sum of telecommunications and other correspondence courses offered by that institution equals or exceeds 50 percent of the total courses offered at that institution.

(4) If a course is part correspondence and part residential training, the Secretary considers the course to be a correspondence course.

Educational program: A legally authorized postsecondary program of organized instruction or study that leads to an academic, professional, or vocational degree, or certificate, or other recognized educational credential. However, the Secretary does not consider that an institution provides an educational program if the institution does not provide instruction itself (including a course of independent study), but merely gives credit for one or more of the following: instruction provided by other institutions or schools; examinations provided by agencies or organizations; or other accomplishments such as “life experience.”

Eligible institution: An institution that—

(1) Qualifies as—

(i) An institution of higher education, as defined in § 600.4;

(ii) A proprietary institution of higher education, as defined in § 600.5; or

(iii) A postsecondary vocational institution, as defined in § 600.6; and

(2) Meets all the other applicable provisions of this part.

Federal Family Education Loan (FFEL) programs: The loan programs (formerly called the Guaranteed Student Loan (GSL) programs) authorized by title IV-B of the HEA, including the Federal Stafford Loan, Federal PLUS, Federal Supplemental Loans for Students (Federal SLS), and Federal Consolidation Loan programs, in which lenders use their own funds to make loans to enable students or their parents to pay the costs of the students’ attendance at eligible institutions. The Federal Stafford Loan, Federal PLUS, Federal SLS, and Federal Consolidation Loan programs are defined in 34 CFR part 668.

Incarcerated student: A student who is serving a criminal sentence in a Federal, State, or local penitentiary, prison, jail, reformatory, work farm, or other similar correctional institution. A student is not considered incarcerated if that student is in a half-way house or home detention or is sentenced to serve only weekends.

Legally authorized: The legal status granted to an institution through a charter, license, or other written document issued by the appropriate agency or official of the State in which the institution is physically located.

Nationally recognized accrediting agency: An agency or association that the Secretary recognizes as a reliable authority to determine the quality of education or training offered by an institution or a program offered by an institution. The Secretary recognizes these agencies and associations under the provisions of 34 CFR part 602 and publishes a list of the recognized agencies in the FEDERAL REGISTER.

Nonprofit institution: An institution that—

(1) Is owned and operated by one or more nonprofit corporations or associations, no part of the net earnings of which benefits any private shareholder or individual;

(2) Is legally authorized to operate as a nonprofit organization by each State in which it is physically located; and

(3) Is determined by the U.S. Internal Revenue Service to be an organization to which contributions are tax-deductible in accordance with section 501(c)(3) of the Internal Revenue Code (26 U.S.C. 501(c)(3)).

One-academic-year training program: An educational program that is at least one academic year as defined under 34 CFR 668.2.

Preaccredited: A status that a nationally recognized accrediting agency, recognized by the Secretary to grant that status, has accorded an unaccredited public or private nonprofit institution that is progressing toward accreditation within a reasonable period of time.

Recognized equivalent of a high school diploma: The following are the equivalent of a high school diploma—

(1) A General Education Development Certificate (GED);

(2) A State certificate received by a student after the student has passed a State-authorized examination that the State recognizes as the equivalent of a high school diploma;

(3) An academic transcript of a student who has successfully completed at least a two-year program that is acceptable for full credit toward a bachelor's degree; or

(4) For a person who is seeking enrollment in an educational program that leads to at least an associate degree or its equivalent and who has not completed high school but who excelled academically in high school, documentation that the student excelled academically in high school and has met the formalized, written policies of the institution for admitting such students.

Recognized occupation: An occupation that is—

(1) Listed in an "occupational division" of the latest edition of the *Dictionary of Occupational Titles*, published by the U.S. Department of Labor; or

(2) Determined by the Secretary in consultation with the Secretary of Labor to be a recognized occupation.

Regular student: A person who is enrolled or accepted for enrollment at an institution for the purpose of obtaining a degree, certificate, or other recognized educational credential offered by that institution.

Secretary: The Secretary of the Department of Education or an official or employee of the Department of Education acting for the Secretary under a delegation of authority.

State: A State of the Union, American Samoa, the Commonwealth of Puerto Rico, the District of Columbia, Guam, the Trust Territory of the Pacific Islands, the Virgin Islands, and the Commonwealth of the Northern Mariana Islands.

Telecommunications course: A course offered in an award year principally through the use of television, audio, or computer transmission, including open broadcast, closed circuit, cable, microwave, or satellite, audio conferencing, computer conferencing, or video cassettes or discs. The term does not include a course that is delivered using video cassettes or disc recordings unless that course is delivered to students physically attending classes at an institution providing the course during the same award year. If the course does not qualify as a telecommunications course it is considered to be a correspondence course, as provided for in paragraph (c) of the definition of correspondence course in this section.

Title IV, HEA program: Any of the student financial assistance programs listed in 34 CFR 668.1(c).

(Authority: 20 U.S.C. 1071 *et seq.*, 1078-2, 1088, 1099b, 1099c, and 1141 and 26 U.S.C. 501(c).)

§ 600.3 [Reserved]

§ 600.4 Institution of higher education.

(a) An institution of higher education is a public or private nonprofit educational institution that—

(1) Is in a State, or for purposes of the Federal Pell Grant, Federal Supplemental Educational Opportunity Grant, Federal Work-Study, and Federal TRIO programs may also be located in the Federated States of Micronesia or the Marshall Islands;

(2) Admits as regular students only persons who—

(i) Have a high school diploma;

(ii) Have the recognized equivalent of a high school diploma; or

(iii) Are beyond the age of compulsory school attendance in the State in which the institution is physically located;

§ 21.4507

Department of Veterans Affairs immediately upon delivery. If the delivery is not made within 30 days after the institution receives the check, it shall return the check to the Department of Veterans Affairs.

(2) The Director of the Department of Veterans Affairs facility of jurisdiction may direct that education loan checks be sent directly to spouses or surviving spouses when:

(i) The educational institution demonstrates an inability to comply with these requirements; or

(ii) The educational institution fails to provide adequately for the safekeeping of the checks prior to the delivery to the student or return to the Department of Veterans Affairs; or

(iii) The educational institution elects not to participate in this program; or

(iv) There is compelling evidence that the institution is unable to discharge its responsibilities under this program.

(Authority: 38 U.S.C. 3512(f), 3698)

[44 FR 62508, Oct. 31, 1979, as amended at 61 FR 26116, May 24, 1996]

§ 21.4507 Advertising.

(a) *General.* No educational institution or training establishment shall include a statement in advertisements or brochures intended to solicit students as to the availability of education loans from the Department of Veterans Affairs for eligible spouses and surviving spouses, except as provided in paragraph (b) of this section.

(b) *Form.* The statement which is permitted shall be as follows: "Certain eligible spouses and surviving spouses may qualify for a maximum educational loan of \$2,500 per academic year from the Department of Veterans Affairs depending upon need. Applications for such loans shall be made to the Department of Veterans Affairs on forms prescribed by it."

(Authority: 38 U.S.C. 3512(f), 3696, 3698(b))

[44 FR 62510, Oct. 31, 1979, as amended at 61 FR 26116, May 24, 1996]

Subparts F-1—F-2 [Reserved]

38 CFR Ch. I (7-1-00 Edition)

Subpart F-3—Service Members Occupational Conversion and Training Program

AUTHORITY: 10 U.S.C. 1143 note; sec. 4481-4497, Pub. L. 102-484, 106 Stat. 2757-2769; sec. 610, Pub. L. 103-446, 108 Stat. 4673-4674, unless otherwise noted.

SOURCE: 60 FR 5852, Jan. 31, 1995, unless otherwise noted.

GENERAL

§ 21.4800 Service Members Occupational Conversion and Training Program.

Sections 21.4800 through 21.4856 regulate a Service Members Occupational Conversion and Training Program. The purpose of this program is to assist members of the Armed Forces who are forced or induced to leave military service by reason of the drawdown of the Armed Forces and to provide the Secretary of Defense with another tool to manage that drawdown. The program assists eligible persons in entering the civilian workforce through training for employment in a stable and permanent position that involves significant training. VA makes payments to employers who employ and train eligible veterans in these jobs. The payments assist employers in defraying the costs of necessary training.

(Authority: Subtitle G, Pub. L. 102-484, 106 Stat. 2757-2769, 10 U.S.C. 1143 note)

§ 21.4801 [Reserved]

§ 21.4802 Definitions.

For the purpose of the Service Members Occupational Conversion and Training Program described in §§ 21.4800 through 21.4856 the following definitions apply.

(a) *Active duty.* The term *active duty* means:

(1) Full-time duty in the Armed Forces, other than active duty for training.

(2) Full-time duty (other than for training purposes) as a commissioned officer of the Regular or Reserve Corps of the Public Health Service;

(3) Full-time duty as a commissioned officer of the National Oceanic and Atmospheric Administration;

Department of Veterans Affairs

§ 21.4802

(4) Service as a cadet at the United States Military, Air Force or Coast Guard Academy, or as a midshipman at the United States Naval Academy, and

(5) Authorized travel to or from such service.

(Authority: 106 Stat. 2757, Pub. L. 102-484, sec. 4483(2), 10 U.S.C. 1143, note)

(b) *Active duty for training.* (1) The term *active duty for training* means:

(i) Full-time duty in the Armed Forces performed by Reserves for training purposes,

(ii) Full-time duty for training purposes performed as a commissioned officer of the Reserve Corps of the Public Health Service,

(iii) In the case of members of the Army National Guard or the Air National Guard of any State, full-time duty under section 316, 592, 593, 594 or 505 of title 32, U.S. Code,

(iv) Duty performed by a member of a Senior Reserve Officers' Training Corps program when ordered to such duty for the purpose of training or a practice cruise under chapter 103 of title 10, U.S. Code for a period of not less than four weeks and which must be completed by the member before the member is commissioned, and

(v) Authorized travel to or from such duty.

(2) The term does not include duty performed as a temporary member of the Coast Guard Reserve.

(Authority: 106 Stat. 2757, Pub. L. 102-484, sec. 4483(2), 10 U.S.C. 1143, note)

(c) *Active military, naval or air service.* The term *active military, naval or air service* includes active duty, any period of active duty for training during which the individual concerned was disabled from a disease or injury incurred or aggravated in line of duty, and any period of inactive duty training during which the individual concerned was disabled from an injury incurred or aggravated in line of duty.

(Authority: 106 Stat. 2757, Pub. L. 102-484, sec. 4483(2), 10 U.S.C. 1143, note)

(d) *Compensation.* The term *compensation* means a monthly payment made by the Department of Veterans Affairs

to a veteran because of a service-connected disability.

(Authority: 106 Stat. 2757, Pub. L. 102-484, sec. 4483(2), 10 U.S.C. 1143, note)

(e) *Eligible person.* The term *eligible person* means a veteran who—

(1) Was discharged after August 1, 1990, and

(2) Either—

(i) Served in the active military, naval or air service for a period of more than 90 days, or

(ii) Was discharged or released from active duty because of a service-connected disability.

(Authority: 106 Stat. 2758, Pub. L. 102-464, sec. 4485(a)(2), 10 U.S.C. 1143, note)

(f) *Employer.* The term *employer* means a person or business or other entity which—

(1) Hires the veteran,

(2) Provides work, wages, and supervision,

(3) Either provides or arranges for training for the veteran, and

(4) Can make the certification required by § 21.4822(a).

(Authority: 106 Stat. 2762, Pub. L. 102-484, sec. 4487, 10 U.S.C. 1143, note)

(g) *Full-time employment.* The term *full-time employment* means employment which requires the employee to work a regular schedule of hours per day and days per week established as the standard full-time workweek at the employee's training establishment.

(Authority: 106 Stat. 2758, Pub. L. 102-484, sec. 4485(a)(3), 10 U.S.C. 1143, note)

(h) *Inactive duty training.* (1) The term *inactive duty training* means:

(i) Duty (other than full-time duty) prescribed for Reserves (including commissioned officers of the Reserve Corps of the Public Health Service) by the Secretary concerned under section 206 of title 37 or any other provision of law;

(ii) Special additional duties authorized for Reserves (including commissioned officers of the Reserve Corps of the Public Health Service) by an authority designated by the Secretary concerned and performed by them on a voluntary basis in connection with the

prescribed training or maintenance activities of the units to which they are assigned,

(iii) Training (other than active duty for training) by a member of, or applicant for membership (as defined in section 8140(g) of title 5, U. S. Code), in the Senior Reserve Officers' Training Corps prescribed under chapter 103, of title 10, U. S. Code, and

(iv) In the case of a member of the Army National Guard or Air National Guard of any State, such term means duty (other than full-time duty) under sections 316, 502, 503, 504 or 505 of title 32, U. S. Code.

(2) The term does not include:

(i) Work or study performed in connection with a correspondence course,

(ii) Attendance at an educational institution in an inactive status, or

(iii) Duty performed as a temporary member of the Coast Guard Reserve.

(Authority: 106 Stat. 2757, Pub. L. 102-484, sec. 4483(2), 10 U.S.C. 1143, note)

(i) *Intermittent job.* The term *intermittent job* means a less than full-time job in which the employee is given no advance regular work schedule due to the unpredictable and sporadic nature of the work needed for the job.

(Authority: 106 Stat. 2760, Pub. L. 102-484, sec. 4486(b)(1), 10 U.S.C. 1143 note)

(j) *Normal starting hourly wage.* (1) The term *normal starting hourly wage* means, except as provided in paragraph (j)(2) of this section, the wage paid per hour (exclusive of overtime, premium pay or fringe benefits) on the first day of the job training program to an eligible person whose training program has not been shortened as a result of the employer's evaluation of an eligible person's prior training. This definition applies as to the eligible person whose job training program actually has been shortened, and who, therefore, begins training at a higher hourly wage.

(2) For any eligible person to whom the Davis-Bacon Act applies the term *normal starting hourly wage* means:

(i) The training wage payable under the Davis-Bacon Act (exclusive of overtime, premium pay or fringe benefits) to the eligible person on days during the job training program when the Davis-Bacon Act applies, and

(ii) On days when the Davis-Bacon Act does not govern the wages paid to the eligible person, the wage as determined by paragraph (j)(1) of this section.

(Authority: 106 Stat. 2762, Pub. L. 102-484, sec. 4487, 10 U.S.C. 1143 note)

(k) *Part-time employment.* The term *part-time employment* means permanent employment in a position in which the employee works a regularly scheduled number of hours each workweek that is less than the number of hours customarily required for full-time employment in that position.

(Authority: 106 Stat. 2758, Pub. L. 102-484, sec. 4485(a)(3), 10 U.S.C. 1143 note)

(l) *Permanent employment.* The term *permanent employment* means employment which is clearly continuous in nature. Thus, the term does not include employment which is seasonal, time-limited, or expected to terminate upon completion of a particular product, task, obligation, contract, or assignment.

(Authority: 106 Stat. 2758, Pub. L. 102-484, sec. 4485(a)(3), 10 U.S.C. 1143 note)

(m) *Related job.* The term *related job* means a job which has the following characteristics when compared to another job.

(1) The *Dictionary of Occupational Titles*, 4th edition, revised 1991, shows that—

(i) Both jobs are in the same occupational group, and

(ii) The second job requires the same or higher specific vocational preparation level as the job to which it is being compared, and

(2) The salary being paid to employees with comparable experience and training in the second job is the same or greater than the salary paid in the job to which it is being compared.

(Authority: 106 Stat. 2762, Pub. L. 101-484, sec. 4487(b)(3), 10 U.S.C. 1143, note)

(n) *Seasonal job.* The term *seasonal job* means a job which is subject to a seasonal need or availability resulting in no work for the employed person for 90 or more consecutive calendar days.

(Authority: 106 Stat. 2760, Pub. L. 102-484, sec. 4486(b)(1), 10 U.S.C. 1143 note)

Department of Veterans Affairs

§ 21.4812

(o) *Secretary*. The term *Secretary* means the Secretary of Veterans Affairs unless otherwise indicated by the text of the sentence in which the term appears.

(Authority: 106 Stat. 2760, Pub. L. 102-484, sec. 4486(b)(1), 10 U.S.C. 1143 note)

(p) *Service-connected*. The term *service-connected* means, with respect to disability, that the disability was incurred or aggravated in line of duty in the active military, naval or air service.

(Authority: 106 Stat. 2758, Pub. L. 102-484, sec. 4483(2), 10 U.S.C. 1143, note)

(q) *State*. The term *State* means each of the several States, Territories, and possessions of the United States, the District of Columbia and the Commonwealth of Puerto Rico.

(Authority: 106 Stat. 2758, Pub. L. 102-484, sec. 4483(2), 10 U.S.C. 1143, note)

(r) *Temporary employment*. The term *temporary employment* means employment other than permanent employment.

(Authority: 106 Stat. 2759, Pub. L. 102-484, sec. 4485(a)(3), 10 U.S.C. 1143 note)

(s) *Temporary job*. The term *temporary job* means a time-limited job, particularly one of known, expected, or intended short duration (generally, not to exceed one year and, frequently, shorter).

(Authority: Pub. L. 102-484, sec. 4486(b)(1), 10 U.S.C. 1143 note)

(t) *Unemployed*. The term *unemployed* means that a person is without full-time, permanent employment and wants and is available for full-time, permanent employment.

(Authority: 106 Stat. 2760, Pub. L. 102-484, sec. 4485(a)(3): 10 U.S.C. 1143 note)

(u) *Veteran*. The term *veteran* means a person who—

(1) Served in the active military, naval or air service, as defined in paragraph (c) of this section, and

(2) Was discharged or released therefrom under conditions other than dishonorable.

(Authority: 106 Stat. 2757, Pub. L. 102-484, sec. 4483(2), 10 U.S.C. 1143 note, 38 U.S.C. 101(2))

§§ 21.4803–21.4809 [Reserved]

ELIGIBILITY

§ 21.4810 Eligibility requirements for participation.

To establish eligibility for participation in the Service Members Occupational Conversion and Training program, an eligible person, on the date of application, must—

(a)(1) Be unemployed, and

(2) Have been unemployed for at least 8 of the 15 weeks immediately preceding the date of his or her application for participation in a job training program under this subpart, or

(b) Be separated from the active military, naval or air service and must have had a primary or secondary occupational specialty in the Armed Forces which (as determined under regulations prescribed by the Secretary of Defense and in effect before the date of the eligible person's separation) is not readily transferable to the civilian workforce; or

(c) Be entitled to compensation (or but for the receipt of military retired pay would be entitled to compensation) under laws administered by VA for a service-connected disability rated at 30 percent or more.

(Authority: 106 Stat. 2758, Pub. L. 102-484, sec. 4485(a)(1)(B) and (C) 10 U.S.C. 1143 note)

§ 21.4811 [Reserved]

§ 21.4812 Application and certification.

(a) *Application*. An individual must apply to a facility of the Veterans Benefits Administration for participation in a job training program using the form prescribed by VA.

(Authority: 106 Stat. 2759, Pub. L. 102-484, sec. 4485(b)(1), 10 U.S.C. 1143 note)

(b) *Approval*. VA will approve an application to participate in a job training program if:

(1) The applicant is an eligible person who meets the participation requirements of § 21.4810, and

(2) Funds are available to pay employers under this subpart.

(Authority: 106 Stat. 2759, Pub. L. 102-484, sec. 4485(b)(2); 10 U.S.C. 1143 note)

(c) *Certificates*. (1) Upon approving an eligible person's application, VA will

Office of Federal Contract Compliance Programs

§ 60-3.1

- D. Technical standards for construct validity studies
 - (1) Appropriateness of construct validity studies
 - (2) Job analysis for construct validity studies
 - (3) Relationship to the job
 - (4) Use of construct validity study without new criterion-related evidence
 - (a) Standards for use
 - (b) Determination of common work behaviors

DOCUMENTATION OF IMPACT AND VALIDITY EVIDENCE

§ 60-3.15 Documentation of impact and validity evidence

- A. Required information
 - (1) Simplified recordkeeping for users with less than 100 employees
 - (2) Information on impact
 - (a) Collection of information on impact
 - (b) When adverse impact has been eliminated in the total selection process
 - (c) When data insufficient to determine impact
 - (3) Documentation of validity evidence
 - (a) Type of evidence
 - (b) Form of report
 - (c) Completeness

- B. Criterion-related validity studies
 - (1) User(s), location(s), and date(s) of study
 - (2) Problem and setting
 - (3) Job analysis or review of job information
 - (4) Job titles and codes
 - (5) Criterion measures
 - (6) Sample description
 - (7) Description of selection procedure
 - (8) Techniques and results
 - (9) Alternative procedures investigated
 - (10) Uses and applications
 - (11) Source data
 - (12) Contact person
 - (13) Accuracy and completeness

- C. Content validity studies
 - (1) User(s), location(s), and date(s) of study
 - (2) Problem and setting
 - (3) Job analysis—Content of the job
 - (4) Selection procedure and its content
 - (5) Relationship between selection procedure and the job
 - (6) Alternative procedures investigated
 - (7) Uses and applications
 - (8) Contact person
 - (9) Accuracy and completeness

- D. Construct validity studies
 - (1) User(s), location(s), and date(s) of study
 - (2) Problem and setting
 - (3) Construct definition
 - (4) Job analysis
 - (5) Job titles and codes
 - (6) Selection procedure
 - (7) Relationship to job performance

- (8) Alternative procedures investigated
- (9) Uses and applications
- (10) Accuracy and completeness
- (11) Source data
- (12) Contact person
- E. Evidence of validity from other studies
 - (1) Evidence from criterion-related validity studies
 - (a) Job information
 - (b) Relevance of criteria
 - (c) Other variables
 - (d) Use of the selection procedure
 - (e) Bibliography
 - (2) Evidence from content validity studies
 - (3) Evidence from construct validity studies
- F. Evidence of validity from cooperative studies
- G. Selection for higher level jobs
- H. Interim use of selection procedures

DEFINITIONS

§ 60-3.16 Definitions

APPENDIX TO PART 60-3

§ 60-3.17 Policy statement on affirmative action (see section 13B)

§ 60-3.18 Citations

AUTHORITY: Secs. 201, 202, 203, 203(a), 205, 206(a), 301, 303(b), and 403(b) of E.O. 11246; as amended by sec. 715 of Civil Rights Act of 1964, as amended (42 U.S.C. 2000(e)-14).

SOURCE: 43 FR 38295, 38314, August 25, 1978.

GENERAL PRINCIPLES

§ 60-3.1 Statement of purpose.

A. *Need for uniformity—Issuing agencies.* The Federal government’s need for a uniform set of principles on the question of the use of tests and other selection procedures has long been recognized. The Equal Employment Opportunity Commission, the Civil Service Commission, the Department of Labor, and the Department of Justice jointly have adopted these uniform guidelines to meet that need, and to apply the same principles to the Federal Government as are applied to other employers.

B. *Purpose of guidelines.* These guidelines incorporate a single set of principles which are designed to assist employers, labor organizations, employment agencies, and licensing and certification boards to comply with requirements of Federal law prohibiting employment practices which discriminate on grounds of race, color, religion,

Where a job analysis is required a complete description of the work behavior(s) or work outcome(s), and measures of their criticality or importance should be provided (Essential). The report should describe the basis on which the behavior(s) or outcome(s) were determined to be critical or important, such as the proportion of time spent on the respective behaviors, their level of difficulty, their frequency of performance, the consequences of error, or other appropriate factors (Essential). Where two or more jobs are grouped for a validity study, the information called for in this subsection should be provided for each of the jobs, and the justification for the grouping (see section 14B(1)) should be provided (essential).

(4) *Job titles and codes.* It is desirable to provide the user's job title(s) for the job(s) in question and the corresponding job title(s) and code(s) from U.S. Employment Service's Dictionary of Occupational Titles.

(5) *Criterion measures.* The bases for the selection of the criterion measures should be provided, together with references to the evidence considered in making the selection of criterion measures (essential). A full description of all criteria on which data were collected and means by which they were observed, recorded, evaluated, and quantified, should be provided (essential). If rating techniques are used as criterion measures, the appraisal form(s) and instructions to the rater(s) should be included as part of the validation evidence, or should be explicitly described and available (essential). All steps taken to insure that criterion measures are free from factors which would unfairly alter the scores of members of any group should be described (essential).

(6) *Sample description.* A description of how the research sample was identified and selected should be included (essential). The race, sex, and ethnic composition of the sample, including those groups set forth in section 4A of this part, should be described (essential). This description should include the size of each subgroup (essential). A description of how the research sample compares with the relevant labor market or work force, the method by which the relevant labor market or work force

was defined, and a discussion of the likely effects on validity of differences between the sample and the relevant labor market or work force, are also desirable. Descriptions of educational levels, length of service, and age are also desirable.

(7) *Description of selection procedures.* Any measure, combination of measures, or procedure studied should be completely and explicitly described or attached (essential). If commercially available selection procedures are studied, they should be described by title, form, and publisher (essential). Reports of reliability estimates and how they were established are desirable.

(8) *Techniques and results.* Methods used in analyzing data should be described (essential). Measures of central tendency (e.g., means) and measures of dispersion (e.g., standard deviations and ranges) for all selection procedures and all criteria should be reported for each race, sex, and ethnic group which constitutes a significant factor in the relevant labor market (essential). The magnitude and direction of all relationships between selection procedures and criterion measures investigated should be reported for each relevant race, sex, and ethnic group and for the total group (essential). Where groups are too small to obtain reliable evidence of the magnitude of the relationship, need not be reported separately. Statements regarding the statistical significance of results should be made (essential). Any statistical adjustments, such as for less than perfect reliability or for restriction of score range in the selection procedure or criterion should be described and explained; and uncorrected correlation coefficients should also be shown (essential). Where the statistical technique categorizes continuous data, such as biserial correlation and the phi coefficient, the categories and the bases on which they were determined should be described and explained (essential). Studies of test fairness should be included where called for by the requirements of section 14B(8) (essential). These studies should include the rationale by which a selection procedure was determined to be fair to the

(1) *User(s), location(s), and date(s) of study.* Date(s) and location(s) of the job analysis and the gathering of other evidence called for by these guidelines should be provided (essential).

(2) *Problem and setting.* An explicit definition of the purpose(s) of the study and the circumstances in which the study was conducted should be provided. A description of existing selection procedures and cutoff scores, if any, should be provided.

(3) *Construct definition.* A clear definition of the construct(s) which are believed to underlie successful performance of the critical or important work behavior(s) should be provided (essential). This definition should include the levels of construct performance relevant to the job(s) for which the selection procedure is to be used (essential). There should be a summary of the position of the construct in the psychological literature, or in the absence of such a position, a description of the way in which the definition and measurement of the construct was developed and the psychological theory underlying it (essential). Any quantitative data which identify or define the job constructs, such as factor analyses, should be provided (essential).

(4) *Job analysis.* A description of the method used to analyze the job should be provided (essential). A complete description of the work behavior(s) and, to the extent appropriate, work outcomes and measures of their criticality and/or importance should be provided (essential). The report should also describe the basis on which the behavior(s) or outcomes were determined to be important, such as their level of difficulty, their frequency of performance, the consequences of error or other appropriate factors (essential). Where jobs are grouped or compared for the purposes of generalizing validity evidence, the work behavior(s) and work product(s) for each of the jobs should be described, and conclusions concerning the similarity of the jobs in terms of observable work behaviors or work products should be made (essential).

(5) *Job titles and codes.* It is desirable to provide the selection procedure user's job title(s) for the job(s) in question and the corresponding job title(s)

and code(s) from the United States Employment Service's dictionary of occupational titles.

(6) *Selection procedure.* The selection procedure used as a measure of the construct should be completely and explicitly described or attached (essential). If commercially available selection procedures are used, they should be identified by title, form and publisher (essential). The research evidence of the relationship between the selection procedure and the construct, such as factor structure, should be included (essential). Measures of central tendency, variability and reliability of the selection procedure should be provided (essential). Whenever feasible, these measures should be provided separately for each relevant race, sex and ethnic group.

(7) *Relationship to job performance.* The criterion-related study(ies) and other empirical evidence of the relationship between the construct measured by the selection procedure and the related work behavior(s) for the job or jobs in question should be provided (essential). Documentation of the criterion-related study(ies) should satisfy the provisions of paragraph 15B of this section or paragraph 15E(1) of this section, except for studies conducted prior to the effective date of these guidelines (essential). Where a study pertains to a group of jobs, and, on the basis of the study, validity is asserted for a job in the group, the observed work behaviors and the observed work products for each of the jobs should be described (essential). Any other evidence used in determining whether the work behavior(s) in each of the jobs is the same should be fully described (essential).

(8) *Alternative procedures investigated.* The alternative selection procedures investigated and available evidence of their impact should be identified (essential). The scope, method, and findings of the investigation, and the conclusions reached in light of the findings should be fully described (essential).

(9) *Uses and applications.* The methods considered for use of the selection procedure (e.g., as a screening device with a cutoff score, for grouping or ranking, or combined with other procedures in a battery) and available evidence of their impact should be described (essential).

§ 324.4

(f) Broaden the selection base in order to assure entry of all qualified individuals, including women and members of minority groups, into scientific and technical positions.

(g) Encourage continued employment of senior scientists and engineers who are yet capable of efficient performance, even though the retention of such personnel may be only on a part-time basis.

(h) For maximum security explore and, where appropriate, adopt the principle of decentralized scientific and technical operations.

§ 324.4 Action.

Consistent with the policies contained herein, each department and agency of the Federal Government should (a) review its current manpower policies and update its policies and programs for scientific and engineering manpower to assure their maximum contribution to national security and emergency preparedness, (b) base its policies and actions on projected peacetime and emergency requirements, and (c) encourage and support private sector efforts to assure the fulfillment of future requirements for this critical manpower resource.

PART 325—EMERGENCY HEALTH AND MEDICAL OCCUPATIONS

Sec.

325.1 Purpose.

325.2 Scope and applicability.

325.3 Policy.

AUTHORITY: 50 U.S.C. 2061; E.O. 11490; E.O. 12148.

SOURCE: 45 FR 8601, Feb. 8, 1980, unless otherwise noted. Redesignated at 45 FR 8601, July 1, 1980.

§ 325.1 Purpose.

The Director, Federal Emergency Management Agency, after agreement with the Secretary of Labor and the Secretary of Health, Education, and Welfare, issues this List of Emergency Health and Medical Occupations in support of part 11, Executive Order 11490, as amended. This List provides guidance to all officials concerned with planning for the emergency training and emergency assignment of health

44 CFR Ch. I (10–1–97 Edition)

and medical personnel engaged in the listed occupations.

§ 325.2 Scope and applicability.

The list of Emergency Health and Medical Occupations identifies those occupations which would be needed to provide public health and medical services during and immediately after an emergency in which survival of the population is the primary consideration.

§ 325.3 Policy.

(a) *Training for emergency.* Sections 1101, 1103(1), 1104(2), and 1325(4) of Executive Order 11490 specify emergency training responsibilities of the Secretary of Health and Human Services. Depending on the availability of resources, the Secretary of Health and Human Services, in cooperation with other Federal departments/agencies, State and local governments, and appropriate private sector organizations, shall:

(1) Define the emergency roles which would be performed by those filling the occupations included on the List of Emergency Health and Medical Occupations;

(2) Develop and implement appropriate emergency training programs designed to prepare individuals in these occupations to perform effectively their specialized roles in a national emergency as distinguished from their peacetime functions; and

(3) Set quantitative and qualitative training objectives for each occupational category and develop arrangements for payment for the training.

(b) *Allocation of the health and medical workforce in emergencies.* During a declared national emergency, in which survival of the population is the pre-eminent consideration, the provision of health and medical services would be a priority emergency response and recovery function. To ensure that this priority need is met, officials responsible for the allocation of the workforce in emergency will use the List of Emergency Health and Medical Occupations as an aid in the mobilization of available health and medical personnel and the staffing of emergency health and medical services. Emergency situations may dictate the need to redistribute,

Federal Emergency Management Agency

§ 325.3

on a temporary basis, health and medical personnel in order to provide for equitable and needed coverage of the emergency caseload. Although Federal, State, and local health officials are expected to have the requisite authority to take such actions in a declared national emergency, it is probable that the traditional role of volunteerism in the health and medical field will prevail and minimize the need for involuntary controls. Jurisdiction over health and medical personnel in actual emergencies would remain with their employers and the integrity of institutional services will be preserved wherever possible, except as noted above.

(c) *Use of health and medical personnel in other priority emergency activities.* While health and medical services will be an immediate priority need in most declared national emergencies, as the situation unfolds, different priority needs will evolve, placing unusual demand on scarce workforce resources. As emergency health hazards and medical care loads are brought under control, it may be possible to release certain health and medical personnel who fill positions in the occupational categories listed on the List of Emergency Health and Medical Occupations for augmentation of other essential work groups on a temporary basis. Where possible, such reassignments should be accomplished on a consultative, voluntary basis.

(d) *Ancillary and support personnel.* Vital to the effective performance of the emergency health and medical team are individuals in direct support occupations such as hospital, sanitation, and laboratory helpers, as well as engineering, clerical, food service, and custodial personnel. Personnel in these ancillary and support categories will remain on their jobs during and after a declared national emergency until health hazards and medical care loads are brought under control. Reassignment of these personnel will follow the policy cited in paragraph (c) of this section.

(e) *List of emergency health manpower occupations.*¹

Occupational title	Code number ²
Administrator, Hospital	187.117
Admitting Officer (Medical Service)	205.137
Ambulance Attendant (Medical Service)	355.374
Ambulance Driver (Medical Service)	913.683
Audiologist	076.101
Audiometrist	078.362
Bacteriologist	041.061
Bacteriologist, Dairy	041.061
Bacteriologist, Fishery	041.061
Bacteriologist, Food	041.061
Bacteriologist, Medical	041.061
Bacteriologist, Pharmaceutical	041.061
Biochemist	041.061
Birth Attendant	354.377
Chemist, Clinical	041.061
Chemist, Pharmaceutical	041.061
Dentist	072
Dental Assistant (Medical Service)	079.371
Dental Hygienist	078.361
Dietitian, Clinical (Prof. & Kindred)	077.127
Emergency Medical Services Coordinator	079.117
Entomologist (Prof. & Kindred)	041.061
Food and Drug Inspector (Government Services)	168.267
Health Officer, Field	168.167
Health Physicist	079.021
Helminthologist	041.061
Histopathologist	041.061
Hygienist, Industrial	079.161
Industrial Health Engineer	012.167
Laboratory Assistant, Blood and Plasma	078.687
Medical Apparatus Model Maker	712.261
Medical Assistant	079.367
Medical Laboratory Assistant	078.381
Medical Record Administrator	079.169
Nurse Aide	355.674
Nurse, Practical	354.374
Nurse, Licensed Practical	079.374
Nurse, Registered	075
Optician, Dispensing	713.361
Optician	716.280
Optometrist	079.101
Orderly (Medical Service)	355.674
Orthopedic Assistant	712.661
Orthoptist (Medical Service)	079.371
Orthotist	078.261
Osteopathic Physician	071.101
Parasitologist	041.061
Pathologist	070.061
Pharmacist	074
Pharmacologist	041.061
Physicians and Surgeons	070
Physician Assistant	079.364
Podiatrist	079.101
Prosthetist	078.261
Protozoologist	041.061
Psychiatric Aide	355.377
Psychologist, Clinical	045.107
Public Health Educator (Prof. & Kindred)	079.117
Public Health Microbiologist	041.261
Radiation Monitor	199.167
Sanitarian	079.117
Sanitary Engineer	005.061
Social Worker, Medical	195.107
Social Worker, Psychiatric	195.107
Superintendent, Hospital	187.117
Supervisor, Dental Laboratory	712.131
Technicians:	
Audiometric Technician	078.362

¹Includes students, trainees, and interns whose training or education leading to any of the indicated skills is sufficiently ad-

vanced to qualify them to contribute to the technical tasks of providing health services.

Occupational title	Code number ²
Biomedical Equipment Technician (inst. and app.; medical service)	719.261
Biomedical Equipment Technician (Prof. & Kindred)	019.261
Blood-Bank Technician	078.381
Cytotechnician	078.381
Dental-Laboratory Technician	712.381
Dental Technician	712.381
Dialysis Technician	078.362
Electrocardiograph Technician	078.362
Electroencephalographic Technician	078.362
Emergency Medical Technician	079.374
Hematology Technician	078.381
Laboratory Technician, Veterinary	073.361
Medical Technician	078.381
Medical Laboratory Technician	078.381
Orthodontic Technician	712.381
Orthotics-Prosthetics Technician	712.381
Serology Technician	078.381
Surgical Technician	079.374
Tissue Technician	078.381
X-ray Technician	199.361
Technologists:	
Biochemistry Technologist	078.261
Blood-Bank Technologist	078.361
Cytotechnologist	078.281
Hematology Technologist	078.361
Histopathology Technologist	078.361
Medical Technologist	078.361
Microbiology Technologist	078.261
Nuclear Medical Technologist	078.361
Radiologic Technologist	078.362
Serology Technologist	078.361
Tissue Technologist	078.361
X-ray Technologist	078.362
Therapists:	
Inhalation Therapist	079.361
Occupational Therapist	076.121
Orientation Therapist for Blind	076.221
Physical Therapist	076.121
Respiratory Therapist	079.361
Veterinarians ³	073
Virologist	041.061

²Dictionary of Occupational Titles/Department of Labor/Fourth Edition.

³Though current planning provides that many veterinarians be utilized in casualty care and preventive medicine activities immediately after an emergency, veterinarians will continue to be needed to perform services of a strictly veterinary nature after most of the human casualties have been cared for temporarily. Such veterinary activities will include protection of food, animals against diseases and the effects of atomic, biological, and chemical warfare; meat and poultry inspection and supplementing food inspection forces for certain food processing plants, and food storage facilities.

[45 FR 8601, Feb. 8, 1980. Redesignated at 45 FR 8601, July 1, 1980 and amended at 51 FR 34606, Sept. 30, 1986]

PART 327—POLICY ON USE OF GOVERNMENT-OWNED INDUSTRIAL PLANT EQUIPMENT BY PRIVATE INDUSTRY (DMO-10A)

- Sec.
- 327.1 Purpose.
- 327.2 Scope and applicability.
- 327.3 Policy.
- 327.4 Disputes.
- 327.5 Reports.

AUTHORITY: National Security Act of 1947, as amended, 50 U.S.C. 404; Defense Production Act of 1950, as amended, 50 U.S.C. app. 2061 *et seq.*; Reorganization Plan No. 3 of 1978, 3 CFR, 1978 Comp., p. 329; E.O. 12148 of July 20, 1979, 44 FR 43239.

SOURCE: 45 FR 44583, July 1, 1980, unless otherwise noted.

§ 327.1 Purpose.

This part establishes policy on the use by private industry of Government-owned industrial plant equipment. This policy is necessary to maintain a highly effective and immediately available reserve of such equipment for the emergency preparedness programs of the U.S. Government.

§ 327.2 Scope and applicability.

(a) This part applies to all Federal departments and agencies having, for purposes of mobilization readiness, Government-owned industrial plant equipment under their jurisdiction or control and having emergency preparedness functions assigned by Executive orders concerning use of that equipment.

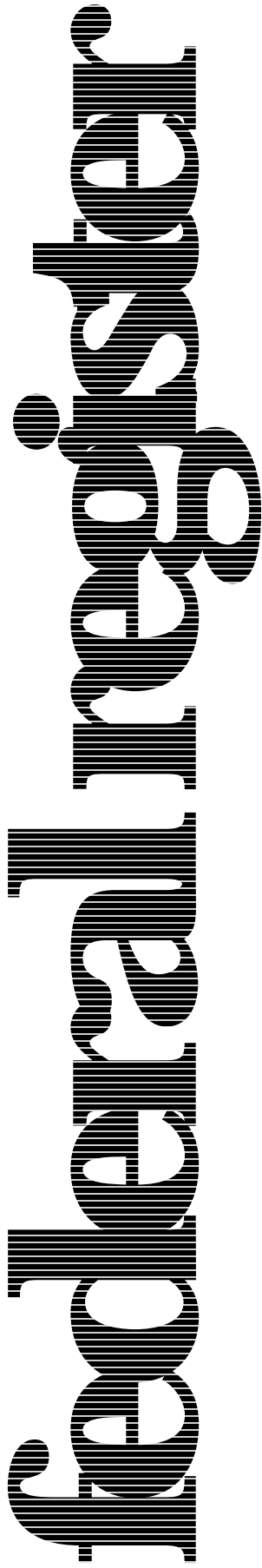
(b) As used herein, *industrial plant equipment* means those items of equipment, each with an acquisition cost of \$1,000 or more, that fall within specified classes of equipment listed in DOD regulations. Classes of equipment may from time to time be added to or deleted from this list.

§ 327.3 Policy.

(a) *General.* (1) Primary reliance for defense production shall be placed upon private industry.

(2) When it is determined by an agency that, because of the lack of specific industrial plant equipment, private industry of the United States cannot be relied upon for needed Government production, that agency may provide to private industry such Government-owned industrial plant equipment as is deemed necessary to ensure required production capability. Requirements for such equipment should be reviewed at least annually to ascertain the continuing need, particularly with a view toward private industry furnishing the equipment for long term requirements.

(3) When it is necessary for Federal agencies to supply Government-owned



Wednesday
August 5, 1998

Part II

**Office of
Management and
Budget**

1998 Standard Occupational Classification
Revision; Notice

OFFICE OF MANAGEMENT AND BUDGET

1998 Standard Occupational Classification Revision

AGENCY: Office of Management and Budget, Executive Office of the President.

ACTION: Notice of solicitation of comments.

SUMMARY: Under title 44 U.S.C. 3504, the Office of Management and Budget (OMB) is seeking public comment on the Standard Occupational Classification Revision Policy Committee's (SOCRPC) final recommendations for revising the 1980 Standard Occupational Classification's (SOC) occupational units and aggregate groups presented in this notice. The SOCRPC has developed a new occupational classification system that will cover all jobs in the national economy, including occupations in the public, private, and military sectors.

All Federal agencies that collect occupational data will use the new system; similarly, all State and local government agencies are strongly encouraged to use this national system to promote a common language for categorizing occupations in the world of work. The new SOC system will be used by the Occupational Employment Statistics (OES) program of the Bureau of Labor Statistics (BLS) for gathering occupational information. It will also replace the Bureau of the Census' 1990 occupational classification system and will be used for the 2000 Census. In addition, the new SOC will serve as the framework for information being gathered through the Department of Labor's Occupational Information Network (O*NET), which is in the process of replacing the Dictionary of Occupational Titles (DOT).

In three prior **Federal Register** notices (February 28, 1995, 60 FR 10998-11002; October 5, 1995, 60 FR 52284-52286; July 7, 1997, 62 FR 36337-36409), OMB and the SOCRPC requested comment on the uses of occupational data; on the existing 1980 SOC classification principles, purpose and scope, and conceptual options; on the SOCRPC's proposed revision process; on the composition of detailed occupations; on the hierarchical structure and numbering system; and on update procedures.

The structure and numbering system recommended in this notice reflect the comments received from the July 7, 1997, notice, and represent the final recommendations the SOCRPC is making to OMB. OMB, in consultation

with the SOCRPC, will use the comments in response to this notice on the SOCRPC final recommendations to make its final decisions for the 1998 SOC and publish them in the **Federal Register**. The SOCRPC also will begin preparing the 1998 Standard Occupational Classification Manual for publication. Committee members will be completing definitions, assigning associated titles, and developing cross lists to existing systems.

This notice contains three appendices. Appendix A presents the SOCRPC's final recommendations in the form of the complete revised SOC hierarchical structure and numbering system; Appendix B provides a crosslist between the codes proposed in this notice and those proposed in the July 7, 1997, SOC **Federal Register** notice; and Appendix C lists respondents to the July 7 notice.

Request for Comments: OMB welcomes comments with respect to any topic related to occupational classification, but is specifically interested in comments concerning:

- (1) the hierarchical structure of the new SOC presented in Appendix A below, especially the minor group, broad occupation, and detailed occupation organization within the structure, and the numbering system used, and
- (2) the establishment of ongoing review and update procedures and a time frame for future revision as outlined in the "Next Steps in Process" recommendations near the end of the Supplementary Information section below. It is anticipated that the next major review and revision of the SOC will begin in 2005 in preparation for use in the 2010 Decennial Census.

DATES: To ensure consideration all comments must be in writing and received on or before October 9, 1998.

ADDRESSES: Correspondence about the adoption and implementation of the SOC as shown in this **Federal Register** notice should be sent to: Katherine K. Wallman, Chief Statistician, Office of Management and Budget, 10201 New Executive Office Building, Washington, DC 20503, telephone number: (202) 395-3093, FAX number: (202) 395-7245.

Inquiries about the definition of particular occupations or requests for electronic copies of the SOC structure should be made to Laurie Salmon, Standard Occupational Classification Revision Policy Committee, Bureau of Labor Statistics, Room 4840, Washington, DC 20212, telephone number: (202) 606-6511, FAX number: (202) 606-6645.

Electronic Availability and Comment: This document is available on the Internet from the Bureau of Labor Statistics via WWW browser and E-mail. To obtain this document via WWW browser, connect to <http://stats.bls.gov/soc/soc__home.htm>. This WWW page contains previous SOC **Federal Register** notices and related documents as well. To obtain this document via E-mail, send a message to socrevision@bls.gov.

Comments may be sent via E-mail to OMB at soc@omb.eop.gov (do not include any capital letters in the address). Comments received at this address by the date specified above will be included as part of the official record.

FOR FURTHER INFORMATION CONTACT: Paul Bugg, 10201 New Executive Office Bldg., Washington, DC 20503, E-mail address: pbugg@omb.eop.gov, telephone number: (202) 395-3093, FAX number: (202) 395-7245.

SUPPLEMENTARY INFORMATION:

Revision Process

The Standard Occupational Classification Revision Policy Committee (SOCRPC) chose the Occupational Employment Statistics (OES) occupational classification system currently used by the Bureau of Labor Statistics (BLS) to gather occupational information as the starting point for the new Standard Occupational Classification (SOC) framework. The Committee also relied heavily on the Department of Labor's Occupational Information Network (O*NET), which is in the process of replacing the Dictionary of Occupational Titles (DOT). To carry out the bulk of the revision effort, the Committee created six work groups to examine occupations in the following areas: Administrative and Clerical occupations; Science, Engineering, Law, Health, Education, and Arts occupations; Services and Sales occupations; Agriculture, Construction, Extraction, and Transportation occupations; Mechanical and Production occupations; and Military Specific occupations.

The Committee charged the work groups with ensuring that the occupations under their consideration conformed to the criteria laid out in the October 5, 1995, **Federal Register** notice:

The Classification should cover all occupations in which work is performed for pay or profit, including work performed in family-operated enterprises by family members who are not directly compensated. It should exclude occupations unique to volunteers.

The Classification should reflect the current occupational structure of the United States and have sufficient flexibility to assimilate new occupations into the structure as they become known.

While striving to reflect the current occupational structure, the Classification should maintain linkage with past systems. The importance of historical comparability should be weighed against the desire for incorporating substantive changes to occupations occurring in the work force.

Occupations should be classified based upon work performed, skills, education, training, licensing, and credentials.

Occupations should be classified in homogeneous groups that are defined so that the content of each group is clear.

Each occupation should be assigned to only one group at the lowest level of the Classification.

The employment size of an occupational group should not be the major reason for including or excluding it from separate identification.

Supervisors should be identified separately from the workers they supervise wherever possible in keeping with the real structure of the world of work. An exception should be made for professional and technical occupations where supervisors or lead workers should be classified in the appropriate group with the workers they supervise.

Apprentices and trainees should be classified with the occupations for which they are being trained, while helpers and aides should be classified separately since they are not in training for the occupation they are helping.

Comparability with the International Standard Classification of Occupations (ISCO-88) should be considered in the structure, but should not be an overriding factor.

In carrying out their reviews, the work groups carefully considered all proposals received in response to **Federal Register** notices issued by OMB and the SOCRPC.

General Characteristics of the Revised SOC

In response to comments received in reference to the July 7, 1997, **Federal Register** notice, the SOCRPC significantly modified the hierarchical structure and numbering system of the revised SOC to ensure that all detailed occupations are placed within a broad occupation. In the revised SOC, there are four levels of aggregation: (1) Major group; (2) minor group; (3) broad occupation; and (4) detailed occupation. All occupations are clustered into 23 major groups (listed below), such as

Management or Healthcare Practitioner and Technical occupations. These major groups are broken down into occupationally-specific minor groups, such as Operations Specialties Managers in the Management Occupations major group or Health Diagnosing and Treating Practitioners in the Healthcare Practitioner and Technical Occupations major group. Minor groups, in turn, are divided into broad occupations, such as Human Resources Managers or Therapists, which are further divided into detailed occupations, such as Compensation and Benefits Managers, or Physical Therapists.

Each item in the hierarchy is designated by a six-digit code. The hyphen between the second and third digit is used only for presentation clarity.

The first two digits of the new SOC code represent the major group; the third digit represents the minor group; the fourth and fifth digits represent the broad occupation; and the sixth digit represents the detailed occupation. Major group codes end with 0000 (e.g., 29-0000, Healthcare Practitioner and Technical Occupations), minor groups end with 000 (e.g., 29-1000, Health Diagnosing and Treating Practitioners), and broad occupations end with 0 (e.g., 29-1120, Therapists). All residuals ("Other," "Miscellaneous," or "All Other"), whether at the minor group, broad occupation, or detailed occupation level, will contain a 9 at the level of the residual. Minor groups that are major group residuals will end in 9000 (e.g., 11-9000, Other Management Occupations); broad occupations that are minor group residuals will end in 90 (e.g., 11-9190, Miscellaneous Management Occupations); and residual detailed occupations will end in 9 (e.g., 11-9199, Management Occupations, All Other):

11-0000 Management Occupations
11-9000 Other Management Occupations
11-9190 Miscellaneous Management Occupations
11-9199 Management Occupations, All Other

In the case where there are more than 9 broad occupations in a minor group (or more than eight, if there is no residual), the xx-x090 will be skipped (reserved for residuals), the xx-x000 will be skipped (reserved for minor groups), and the numbering system will go to xx-x110. The residual broad occupation will then be xx-x190 or xx-x290 (e.g., 51-9190, Miscellaneous Production Workers).

The proposed 1998 SOC occupational groups and detailed occupations presented in Appendix A are not always

consecutively numbered because of these coding conventions as well as to allow for the insertion of additional occupational groups in future revisions of the SOC. In addition, the coding system is designed to allow those desiring a delineation of occupations below the detailed occupation level to use a decimal point and additional digit(s) after the sixth digit. It is recommended that users needing extra detail use the structure currently being developed for O*NET. Each occupation in the revised SOC will be placed within one of these major groups:

11 Management Occupations
13 0Business and Financial Operations Occupations
15 Computer and Mathematical Occupations
17 Architecture and Engineering Occupations
19 Life, Physical, and Social Science Occupations
21 Community and Social Services Occupations
23 Legal Occupations
25 Education, Training, and Library Occupations
27 Arts, Design, Entertainment, Sports, and Media Occupations
29 Healthcare Practitioner and Technical Occupations
31 Healthcare Support Occupations
33 Protective Service Occupations
35 Food Preparation and Serving Related Occupations
37 Building and Grounds Cleaning and Maintenance Occupations
39 Personal Care and Service Occupations
41 Sales and Related Occupations
43 Office and Administrative Support Occupations
45 Farming, Fishing, and Forestry Occupations
47 Construction and Extraction Occupations
49 Installation, Maintenance, and Repair Occupations
51 Production Occupations
53 Transportation and Material Moving Occupations
55 Military Specific Occupations

The SOCRPC is proposing that two aggregates of these major groups be used for survey tabulation purposes, when needed. The proposed aggregates are as follows:

Intermediate Aggregation (11 groups)
11-13 Management, Business, and Financial Occupations
15-29 Professional and Related Occupations
31-39 Service Occupations
41 Sales and Related Occupations
43 Office and Administrative Support Occupations

- 45 Farming, Fishing, and Forestry Occupations
 - 47 Construction and Extraction Occupations
 - 49 Installation, Maintenance, and Repair Occupations
 - 51 Production Occupations
 - 53 Transportation and Material Moving Occupations
 - 55 Military Specific Occupations
 - High-level Aggregation (6 groups)
 - 11-29 Management, Professional, and Related Occupations
 - 31-39 Service Occupations
 - 41-43 Sales and Office Occupations
 - 45-49 Natural Resources, Construction, and Maintenance Occupations
 - 51-53 Production, Transportation, and Material Moving Occupations
 - 55 Military Specific Occupations
- The 1998 SOC contains 810 detailed occupations, aggregated into 449 broad occupations. These broad occupations are grouped into 98 minor groups, that are, in turn, grouped into 23 major groups.

Significant Changes and Responses to Comments

In reply to the July 7, 1997, **Federal Register** notice, the SOCRPC received over 200 responses. All recommendations were considered by the Committee, and most were implemented. The Committee received numerous comments regarding the proposed hierarchical structure. The SOCRPC significantly revised the hierarchical structure and numbering system in response to these comments; please see Appendix A for the results of this restructuring. In addition, much of the correspondence questioned where specific unlisted occupations would be classified. The publication of index items and associated titles will clarify these issues. Specific issues (e.g., additions, modifications) implemented by the work groups are listed below; revised definitions will be made available on the SOC website. See Appendix B to match codes published in this notice with the codes published in the July 7, 1997, **Federal Register** notice.

In the Management Occupations major group, the detailed occupation "Treasurers, Controllers, and Chief Financial Officers" was deleted. In addition, the definitions of "General and Operations Managers" (11-1021), "Computer and Information Systems Managers" (11-3021), "Financial Managers" (11-3031), and "Education Administrators, Postsecondary" (11-9033) were modified.

In the Business and Financial Operations Occupations major group,

the Committee disaggregated "Buyers and Purchasing Agents" into "Purchasing Agents and Buyers, Farm Products" (13-1021), "Wholesale and Retail Buyers, Except Farm Products" (13-1022), and "Purchasing Agents, Except Wholesale, Retail, and Farm Products" (13-1023). "Funeral Directors" (11-9061) was moved to the Management Occupations major group.

In the Computer and Mathematical Occupations major group, "Systems Analysts, Science and Engineering" and "System Analysts, All Other" were aggregated into "Computer Systems Analysts" (15-1051). The titles and definitions of "Computer Software Engineers, Applications" (15-1031) and "Computer Software Engineers, Systems Software" (15-1032) were modified, and "Mathematical Technicians" (15-3011) was added to the revised SOC.

In the Architecture and Engineering Occupations major group, "Architectural and Civil Drafters" and "Architectural Technicians and Technologists" were aggregated into "Architectural and Civil Drafters" (17-3011), and the definitions of "Computer Hardware Engineers" (17-2061), "Environmental Engineers" (17-2081), and "Engineering Technicians, Except Drafters, All Other" (17-3029) were modified.

In the Life, Physical, and Social Science Occupations major group, "Epidemiologists" (19-1041) was added as a detailed occupation. Medical Physicists was added as an associated title under "Medical Scientists, All Other" (19-1049), and Public Health Policy Analysts was added as an associated title under "Social Scientists and Related Workers, All Other" (19-3099).

In the Community and Social Service Occupations major group, the title of "Alcohol and Substance Abuse Counselors" was changed to "Substance Abuse and Behavioral Disorder Counselors" (21-1011) and the definition was modified. "Marriage and Family Counselors and Therapists" was retitled "Marriage and Family Therapists" (21-1013). HIV/AIDS Counselors and ASAT C.O.R.E. (American Society of Alternative Therapists Conscious, Ownership, Retrieval/Release, and Engage) Counselors were added as associated titles under "Counselors, All Other" (21-1019). The definition of "Mental Health and Substance Abuse Social Workers" (21-1023) was modified, and "Health Educators" (21-1091) was added to the revised SOC.

In the Legal Occupations major group, new minor groups for "Lawyers, Judges, and Related Workers" (23-1000) and

"Legal Support Workers" (23-2000) were created. The title and definition of "Administrative Law Judges and Hearing Officers" (23-1021) were modified, and the definitions of "Lawyers" (23-1011) and "Law Clerks" (23-2092) were also modified. The title of "Judges and Magistrates" was changed to "Judges, Magistrate Judges, and Magistrates" (23-1023). "Safety and Health Inspectors and Compliance Officers, Except Construction" was disaggregated into "Compliance Officers, Except Agriculture, Construction, Health and Safety, and Transportation" (13-1031) and "Financial Examiners" (13-2061) (in the Business and Financial Operations Occupations major group); "Occupational Health and Safety Specialists" (29-9011) (in the Healthcare Practitioner and Technical Occupations major group); and "Agricultural Inspectors" (45-2011) (in the Farming, Fishing, and Forestry Occupations major group). "Construction and Building Inspectors" (47-4011) was moved to the Construction and Extraction Occupations major group.

In the Education, Training, and Library Occupations major group, "Library Technicians and Assistants" was disaggregated into "Library Technicians" (25-4031) and "Library Assistants, Clerical" (43-4121). "Library Assistants, Clerical" was then moved to the Office and Administrative Support Occupations major group. "Teacher Aides" (25-9041) was retitled "Teacher Assistants," and the definitions for "Literacy, Remedial Education, and GED Teachers and Instructors" (25-3011), "Librarians" (25-4021) and "Special Education Teachers" (25-2041) were modified. "Sports and Physical Training Instructors and Coaches" was aggregated with "Coaches and Scouts" (27-2022), in the Arts, Design, Entertainment, Sports, and Media Occupations major group, and "Educational, Vocational, and School Guidance Counselors" (21-1012) was moved to the "Community and Social Services" major group.

In the Arts, Design, Entertainment, Sports, and Media Occupations major group, new minor groups for "Art and Design Workers" (27-1000), "Entertainers and Performers, Sports and Related Workers" (27-2000), "Media and Communication Workers" (27-3000), and "Media and Communication Equipment Workers" (27-4000) were created. "Dancers and Choreographers" was disaggregated into "Dancers" (27-2031) and "Choreographers" (27-2032). "Announcers" was disaggregated into

“Radio and Television Announcers” (27–3011) and “Public Address System and Other Announcers” (27–3012).

The Health Occupations major group was disaggregated into Healthcare Practitioner and Technical Occupations (29–0000) and Healthcare Support Occupations (31–0000); see the revised structure in Appendix A for details of this disaggregation. The definition of “Cardiovascular Technologists and Technicians” (29–2031) was modified. “Health Service Coordinators” was deleted as a detailed occupation and added as an associated title under “Healthcare Practitioner and Technical occupations, All Other” (29–9099); associated titles added under this occupation were Hearing Aid Specialist, Electroneurodiagnostic Technologists, Optometric and Ophthalmic Technicians, and Dialysis Technicians. The title “Physical Therapy Assistants” was changed to “Physical Therapist Assistants” (31–2021), and the definition of “Medical Assistants” (31–9092) was modified. “Phlebotomists” was converted to an associated title under “Healthcare Support Occupations, All Other” (31–9099).

In the Protective Service Occupations major group, “United States Marshals” was deleted from the revised SOC.

In the Food Preparation and Serving Related Occupations major group, no significant changes were made since the July 7, 1997, **Federal Register** notice.

The title of the Buildings and Grounds Maintenance Occupations major group was changed to Building and Grounds Cleaning and Maintenance Occupations. “Landscaping and Groundskeeping Laborers” was retitled “Landscaping and Groundskeeping Workers” (37–3011).

In the Personal Care and Service Occupations major group, “Skin Care Specialists” (39–5094) and “Fitness Trainers and Aerobics Instructors” (39–9041) were added to the revised SOC, the definition of “Personal and Home Care Aides” (39–9031) was modified, and “Masseuses and Masseurs” was retitled “Massage Therapists” (39–9021).

In the Sales and Related Occupations major group, no significant changes were made since the July 7, 1997, **Federal Register** notice.

The title of the Office and Administration Occupations major group was changed to Office and Administrative Support Occupations. “Tellers and Customer Service Representatives, Financial Institutions” was disaggregated into “Tellers” (43–3061), “Customer Service Representatives” (43–4051), and “New Accounts Clerks” (43–4141). “Customer

Service Representatives, Except Sales and Financial” was deleted. “Court Reporters, Medical Transcriptionists, and Stenographers” was disaggregated into “Court Reporters” (23–2091) in the Legal Occupations major group, and “Medical Transcriptionists” (31–9094), in the Health Care Support Occupations major group. The definition of “Computer Operators” (43–9011) was modified. “Insurance Claims Adjusters, Examiners, and Investigators” (13–1071) and “Insurance Appraisers, Auto Damage” (13–1072) were moved to the Business and Financial Operations Occupations major group.

In the Farming, Fishing, and Forestry Occupations major group, “Veterinary Assistants and Nonfarm Animal Caretakers” was disaggregated into “Veterinary Assistants and Laboratory Animal Caretakers” and “Nonfarm Animal Caretakers.” “Veterinary Assistants and Laboratory Animal Caretakers” (31–9096) was moved to the Healthcare Support Occupations major group, while “Nonfarm Animal Caretakers” (39–2021) was moved to the Personal Care and Service Occupations major group, along with “Animal Trainers” (39–2011). “Logging Equipment Operators” (45–4022) was added to the revised SOC.

In the Construction and Extraction Occupations major group, “Construction Laborers” was retitled “Construction Craft Laborers” (47–2061). This and the following definitions were modified: “Helpers—Brickmasons, Blockmasons, Stonemasons, and Tile and Marble Setters” (47–3011), “Helpers—Carpenters” (47–3012), “Helpers—Electricians” (47–3013), “Helpers—Painters, Paperhangers, Plasterers, and Stucco Masons” (47–3014), “Helpers—Pipelayers, Plumbers, Pipefitters, and Steamfitters” (47–3015), and “Helpers—Roofers” (47–3016). “Construction Equipment Operators” was disaggregated into three occupations: “Paving, Surfacing, and Tamping Equipment Operators” (47–2071), “Pile-Driver Operators” (47–2072) and “Operating Engineers and Other Construction Equipment operators” (47–2073). “Security and Fire Alarm Systems Installers” (49–2098) was moved to the Installation, Maintenance, and Repair Occupations major group.

In the Installation, Maintenance, and Repair Occupations major group, “Electrical and Electronics Installers and Repairers, Transportation Equipment” was disaggregated into “Electrical and Electronics Installers and Repairers, Transportation Equipment” (49–2093) and “Electronic Equipment Installers and Repairers, Motor Vehicles” (49–2096). “Electrical

and Electronics Repairers, Commercial and Industrial Equipment” was disaggregated into “Electrical and Electronics Repairers, Industrial Equipment” (49–2094) and “Electrical and Electronics Repairers, Powerhouse, Substation, and Relay” (49–2095). Jet-ski Mechanics was added as an associated title under “Small Engine Mechanics” (49–3033). “Biomedical Engineering Technicians” and “BMET” were added as associated titles under “Medical Equipment Repairers” (49–9062). “Commercial Divers” (49–9092) was added as a new detailed occupation.

In the Production Occupations major group, “Molders, Shapers, and Coremakers” was retitled “Foundry Mold and Coremakers” (51–4071). “Desktop Publishers” (43–9031) was moved to the Office and Administrative Support Occupations major group.

In the Transportation and Material Moving Occupations major group, the definitions of the following detailed occupations were modified: “Commercial Pilots” (53–2012), “Drivers/Sales Workers” (53–3031), “Truck Drivers, Light or Delivery Services” (53–3033), and “Industrial Truck and Tractor Operators” (53–7051). “Elevator Operators” was deleted from the revised SOC.

In the Military Specific Occupations major group, no significant changes were made since the July 7, 1997, **Federal Register** notice.

Next Steps in Process

After analyzing comments generated by this **Federal Register** notice, OMB plans to publish its final decisions for the 1998 SOC in the **Federal Register** by the end of 1998.

The SOCRPC also will begin preparing the 1998 Standard Occupational Classification Manual for publication. Committee members will be completing definitions, assigning associated titles, and developing cross lists to existing systems. The SOCRPC is planning a process for ensuring that the implementation of the 1998 SOC is comparable across Federal agencies, including regularly scheduled interagency communication to ensure that there is a smooth Federal transition to the 1998 SOC.

It has been eighteen years since the last revision of the SOC. The SOC Revision Policy Committee urges the Office of Management and Budget to establish a new standing committee, the Standard Occupational Classification Review Committee, to ensure that the 1998 SOC remains appropriate to the world of work.

The new committee should meet twice per year to review proposals for changes in the SOC, such as the definition and placement of new occupations. In addition, it should provide timely advice to the Bureau of the Census during its 2000 Census occupations coding operation, particularly with respect to the proper classification of unfamiliar job descriptions and job titles. The committee should also undertake a thorough review of the entire SOC once per decade, perhaps in conjunction with preparations for the decennial census.

Because of this broad role, we recommend that the committee consist of representatives of the following agencies:
 Department of Commerce, Bureau of the Census
 Department of Defense, Defense Manpower Data Center
 Department of Education
 Department of Health and Human Services, Bureau of Health Professions
 Department of Labor, Bureau of Labor Statistics
 Department of Labor, Employment and Training Administration

Equal Employment Opportunity Commission
 National Occupational Information Coordinating Committee
 National Science Foundation
 Office of Management and Budget (ex-officio)
 Office of Personnel Management
 We recommend that the Bureau of Labor Statistics chair the committee and staff its secretariat, and that it be given sufficient authority to carry out its secretariat duties, such as organizing working groups to make recommendations for changes.

APPENDIX A: Proposed 1998 SOC Detailed Occupations

11-0000 MANAGEMENT OCCUPATIONS

11-1000 TOP EXECUTIVES

- 11-1010 Chief Executives
 - 11-1011 Chief Executives
- 11-1020 General and Operations Managers
 - 11-1021 General and Operations Managers
- 11-1030 Legislators
 - 11-1031 Legislators

11-2000 ADVERTISING, MARKETING, PROMOTIONS, PUBLIC RELATIONS, AND SALES MANAGERS

- 11-2010 Advertising and Promotions Managers
 - 11-2011 Advertising and Promotions Managers
- 11-2020 Marketing and Sales Managers
 - 11-2021 Marketing Managers
 - 11-2022 Sales Managers
- 11-2030 Public Relations Managers
 - 11-2031 Public Relations Managers

11-3000 OPERATIONS SPECIALTIES MANAGERS

- 11-3010 Administrative Services Managers
 - 11-3011 Administrative Services Managers
- 11-3020 Computer and Information Systems Managers
 - 11-3021 Computer and Information Systems Managers
- 11-3030 Financial Managers
 - 11-3031 Financial Managers
- 11-3040 Human Resources Managers
 - 11-3041 Compensation and Benefits Managers
 - 11-3042 Training and Development Managers
 - 11-3049 Human Resources Managers, All Other
- 11-3050 Industrial Production Managers
 - 11-3051 Industrial Production Managers
- 11-3060 Purchasing Managers
 - 11-3061 Purchasing Managers
- 11-3070 Transportation, Storage, and Distribution Managers
 - 11-3071 Transportation, Storage, and Distribution Managers

11-9000 OTHER MANAGEMENT OCCUPATIONS

- 11-9010 Agricultural Managers
 - 11-9011 Farm, Ranch, and Other Agricultural Managers
 - 11-9012 Farmers and Ranchers
- 11-9020 Construction Managers
 - 11-9021 Construction Managers
- 11-9030 Education Administrators
 - 11-9031 Education Administrators, Preschool and Child Care Center/Program
 - 11-9032 Education Administrators, Elementary and Secondary School
 - 11-9033 Education Administrators, Postsecondary
 - 11-9039 Education Administrators, All Other
- 11-9040 Engineering Managers
 - 11-9041 Engineering Managers
- 11-9050 Food Service Managers
 - 11-9051 Food Service Managers
- 11-9060 Funeral Directors
 - 11-9061 Funeral Directors
- 11-9070 Lodging Managers
 - 11-9071 Lodging Managers
- 11-9080 Medical and Health Services Managers
 - 11-9081 Medical and Health Services Managers
- 11-9110 Natural Sciences Managers
 - 11-9111 Natural Sciences Managers

- 11-9120 Postmasters and Mail Superintendents
 - 11-9121 Postmasters and Mail Superintendents
- 11-9130 Property, Real Estate, and Community Association Managers
 - 11-9131 Property, Real Estate, and Community Association Managers
- 11-9140 Social and Community Service Managers
 - 11-9141 Social and Community Service Managers
- 11-9190 Miscellaneous Managers
 - 11-9199 Managers, All Other
- 13-0000 BUSINESS AND FINANCIAL OPERATIONS OCCUPATIONS
 - 13-1000 BUSINESS OPERATIONS SPECIALISTS
 - 13-1010 Agents and Business Managers of Artists, Performers, and Athletes
 - 13-1011 Agents and Business Managers of Artists, Performers, and Athletes
 - 13-1020 Buyers and Purchasing Agents
 - 13-1021 Purchasing Agents and Buyers, Farm Products
 - 13-1022 Wholesale and Retail Buyers, Except Farm Products
 - 13-1023 Purchasing Agents, Except Wholesale, Retail, and Farm Products
 - 13-1030 Compliance Officers, Except Agriculture, Construction, Health and Safety, and Transportation
 - 13-1031 Compliance Officers, Except Agriculture, Construction, Health and Safety, and Transportation
 - 13-1040 Cost Estimators
 - 13-1041 Cost Estimators
 - 13-1050 Emergency Management Specialists
 - 13-1051 Emergency Management Specialists
 - 13-1060 Human Resources, Training, and Labor Relations Specialists
 - 13-1061 Employment, Recruitment, and Placement Specialists
 - 13-1062 Compensation, Benefits, and Job Analysis Specialists
 - 13-1063 Training and Development Specialists
 - 13-1069 Human Resources, Training, and Labor Relations Specialists, All Other
 - 13-1070 Insurance Claims Adjusters, Appraisers, Examiners, and Investigators
 - 13-1071 Insurance Claims Adjusters, Examiners, and Investigators
 - 13-1072 Insurance Appraisers, Auto Damage
 - 13-1080 Logisticians
 - 13-1081 Logisticians
 - 13-1110 Management Analysts
 - 13-1111 Management Analysts
 - 13-1120 Meeting and Convention Planners
 - 13-1121 Meeting and Convention Planners
 - 13-1190 Miscellaneous Business Operations Specialists
 - 13-1199 Business Operations Specialists, All Other
 - 13-2000 FINANCIAL SPECIALISTS
 - 13-2010 Accountants and Auditors
 - 13-2011 Accountants and Auditors
 - 13-2020 Assessors and Real Estate Appraisers
 - 13-2021 Assessors and Real Estate Appraisers
 - 13-2030 Budget Analysts
 - 13-2031 Budget Analysts
 - 13-2040 Credit Analysts
 - 13-2041 Credit Analysts
 - 13-2050 Financial Analysts and Advisors
 - 13-2051 Financial Analysts
 - 13-2052 Personal Financial Advisors
 - 13-2053 Insurance Underwriters
 - 13-2060 Financial Examiners
 - 13-2061 Financial Examiners
 - 13-2070 Loan Counselors and Officers
 - 13-2071 Loan Counselors
 - 13-2072 Loan Officers
 - 13-2080 Tax Examiners, Collectors, Preparers, and Revenue Agents
 - 13-2081 Tax Examiners, Collectors, and Revenue Agents
 - 13-2082 Tax Preparers
 - 13-2090 Miscellaneous Financial Specialists
 - 13-2099 Financial Specialists, All Other
 - 15-0000 COMPUTER AND MATHEMATICAL OCCUPATIONS
 - 15-1000 COMPUTER SPECIALISTS
 - 15-1010 Computer and Information Scientists, Research
 - 15-1011 Computer and Information Scientists, Research
 - 15-1020 Computer Programmers
 - 15-1021 Computer Programmers
 - 15-1030 Computer Software Engineers
 - 15-1031 Computer Software Engineers, Applications
 - 15-1032 Computer Software Engineers, Systems Software
 - 15-1040 Computer Support Specialists
 - 15-1041 Computer Support Specialists
 - 15-1050 Computer Systems Analysts
 - 15-1051 Computer Systems Analysts
 - 15-1060 Database Administrators
 - 15-1061 Database Administrators

- 15-1070 Network and Computer Systems Administrators
- 15-1071 Network and Computer Systems Administrators
- 15-1080 Network Systems and Data Communications Analysts
- 15-1081 Network Systems and Data Communications Analysts
- 15-1090 Miscellaneous Computer Specialists
- 15-1099 Computer Specialists, All Other
- 15-2000 MATHEMATICAL SCIENTISTS
 - 15-2010 Actuaries
 - 15-2011 Actuaries
 - 15-2020 Mathematicians
 - 15-2021 Mathematicians
 - 15-2030 Operations Researchers and Analysts
 - 15-2031 Operations Researchers and Analysts
 - 15-2040 Statisticians
 - 15-2041 Statisticians
 - 15-2090 Miscellaneous Mathematical Scientists
 - 15-2099 Mathematical Scientists, All Other
- 15-3000 MATHEMATICAL TECHNICIANS
 - 15-3010 Mathematical Technicians
 - 15-3011 Mathematical Technicians
- 17-0000 ARCHITECTURE AND ENGINEERING OCCUPATIONS
 - 17-1000 ARCHITECTS, SURVEYORS, AND CARTOGRAPHERS
 - 17-1010 Architects, Except Naval
 - 17-1011 Architects, Except Landscape and Naval
 - 17-1012 Landscape Architects
 - 17-1020 Surveyors, Cartographers, and Photogrammetrists
 - 17-1021 Cartographers and Photogrammetrists
 - 17-1022 Surveyors
 - 17-2000 ENGINEERS
 - 17-2010 Aerospace Engineers
 - 17-2011 Aerospace Engineers
 - 17-2020 Agricultural Engineers
 - 17-2021 Agricultural Engineers
 - 17-2030 Biomedical Engineers
 - 17-2031 Biomedical Engineers
 - 17-2040 Chemical Engineers
 - 17-2041 Chemical Engineers
 - 17-2050 Civil Engineers
 - 17-2051 Civil Engineers
 - 17-2060 Computer Hardware Engineers
 - 17-2061 Computer Hardware Engineers
 - 17-2070 Electrical and Electronics Engineers
 - 17-2071 Electrical Engineers
 - 17-2072 Electronics Engineers, Except Computer
 - 17-2080 Environmental Engineers
 - 17-2081 Environmental Engineers
 - 17-2110 Industrial Engineers, Including Health and Safety
 - 17-2111 Health and Safety Engineers, Except Mining Safety Engineers and Inspectors
 - 17-2112 Industrial Engineers
 - 17-2120 Marine Engineers and Naval Architects
 - 17-2121 Marine Engineers and Naval Architects
 - 17-2130 Materials Engineers
 - 17-2131 Materials Engineers
 - 17-2140 Mechanical Engineers
 - 17-2141 Mechanical Engineers
 - 17-2150 Mining and Geological Engineers, Including Mining Safety Engineers
 - 17-2151 Mining and Geological Engineers, Including Mining Safety Engineers
 - 17-2160 Nuclear Engineers
 - 17-2161 Nuclear Engineers
 - 17-2170 Petroleum Engineers
 - 17-2171 Petroleum Engineers
 - 17-2190 Miscellaneous Engineers
 - 17-2199 Engineers, All Other
 - 17-3000 DRAFTERS, ENGINEERING, AND MAPPING TECHNICIANS
 - 17-3010 Drafters
 - 17-3011 Architectural and Civil Drafters
 - 17-3012 Electrical and Electronics Drafters
 - 17-3013 Mechanical Drafters
 - 17-3019 Drafters, All Other
 - 17-3020 Engineering Technicians, Except Drafters
 - 17-3021 Aerospace Engineering and Operations Technicians
 - 17-3022 Civil Engineering Technicians
 - 17-3023 Electrical and Electronic Engineering Technicians
 - 17-3024 Electro-mechanical Technicians
 - 17-3025 Environmental Engineering Technicians
 - 17-3026 Industrial Engineering Technicians

- 17-3027 Mechanical Engineering Technicians
- 17-3029 Engineering Technicians, Except Drafters, All Other
- 17-3030 Surveying and Mapping Technicians
- 17-3031 Surveying and Mapping Technicians
- 19-0000 LIFE, PHYSICAL, AND SOCIAL SCIENCE OCCUPATIONS
- 19-1000 LIFE SCIENTISTS
- 19-1010 Agricultural and Food Scientists
- 19-1011 Animal Scientists
- 19-1012 Food Scientists and Technologists
- 19-1013 Soil and Plant Scientists
- 19-1020 Biological Scientists
- 19-1021 Biochemists and Biophysicists
- 19-1022 Microbiologists
- 19-1023 Zoologists and Wildlife Biologists
- 19-1029 Biological Scientists, All Other
- 19-1030 Conservation Scientists and Foresters
- 19-1031 Conservation Scientists
- 19-1032 Foresters
- 19-1040 Medical Scientists
- 19-1041 Epidemiologists
- 19-1049 Medical Scientists, All Other
- 19-1090 Miscellaneous Life Scientists
- 19-1099 Life Scientists, All Other
- 19-2000 PHYSICAL SCIENTISTS
- 19-2010 Astronomers and Physicists
- 19-2011 Astronomers
- 19-2012 Physicists
- 19-2020 Atmospheric and Space Scientists
- 19-2021 Atmospheric and Space Scientists
- 19-2030 Chemists and Materials Scientists
- 19-2031 Chemists
- 19-2032 Materials Scientists
- 19-2040 Environmental Scientists and Geoscientists
- 19-2041 Environmental Scientists
- 19-2042 Geoscientists, Except Hydrologists and Geographers
- 19-2043 Hydrologists
- 19-2090 Miscellaneous Physical Scientists
- 19-2099 Physical Scientists, All Other
- 19-3000 SOCIAL SCIENTISTS AND RELATED WORKERS
- 19-3010 Economists
- 19-3011 Economists
- 19-3020 Market and Survey Researchers
- 19-3021 Market Research Analysts
- 19-3022 Survey Researchers
- 19-3030 Psychologists
- 19-3031 Clinical, Counseling, and School Psychologists
- 19-3032 Industrial-organizational Psychologists
- 19-3039 Psychologists, All Other
- 19-3040 Sociologists
- 19-3041 Sociologists
- 19-3050 Urban and Regional Planners
- 19-3051 Urban and Regional Planners
- 19-3090 Miscellaneous Social Scientists and Related Workers
- 19-3091 Anthropologists and Archeologists
- 19-3092 Geographers
- 19-3093 Historians
- 19-3094 Political Scientists
- 19-3099 Social Scientists and Related Workers, All Other
- 19-4000 LIFE, PHYSICAL, AND SOCIAL SCIENCE TECHNICIANS
- 19-4010 Agricultural and Food Science Technicians
- 19-4011 Agricultural and Food Science Technicians
- 19-4020 Biological Technicians
- 19-4021 Biological Technicians
- 19-4030 Chemical Technicians
- 19-4031 Chemical Technicians
- 19-4040 Geological and Petroleum Technicians
- 19-4041 Geological and Petroleum Technicians
- 19-4050 Nuclear Technicians
- 19-4051 Nuclear Technicians
- 19-4060 Social Science Research Assistants
- 19-4061 Social Science Research Assistants
- 19-4090 Miscellaneous Life, Physical, and Social Science Technicians
- 19-4091 Environmental Science Technicians
- 19-4092 Forensic Science Technicians
- 19-4093 Forest and Conservation Technicians
- 19-4099 Life, Physical, and Social Science Technicians, All Other

- 21-0000 COMMUNITY AND SOCIAL SERVICES OCCUPATIONS
 - 21-1000 COUNSELORS, SOCIAL WORKERS, AND OTHER COMMUNITY AND SOCIAL SERVICE SPECIALISTS
 - 21-1010 Counselors
 - 21-1011 Substance Abuse and Behavioral Disorder Counselors
 - 21-1012 Educational, Vocational, and School Counselors
 - 21-1013 Marriage and Family Therapists
 - 21-1014 Mental Health Counselors
 - 21-1015 Rehabilitation Counselors
 - 21-1019 Counselors, All Other
 - 21-1020 Social Workers
 - 21-1021 Child, Family, and School Social Workers
 - 21-1022 Medical and Public Health Social Workers
 - 21-1023 Mental Health and Substance Abuse Social Workers
 - 21-1029 Social Workers, All Other
 - 21-1090 Miscellaneous Psychosocial, Community, and Behavioral Specialists
 - 21-1091 Health Educators
 - 21-1092 Probation Officers and Correctional Treatment Specialists
 - 21-1093 Social and Human Service Assistants
 - 21-1099 Psychosocial, Community, and Behavioral Specialists, All Other
 - 21-2000 RELIGIOUS WORKERS
 - 21-2010 Clergy
 - 21-2011 Clergy
 - 21-2020 Directors, Religious Activities and Education
 - 21-2021 Directors, Religious Activities and Education
 - 21-2090 Miscellaneous Religious Workers
 - 21-2099 Religious Workers, All Other
- 23-0000 LEGAL OCCUPATIONS
 - 23-1000 LAWYERS, JUDGES, AND RELATED WORKERS
 - 23-1010 Lawyers
 - 23-1011 Lawyers
 - 23-1020 Judges, Magistrates, and Other Judicial Workers
 - 23-1021 Administrative Law Judges and Hearing Officers
 - 23-1022 Arbitrators, Mediators, and Conciliators
 - 23-1023 Judges, Magistrate Judges, and Magistrates
 - 23-2000 LEGAL SUPPORT WORKERS
 - 23-2010 Paralegals and Legal Assistants
 - 23-2011 Paralegals and Legal Assistants
 - 23-2090 Miscellaneous Legal Support Workers
 - 23-2091 Court Reporters
 - 23-2092 Law Clerks
 - 23-2093 Title Examiners, Abstractors, and Searchers
 - 23-2099 Legal Support Workers, All Other
- 25-0000 EDUCATION, TRAINING, AND LIBRARY OCCUPATIONS
 - 25-1000 TEACHERS, POSTSECONDARY
 - 25-1010 Business Teachers, Postsecondary
 - 25-1011 Business Teachers, Postsecondary
 - 25-1020 Math and Computer Teachers, Postsecondary
 - 25-1021 Computer Science Teachers, Postsecondary
 - 25-1022 Mathematical Science Teachers, Postsecondary
 - 25-1030 Engineering and Architecture Teachers, Postsecondary
 - 25-1031 Architecture Teachers, Postsecondary
 - 25-1032 Engineering Teachers, Postsecondary
 - 25-1040 Life Sciences Teachers, Postsecondary
 - 25-1041 Agricultural Sciences Teachers, Postsecondary
 - 25-1042 Biological Science Teachers, Postsecondary
 - 25-1043 Forestry and Conservation Science Teachers, Postsecondary
 - 25-1050 Physical Sciences Teachers, Postsecondary
 - 25-1051 Atmospheric, Earth, Marine, and Space Sciences Teachers, Postsecondary
 - 25-1052 Chemistry Teachers, Postsecondary
 - 25-1053 Environmental Science Teachers, Postsecondary
 - 25-1054 Physics Teachers, Postsecondary
 - 25-1060 Social Sciences Teachers, Postsecondary
 - 25-1061 Anthropology and Archeology Teachers, Postsecondary
 - 25-1062 Area, Ethnic, and Cultural Studies Teachers, Postsecondary
 - 25-1063 Economics Teachers, Postsecondary
 - 25-1064 Geography Teachers, Postsecondary
 - 25-1065 Political Science Teachers, Postsecondary
 - 25-1066 Psychology Teachers, Postsecondary
 - 25-1067 Sociology Teachers, Postsecondary
 - 25-1069 Social Sciences Teachers, Postsecondary, All Other
 - 25-1070 Health Teachers, Postsecondary
 - 25-1071 Health Specialties Teachers, Postsecondary
 - 25-1072 Nursing Instructors and Teachers, Postsecondary
 - 25-1080 Education and Library Science Teachers, Postsecondary
 - 25-1081 Education Teachers, Postsecondary
 - 25-1082 Library Science Teachers, Postsecondary

- 25-1110 Law, Criminal Justice, and Social Services Teachers, Postsecondary
- 25-1111 Criminal Justice and Law Enforcement Teachers, Postsecondary
- 25-1112 Law Teachers, Postsecondary
- 25-1113 Social Work Teachers, Postsecondary
- 25-1120 Arts, Communications, and Humanities Teachers, Postsecondary
- 25-1121 Art, Drama, and Music Teachers, Postsecondary
- 25-1122 Communications Teachers, Postsecondary
- 25-1123 English Language and Literature Teachers, Postsecondary
- 25-1124 Foreign Language and Literature Teachers, Postsecondary
- 25-1125 History Teachers, Postsecondary
- 25-1126 Philosophy and Religion Teachers, Postsecondary
- 25-1190 Miscellaneous Postsecondary Teachers
- 25-1191 Graduate Assistants, Teaching
- 25-1192 Home Economics Teachers, Postsecondary
- 25-1193 Recreation and Fitness Studies Teachers, Postsecondary
- 25-1199 Postsecondary Teachers, All Other
- 25-2000 TEACHERS, PRIMARY, SECONDARY, AND SPECIAL EDUCATION
- 25-2010 Teachers, Preschool and Kindergarten
- 25-2011 Teachers, Preschool
- 25-2012 Teachers, Kindergarten
- 25-2020 Teachers, Elementary and Middle School
- 25-2021 Teachers, Elementary School
- 25-2022 Teachers, Middle School
- 25-2030 Teachers, Secondary School
- 25-2031 Teachers, Secondary School
- 25-2040 Special Education Teachers
- 25-2041 Special Education Teachers
- 25-3000 OTHER TEACHERS AND INSTRUCTORS
- 25-3010 Literacy, Remedial Education, and GED Teachers and Instructors
- 25-3011 Literacy, Remedial Education, and GED Teachers and Instructors
- 25-3020 Self-enrichment Education Teachers
- 25-3021 Self-enrichment Education Teachers
- 25-3030 Vocational Education and Training Teachers and Instructors
- 25-3031 Vocational Education and Training Teachers and Instructors
- 25-3090 Miscellaneous Teachers and Instructors
- 25-3099 Teachers and Instructors, All Other
- 25-4000 LIBRARIANS, CURATORS, AND ARCHIVISTS
- 25-4010 Archivists, Curators, and Museum Technicians
- 25-4011 Archivists
- 25-4012 Curators
- 25-4013 Museum Technicians and Conservators
- 25-4020 Librarians
- 25-4021 Librarians
- 25-4030 Library Technicians
- 25-4031 Library Technicians
- 25-9000 OTHER EDUCATION, TRAINING, AND LIBRARY OCCUPATIONS
- 25-9010 Audio-visual Collections Specialists
- 25-9011 Audio-visual Collections Specialists
- 25-9020 Farm and Home Management Advisors
- 25-9021 Farm and Home Management Advisors
- 25-9030 Instructional Coordinators
- 25-9031 Instructional Coordinators
- 25-9040 Teacher Assistants
- 25-9041 Teacher Assistants
- 25-9090 Miscellaneous Education, Training, and Library Workers
- 25-9099 Education, Training, and Library Workers, All Other
- 27-0000 ARTS, DESIGN, ENTERTAINMENT, SPORTS, AND MEDIA OCCUPATIONS
- 27-1000 ART AND DESIGN WORKERS
- 27-1010 Artists and Related Workers
- 27-1011 Art Directors
- 27-1012 Craft Artists
- 27-1013 Fine Artists, Including Painters, Sculptors, and Illustrators
- 27-1014 Multi-Media Artists and Animators
- 27-1019 Artists and Related Workers, All Other
- 27-1020 Designers
- 27-1021 Commercial and Industrial Designers
- 27-1022 Fashion Designers
- 27-1023 Floral Designers
- 27-1024 Graphic Designers
- 27-1025 Interior Designers
- 27-1026 Merchandise Displayers and Window Trimmers
- 27-1027 Set and Exhibit Designers
- 27-1029 Designers, All Other
- 27-2000 ENTERTAINERS AND PERFORMERS, SPORTS AND RELATED WORKERS
- 27-2010 Actors, Producers, and Directors
- 27-2011 Actors

- 27-2012 Producers and Directors
- 27-2020 Athletes, Coaches, Umpires, and Related Workers
 - 27-2021 Athletes and Sports Competitors
 - 27-2022 Coaches and Scouts
 - 27-2023 Umpires, Referees, and Other Sports Officials
- 27-2030 Dancers and Choreographers
 - 27-2031 Dancers
 - 27-2032 Choreographers
- 27-2040 Musicians, Singers, and Related Workers
 - 27-2041 Music Directors and Composers
 - 27-2042 Musicians and Singers
- 27-2090 Miscellaneous Entertainers and Performers, Sports and Related Workers
 - 27-2099 Entertainers and Performers, Sports and Related Workers, All Other
- 27-3000 MEDIA AND COMMUNICATION WORKERS
 - 27-3010 Announcers
 - 27-3011 Radio and Television Announcers
 - 27-3012 Public Address System and Other Announcers
 - 27-3020 News Analysts, Reporters and Correspondents
 - 27-3021 Broadcast News Analysts
 - 27-3022 Reporters and Correspondents
 - 27-3030 Public Relations Specialists
 - 27-3031 Public Relations Specialists
 - 27-3040 Writers and Editors
 - 27-3041 Editors
 - 27-3042 Technical Writers
 - 27-3043 Writers and Authors
 - 27-3090 Miscellaneous Media and Communication Workers
 - 27-3091 Interpreters and Translators
 - 27-3099 Media and Communication Workers, All Other
- 27-4000 MEDIA AND COMMUNICATION EQUIPMENT WORKERS
 - 27-4010 Broadcast and Sound Engineering Technicians and Radio Operators
 - 27-4011 Broadcast Technicians
 - 27-4012 Radio Operators
 - 27-4013 Sound Engineering Technicians
 - 27-4020 Photographers
 - 27-4021 Photographers
 - 27-4030 Television, Video, and Motion Picture Camera Operators and Editors
 - 27-4031 Camera Operators, Television, Video, and Motion Picture
 - 27-4032 Film and Video Editors
 - 27-4090 Miscellaneous Media and Communication Equipment Workers
 - 27-4099 Media and Communication Equipment Workers, All Other
- 29-0000 HEALTHCARE PRACTITIONERS AND TECHNICAL OCCUPATIONS
 - 29-1000 HEALTH DIAGNOSING AND TREATING PRACTITIONERS
 - 29-1010 Chiropractors
 - 29-1011 Chiropractors
 - 29-1020 Dentists
 - 29-1021 Dentists, General
 - 29-1022 Oral and Maxillofacial Surgeons
 - 29-1023 Orthodontists
 - 29-1024 Prosthodontists
 - 29-1029 Dentists, All Other Specialists
 - 29-1030 Dietitians and Nutritionists
 - 29-1031 Dietitians and Nutritionists
 - 29-1040 Optometrists
 - 29-1041 Optometrists
 - 29-1050 Pharmacists
 - 29-1051 Pharmacists
 - 29-1060 Physicians and Surgeons
 - 29-1061 Anesthesiologists
 - 29-1062 Family and General Practitioners
 - 29-1063 Internists, General
 - 29-1064 Obstetricians and Gynecologists
 - 29-1065 Pediatricians, General
 - 29-1066 Psychiatrists
 - 29-1067 Surgeons
 - 29-1069 Physicians and Surgeons, All Other
 - 29-1070 Physician Assistants
 - 29-1071 Physician Assistants
 - 29-1080 Podiatrists
 - 29-1081 Podiatrists
 - 29-1110 Registered Nurses
 - 29-1111 Registered Nurses
 - 29-1120 Therapists
 - 29-1121 Audiologists
 - 29-1122 Occupational Therapists
 - 29-1123 Physical Therapists

- 29-1124 Radiation Therapists
- 29-1125 Recreational Therapists
- 29-1126 Respiratory Therapists
- 29-1127 Speech-language Pathologists
- 29-1129 Therapists, All Other
- 29-1130 Veterinarians
 - 29-1131 Veterinarians
- 29-1190 Miscellaneous Health Diagnosing and Treating Practitioners
 - 29-1199 Health Diagnosing and Treating Practitioners, All Other
- 29-2000 HEALTH TECHNOLOGISTS AND TECHNICIANS
 - 29-2010 Clinical Laboratory Technologists and Technicians
 - 29-2011 Medical and Clinical Laboratory Technologists
 - 29-2012 Medical and Clinical Laboratory Technicians
 - 29-2020 Dental Hygienists
 - 29-2021 Dental Hygienists
 - 29-2030 Diagnostic Related Technologists and Technicians
 - 29-2031 Cardiovascular Technologists and Technicians
 - 29-2032 Diagnostic Medical Sonographers
 - 29-2033 Nuclear Medicine Technologists
 - 29-2034 Radiologic Technologists and Technicians
 - 29-2040 Emergency Medical Technicians and Paramedics
 - 29-2041 Emergency Medical Technicians and Paramedics
 - 29-2050 Health Diagnosing and Treating Practitioner Support Technicians
 - 29-2051 Dietetic Technicians
 - 29-2052 Pharmacy Technicians
 - 29-2053 Psychiatric Technicians
 - 29-2054 Respiratory Therapy Technicians
 - 29-2055 Surgical Technologists
 - 29-2056 Veterinary Technologists and Technicians
 - 29-2060 Licensed Practical and Licensed Vocational Nurses
 - 29-2061 Licensed Practical and Licensed Vocational Nurses
 - 29-2070 Medical Records and Health Information Technicians
 - 29-2071 Medical Records and Health Information Technicians
 - 29-2080 Opticians, Dispensing
 - 29-2081 Opticians, Dispensing
 - 29-2090 Miscellaneous Health Technologists and Technicians
 - 29-2091 Orthotists and Prosthetists
 - 29-2099 Health Technologists and Technicians, All Other
- 29-9000 OTHER HEALTHCARE PRACTITIONERS AND TECHNICAL OCCUPATIONS
 - 29-9010 Occupational Health and Safety Specialists and Technicians
 - 29-9011 Occupational Health and Safety Specialists
 - 29-9012 Occupational Health and Safety Technicians
 - 29-9090 Miscellaneous Healthcare Practitioners and Technical Workers, All Other
 - 29-9091 Athletic Trainers
 - 29-9099 Healthcare Practitioners and Technical Workers, All Other
- 31-0000 HEALTHCARE SUPPORT OCCUPATIONS
 - 31-1000 NURSING, PSYCHIATRIC, AND HOME HEALTH AIDES
 - 31-1010 Nursing, Psychiatric, and Home Health Aides
 - 31-1011 Home Health Aides
 - 31-1012 Nursing Aides, Orderlies, and Attendants
 - 31-1013 Psychiatric Aides
 - 31-2000 OCCUPATIONAL AND PHYSICAL THERAPIST ASSISTANTS AND AIDES
 - 31-2010 Occupational Therapist Assistants and Aides
 - 31-2011 Occupational Therapist Assistants
 - 31-2012 Occupational Therapist Aides
 - 31-2020 Physical Therapist Assistants and Aides
 - 31-2021 Physical Therapist Assistants
 - 31-2022 Physical Therapist Aides
 - 31-9000 OTHER HEALTHCARE SUPPORT OCCUPATIONS
 - 31-9090 Miscellaneous Healthcare Support Occupations
 - 31-9091 Dental Assistants
 - 31-9092 Medical Assistants
 - 31-9093 Medical Equipment Preparers
 - 31-9094 Medical Transcriptionists
 - 31-9095 Pharmacy Aides
 - 31-9096 Veterinary Assistants and Laboratory Animal Caretakers
 - 31-9099 Healthcare Support Workers, All Other
- 33-0000 PROTECTIVE SERVICE OCCUPATIONS
 - 33-1000 SUPERVISORS, PROTECTIVE SERVICE WORKERS
 - 33-1010 First-Line Supervisors/Managers, Law Enforcement Workers
 - 33-1011 First-Line Supervisors/Managers of Correctional Officers
 - 33-1012 First-Line Supervisors/Managers of Police and Detectives
 - 33-1020 First-Line Supervisors/Managers, Fire Fighting and Prevention Workers
 - 33-1021 First-Line Supervisors/Managers of Fire Fighting and Prevention Workers
 - 33-1090 Miscellaneous Supervisors, Protective Service Workers
 - 33-1099 Supervisors, Protective Service Workers, All Other

- 33-2000 FIREFIGHTING WORKERS
 - 33-2010 Fire Fighters
 - 33-2011 Fire Fighters
 - 33-2020 Fire Inspectors
 - 33-2021 Fire Inspectors and Investigators
 - 33-2022 Forest Fire Inspectors and Prevention Specialists
- 33-3000 LAW ENFORCEMENT WORKERS
 - 33-3010 Bailiffs, Correctional Officers, and Jailers
 - 33-3011 Bailiffs
 - 33-3012 Correctional Officers and Jailers
 - 33-3020 Detectives and Criminal Investigators
 - 33-3021 Detectives and Criminal Investigators
 - 33-3030 Fish and Game Wardens
 - 33-3031 Fish and Game Wardens
 - 33-3040 Parking Enforcement Workers
 - 33-3041 Parking Enforcement Workers
 - 33-3050 Police Officers
 - 33-3051 Police and Sheriff's Patrol Officers
 - 33-3052 Transit and Railroad Police
- 33-9000 OTHER PROTECTIVE SERVICE WORKERS
 - 33-9010 Animal Control Workers
 - 33-9011 Animal Control Workers
 - 33-9020 Private Detectives and Investigators
 - 33-9021 Private Detectives and Investigators
 - 33-9030 Security Guards
 - 33-9031 Security Guards
 - 33-9090 Miscellaneous Protective Service Workers
 - 33-9091 Crossing Guards
 - 33-9092 Lifeguards, Ski Patrol, and Other Recreational Protective Service Workers
 - 33-9099 Protective Service Workers, All Other
- 35-0000 FOOD PREPARATION AND SERVING RELATED OCCUPATIONS
 - 35-1000 SUPERVISORS, FOOD PREPARATION AND FOOD SERVING WORKERS
 - 35-1010 First-Line Supervisors/Managers, Food Preparation and Food Serving Workers
 - 35-1011 Chefs and Head Cooks
 - 35-1012 First-Line Supervisors/Managers of Food Preparation and Serving Workers
 - 35-2000 COOKS AND FOOD PREPARATION WORKERS
 - 35-2010 Cooks
 - 35-2011 Cooks, Fast Food
 - 35-2012 Cooks, Institution and Cafeteria
 - 35-2013 Cooks, Private Household
 - 35-2014 Cooks, Restaurant
 - 35-2015 Cooks, Short Order
 - 35-2019 Cooks, All Other
 - 35-2020 Food Preparation Workers
 - 35-2021 Food Preparation Workers
 - 35-3000 FOOD AND BEVERAGE SERVING WORKERS
 - 35-3010 Bartenders
 - 35-3011 Bartenders
 - 35-3020 Fast Food and Counter Workers
 - 35-3021 Combined Food Preparation and Serving Workers, Including Fast Food
 - 35-3022 Counter Attendants, Cafeteria, Food Concession, and Coffee Shop
 - 35-3030 Waiters and Waitresses
 - 35-3031 Waiters and Waitresses
 - 35-3040 Food Servers, Nonrestaurant
 - 35-3041 Food Servers, Nonrestaurant
 - 35-9000 OTHER FOOD PREPARATION AND SERVING RELATED WORKERS
 - 35-9010 Dining Room and Cafeteria Attendants and Bartender Helpers
 - 35-9011 Dining Room and Cafeteria Attendants and Bartender Helpers
 - 35-9020 Dishwashers
 - 35-9021 Dishwashers
 - 35-9030 Hosts and Hostesses, Restaurant, Lounge, and Coffee Shop
 - 35-9031 Hosts and Hostesses, Restaurant, Lounge, and Coffee Shop
 - 35-9090 Miscellaneous Food Preparation and Serving Related Workers
 - 35-9099 Food Preparation and Serving Related Workers, All Other
- 37-0000 BUILDING AND GROUNDS CLEANING AND MAINTENANCE OCCUPATIONS
 - 37-1000 SUPERVISORS, BUILDING AND GROUNDS CLEANING AND MAINTENANCE WORKERS
 - 37-1010 First-Line Supervisors/Managers, Building and Grounds Cleaning and Maintenance Workers
 - 37-1011 First-Line Supervisors/Managers of Housekeeping and Janitorial Workers
 - 37-1012 First-Line Supervisors/Managers of Landscaping, Lawn Service, and Groundskeeping Workers
 - 37-2000 BUILDING CLEANING AND PEST CONTROL WORKERS
 - 37-2010 Building Cleaning Workers
 - 37-2011 Janitors and Cleaners, Except Maids and Housekeeping Cleaners
 - 37-2012 Maids and Housekeeping Cleaners
 - 37-2019 Building Cleaning Workers, All Other
 - 37-2020 Pest Control Workers
 - 37-2021 Pest Control Workers

- 37-3000 GROUNDS MAINTENANCE WORKERS
 - 37-3010 Grounds Maintenance Workers
 - 37-3011 Landscaping and Groundskeeping Workers
 - 37-3012 Pesticide Handlers, Sprayers, and Applicators, Vegetation
 - 37-3013 Tree Trimmers and Pruners
 - 37-3019 Grounds Maintenance Workers, All Other
- 39-0000 PERSONAL CARE AND SERVICE OCCUPATIONS
 - 39-1000 SUPERVISORS, PERSONAL CARE AND SERVICE WORKERS
 - 39-1010 First-Line Supervisors/Managers of Gaming Workers
 - 39-1011 First-Line Supervisors/Managers of Gaming Workers
 - 39-1020 First-Line Supervisors/Managers of Personal Service Workers
 - 39-1021 First-Line Supervisors/Managers of Personal Service Workers
 - 39-2000 ANIMAL CARE AND SERVICE WORKERS
 - 39-2010 Animal Trainers
 - 39-2011 Animal Trainers
 - 39-2020 Nonfarm Animal Caretakers
 - 39-2021 Nonfarm Animal Caretakers
 - 39-3000 ENTERTAINMENT ATTENDANTS AND RELATED WORKERS
 - 39-3010 Gaming Workers
 - 39-3011 Games of Chance Attendants
 - 39-3012 Gaming Dealers
 - 39-3013 Mutuel Cashiers and Games of Chance Writers
 - 39-3020 Motion Picture Projectionists
 - 39-3021 Motion Picture Projectionists
 - 39-3030 Ushers, Lobby Attendants, and Ticket Takers
 - 39-3031 Ushers, Lobby Attendants, and Ticket Takers
 - 39-3090 Miscellaneous Entertainment Attendants and Related Workers
 - 39-3091 Amusement and Recreation Attendants
 - 39-3092 Costume Attendants
 - 39-3093 Locker Room, Coatroom, and Dressing Room Attendants
 - 39-3099 Entertainment Attendants and Related Workers, All Other
 - 39-4000 FUNERAL SERVICE WORKERS
 - 39-4010 Embalmers
 - 39-4011 Embalmers
 - 39-4020 Funeral Attendants
 - 39-4021 Funeral Attendants
 - 39-5000 PERSONAL APPEARANCE WORKERS
 - 39-5010 Barbers and Cosmetologists
 - 39-5011 Barbers
 - 39-5012 Hairdressers, Hairstylists, and Cosmetologists
 - 39-5090 Miscellaneous Personal Appearance Workers
 - 39-5091 Makeup Artists, Theatrical and Performance
 - 39-5092 Manicurists and Pedicurists
 - 39-5093 Shampoos
 - 39-5094 Skin Care Specialists
 - 39-6000 TRANSPORTATION, TOURISM, AND LODGING ATTENDANTS
 - 39-6010 Baggage Porters, Bellhops, and Concierges
 - 39-6011 Baggage Porters and Bellhops
 - 39-6012 Concierges
 - 39-6020 Tour and Travel Guides
 - 39-6021 Tour Guides and Escorts
 - 39-6022 Travel Guides
 - 39-6030 Transportation Attendants
 - 39-6031 Flight Attendants
 - 39-6032 Transportation Attendants, Except Flight Attendants and Baggage Porters
 - 39-9000 OTHER PERSONAL CARE AND SERVICE WORKERS
 - 39-9010 Child Care Workers
 - 39-9011 Child Care Workers
 - 39-9020 Massage Therapists
 - 39-9021 Massage Therapists
 - 39-9030 Personal and Home Care Aides
 - 39-9031 Personal and Home Care Aides
 - 39-9040 Recreation and Fitness Workers
 - 39-9041 Fitness Trainers and Aerobics Instructors
 - 39-9042 Recreation Workers
 - 39-9050 Residential Advisors
 - 39-9051 Residential Advisors
 - 39-9090 Miscellaneous Personal Care and Service Workers
 - 39-9099 Personal Care and Service Workers, All Other
- 41-0000 SALES AND RELATED OCCUPATIONS
 - 41-1000 SUPERVISORS, SALES WORKERS
 - 41-1010 First-Line Supervisors/Managers, Sales Workers
 - 41-1011 First-Line Supervisors/Managers of Retail Sales Workers
 - 41-1012 First-Line Supervisors/Managers of Non-Retail Sales Workers
 - 41-2000 RETAIL SALES WORKERS
 - 41-2010 Cashiers

- 41-2011 Cashiers
- 41-2020 Counter and Rental Clerks and Parts Salespersons
 - 41-2021 Counter and Rental Clerks
 - 41-2022 Parts Salespersons
- 41-2030 Retail Salespersons
 - 41-2031 Retail Salespersons
- 41-3000 SALES REPRESENTATIVES, SERVICES
 - 41-3010 Advertising Sales Agents
 - 41-3011 Advertising Sales Agents
 - 41-3020 Insurance Sales Agents
 - 41-3021 Insurance Sales Agents
 - 41-3030 Securities, Commodities, and Financial Services Sales Agents
 - 41-3031 Securities, Commodities, and Financial Services Sales Agents
 - 41-3040 Travel Agents
 - 41-3041 Travel Agents
 - 41-3090 Miscellaneous Sales Representatives, Services
 - 41-3099 Sales Representatives, Services, All Other
- 41-4000 SALES REPRESENTATIVES, WHOLESALE AND MANUFACTURING
 - 41-4010 Sales Representatives, Wholesale and Manufacturing
 - 41-4011 Sales Representatives, Wholesale and Manufacturing, Technical and Scientific Products
 - 41-4012 Sales Representatives, Wholesale and Manufacturing, Except Technical and Scientific Products
- 41-9000 OTHER SALES AND RELATED WORKERS
 - 41-9010 Models, Demonstrators, and Product Promoters
 - 41-9011 Demonstrators and Product Promoters
 - 41-9012 Models
 - 41-9020 Real Estate Brokers and Sales Agents
 - 41-9021 Real Estate Brokers
 - 41-9022 Real Estate Sales Agents
 - 41-9030 Sales Engineers
 - 41-9031 Sales Engineers
 - 41-9040 Telemarketers
 - 41-9041 Telemarketers
 - 41-9090 Miscellaneous Sales and Related Workers
 - 41-9091 Door-to-Door Sales Workers, News and Street Vendors, and Related Workers
 - 41-9099 Sales and Related Workers, All Other
- 43-0000 OFFICE AND ADMINISTRATIVE SUPPORT OCCUPATIONS
 - 43-1000 SUPERVISORS, OFFICE AND ADMINISTRATIVE SUPPORT WORKERS
 - 43-1010 First-Line Supervisors/Managers of Office and Administrative Support Workers
 - 43-1011 First-Line Supervisors/Managers of Office and Administrative Support Workers
 - 43-2000 COMMUNICATIONS EQUIPMENT OPERATORS
 - 43-2010 Switchboard Operators, Including Answering Service
 - 43-2011 Switchboard Operators, Including Answering Service
 - 43-2020 Telephone Operators
 - 43-2021 Telephone Operators
 - 43-2090 Miscellaneous Communications Equipment Operators
 - 43-2099 Communications Equipment Operators, All Other
 - 43-3000 FINANCIAL CLERKS
 - 43-3010 Bill and Account Collectors
 - 43-3011 Bill and Account Collectors
 - 43-3020 Billing and Posting Clerks and Machine Operators
 - 43-3021 Billing and Posting Clerks and Machine Operators
 - 43-3030 Bookkeeping, Accounting, and Auditing Clerks
 - 43-3031 Bookkeeping, Accounting, and Auditing Clerks
 - 43-3040 Payroll and Timekeeping Clerks
 - 43-3041 Payroll and Timekeeping Clerks
 - 43-3050 Procurement Clerks
 - 43-3051 Procurement Clerks
 - 43-3060 Tellers
 - 43-3061 Tellers
 - 43-4000 INFORMATION AND RECORD CLERKS
 - 43-4010 Brokerage Clerks
 - 43-4011 Brokerage Clerks
 - 43-4020 Correspondence Clerks
 - 43-4021 Correspondence Clerks
 - 43-4030 Court, Municipal, and License Clerks
 - 43-4031 Court, Municipal, and License Clerks
 - 43-4040 Credit Authorizers, Checkers, and Clerks
 - 43-4041 Credit Authorizers, Checkers, and Clerks
 - 43-4050 Customer Service Representatives
 - 43-4051 Customer Service Representatives
 - 43-4060 Eligibility Interviewers, Government Programs
 - 43-4061 Eligibility Interviewers, Government Programs
 - 43-4070 File Clerks
 - 43-4071 File Clerks
 - 43-4080 Hotel, Motel, and Resort Desk Clerks
 - 43-4081 Hotel, Motel, and Resort Desk Clerks

- 43-4110 Interviewers, Except Eligibility and Loan
 - 43-4111 Interviewers, Except Eligibility and Loan
- 43-4120 Library Assistants, Clerical
 - 43-4121 Library Assistants, Clerical
- 43-4130 Loan Interviewers and Clerks
 - 43-4131 Loan Interviewers and Clerks
- 43-4140 New Accounts Clerks
 - 43-4141 New Accounts Clerks
- 43-4150 Order Clerks
 - 43-4151 Order Clerks
- 43-4160 Personnel Assistants, Except Payroll and Timekeeping
 - 43-4161 Personnel Assistants, Except Payroll and Timekeeping
- 43-4170 Receptionists and Information Clerks
 - 43-4171 Receptionists and Information Clerks
- 43-4180 Reservation and Transportation Ticket Agents and Travel Clerks
 - 43-4181 Reservation and Transportation Ticket Agents and Travel Clerks
- 43-4190 Miscellaneous Information and Record Clerks
 - 43-4199 Information and Record Clerks, All Other
- 43-5000 MATERIAL RECORDING, SCHEDULING, DISPATCHING, AND DISTRIBUTING WORKERS
 - 43-5010 Cargo and Freight Agents
 - 43-5011 Cargo and Freight Agents
 - 43-5020 Couriers and Messengers
 - 43-5021 Couriers and Messengers
 - 43-5030 Dispatchers
 - 43-5031 Police, Fire, and Ambulance Dispatchers
 - 43-5032 Dispatchers, Except Police, Fire, and Ambulance
 - 43-5040 Meter Readers, Utilities
 - 43-5041 Meter Readers, Utilities
 - 43-5050 Postal Service Workers
 - 43-5051 Postal Service Clerks
 - 43-5052 Postal Service Mail Carriers
 - 43-5053 Postal Service Mail Sorters, Processors, and Processing Machine Operators
 - 43-5060 Production, Planning, and Expediting Clerks
 - 43-5061 Production, Planning, and Expediting Clerks
 - 43-5070 Shipping, Receiving, and Traffic Clerks
 - 43-5071 Shipping, Receiving, and Traffic Clerks
 - 43-5080 Stock Clerks and Order Fillers
 - 43-5081 Stock Clerks and Order Fillers
 - 43-5110 Weighers, Measurers, Checkers, and Samplers, Recordkeeping
 - 43-5111 Weighers, Measurers, Checkers, and Samplers, Recordkeeping
- 43-6000 SECRETARIES AND ADMINISTRATIVE ASSISTANTS
 - 43-6010 Secretaries and Administrative Assistants
 - 43-6011 Executive Secretaries and Administrative Assistants
 - 43-6012 Secretaries, Legal
 - 43-6013 Secretaries, Medical
 - 43-6019 Secretaries, All Other
- 43-9000 OTHER OFFICE AND ADMINISTRATIVE SUPPORT WORKERS
 - 43-9010 Computer Operators
 - 43-9011 Computer Operators
 - 43-9020 Data Entry and Information Processing Workers
 - 43-9021 Data Entry Keyers
 - 43-9022 Word Processors and Typists
 - 43-9030 Desktop Publishers
 - 43-9031 Desktop Publishers
 - 43-9040 Insurance Claims and Policy Processing Clerks
 - 43-9041 Insurance Claims and Policy Processing Clerks
 - 43-9050 Mail Clerks and Mail Machine Operators, Except Postal Service
 - 43-9051 Mail Clerks and Mail Machine Operators, Except Postal Service
 - 43-9060 Office Clerks, General
 - 43-9061 Office Clerks, General
 - 43-9070 Office Machine Operators, Except Computer
 - 43-9071 Office Machine Operators, Except Computer
 - 43-9080 Proofreaders and Copy Markers
 - 43-9081 Proofreaders and Copy Markers
 - 43-9110 Statistical Assistants
 - 43-9111 Statistical Assistants
 - 43-9190 Miscellaneous Office and Administrative Support Workers
 - 43-9199 Office and Administrative Support Workers, All Other
- 45-0000 FARMING, FISHING, AND FORESTRY OCCUPATIONS
 - 45-1000 SUPERVISORS, FARMING, FISHING, AND FORESTRY WORKERS
 - 45-1010 First-Line Supervisors/Managers of Farming, Fishing, and Forestry Workers
 - 45-1011 First-Line Supervisors/Managers of Farming, Fishing, and Forestry Workers
 - 45-2000 AGRICULTURAL WORKERS
 - 45-2010 Agricultural Inspectors
 - 45-2011 Agricultural Inspectors
 - 45-2020 Animal Breeders

- 45-2021 Animal Breeders
- 45-2030 Farm Labor Contractors
 - 45-2031 Farm Labor Contractors
- 45-2040 Graders and Sorters, Agricultural Products
 - 45-2041 Graders and Sorters, Agricultural Products
- 45-2090 Miscellaneous Agricultural Workers
 - 45-2091 Agricultural Equipment Operators
 - 45-2092 Farmworkers and Laborers, Crop, Nursery, and Greenhouse
 - 45-2093 Farmworkers, Farm and Ranch Animals
 - 45-2099 Agricultural Workers, All Other
- 45-3000 FISHING AND HUNTING WORKERS
 - 45-3010 Fishers and Related Fishing Workers
 - 45-3011 Fishers and Related Fishing Workers
 - 45-3020 Hunters and Trappers
 - 45-3021 Hunters and Trappers
- 45-4000 FOREST, CONSERVATION, AND LOGGING WORKERS
 - 45-4010 Forest and Conservation Workers
 - 45-4011 Forest and Conservation Workers
 - 45-4020 Logging Workers
 - 45-4021 Fallers
 - 45-4022 Logging Equipment Operators
 - 45-4023 Log Graders and Scalers
 - 45-4029 Logging Workers, All Other
- 45-9000 OTHER FARMING, FISHING, AND FORESTRY WORKERS
 - 45-9090 Miscellaneous Farming, Fishing, and Forestry Workers
 - 45-9099 Farming, Fishing, and Forestry Workers, All Other
- 47-0000 CONSTRUCTION AND EXTRACTION OCCUPATIONS
 - 47-1000 SUPERVISORS, CONSTRUCTION AND EXTRACTION WORKERS
 - 47-1010 First-Line Supervisors/Managers of Construction Trades and Extraction Workers
 - 47-1011 First-Line Supervisors/Managers of Construction Trades and Extraction Workers
 - 47-2000 CONSTRUCTION TRADES WORKERS
 - 47-2010 Boilermakers
 - 47-2011 Boilermakers
 - 47-2020 Brickmasons, Blockmasons, and Stonemasons
 - 47-2021 Brickmasons and Blockmasons
 - 47-2022 Stonemasons
 - 47-2030 Carpenters
 - 47-2031 Carpenters
 - 47-2040 Carpet, Floor, and Tile Installers and Finishers
 - 47-2041 Carpet Installers
 - 47-2042 Floor Layers, Except Carpet, Wood, and Hard Tiles
 - 47-2043 Floor Sanders and Finishers
 - 47-2044 Tile and Marble Setters
 - 47-2050 Concrete Finishers, Cement Masons, and Terrazzo Workers
 - 47-2051 Concrete Finishers and Cement Masons
 - 47-2052 Terrazzo Workers and Finishers
 - 47-2060 Construction Craft Laborers
 - 47-2061 Construction Craft Laborers
 - 47-2070 Construction Equipment Operators
 - 47-2071 Paving, Surfacing, and Tamping Equipment Operators
 - 47-2072 Pile-Driver Operators
 - 47-2073 Operating Engineers and Other Construction Equipment Operators
 - 47-2080 Drywall Installers, Ceiling Tile Installers, and Tapers
 - 47-2081 Drywall and Ceiling Tile Installers
 - 47-2082 Tapers
 - 47-2110 Electricians
 - 47-2111 Electricians
 - 47-2120 Glaziers
 - 47-2121 Glaziers
 - 47-2130 Insulation Workers
 - 47-2131 Insulation Workers, Floor, Ceiling, and Wall
 - 47-2132 Insulation Workers, Mechanical
 - 47-2140 Painters and Paperhangers
 - 47-2141 Painters, Construction and Maintenance
 - 47-2142 Paperhangers
 - 47-2150 Pipelayers, Plumbers, Pipefitters, and Steamfitters
 - 47-2151 Pipelayers
 - 47-2152 Plumbers, Pipefitters, and Steamfitters
 - 47-2160 Plasterers and Stucco Masons
 - 47-2161 Plasterers and Stucco Masons
 - 47-2170 Reinforcing Iron and Rebar Workers
 - 47-2171 Reinforcing Iron and Rebar Workers
 - 47-2180 Roofers
 - 47-2181 Roofers
 - 47-2210 Sheet Metal Workers
 - 47-2211 Sheet Metal Workers

- 47-2220 Structural Iron and Steel Workers
- 47-2221 Structural Iron and Steel Workers
- 47-3000 HELPERS, CONSTRUCTION TRADES
 - 47-3010 Helpers, Construction Trades
 - 47-3011 Helpers—Brickmasons, Blockmasons, Stonemasons, and Tile and Marble Setters
 - 47-3012 Helpers—Carpenters
 - 47-3013 Helpers—Electricians
 - 47-3014 Helpers—Painters, Paperhangers, Plasterers, and Stucco Masons
 - 47-3015 Helpers—Pipelayers, Plumbers, Pipefitters, and Steamfitters
 - 47-3016 Helpers—Roofers
 - 47-3019 Helpers, Construction Trades, All Other
- 47-4000 OTHER CONSTRUCTION AND RELATED WORKERS
 - 47-4010 Construction and Building Inspectors
 - 47-4011 Construction and Building Inspectors
 - 47-4020 Elevator Installers and Repairers
 - 47-4021 Elevator Installers and Repairers
 - 47-4030 Fence Erectors
 - 47-4031 Fence Erectors
 - 47-4040 Hazardous Materials Removal Workers
 - 47-4041 Hazardous Materials Removal Workers
 - 47-4050 Highway Maintenance Workers
 - 47-4051 Highway Maintenance Workers
 - 47-4060 Rail-track Laying and Maintenance Equipment Operators
 - 47-4061 Rail-track Laying and Maintenance Equipment Operators
 - 47-4070 Septic Tank Servicers and Sewer Pipe Cleaners
 - 47-4071 Septic Tank Servicers and Sewer Pipe Cleaners
 - 47-4090 Miscellaneous Construction and Related Workers
 - 47-4099 Construction and Related Workers, All Other
- 47-5000 EXTRACTION WORKERS
 - 47-5010 Derrick, Rotary Drill, and Service Unit Operators, Oil, Gas, and Mining
 - 47-5011 Derrick Operators, Oil and Gas
 - 47-5012 Rotary Drill Operators, Oil and Gas
 - 47-5013 Service Unit Operators, Oil, Gas, and Mining
 - 47-5020 Earth Drillers, Except Oil and Gas
 - 47-5021 Earth Drillers, Except Oil and Gas
 - 47-5030 Explosives Workers, Ordnance Handling Experts, and Blasters
 - 47-5031 Explosives Workers, Ordnance Handling Experts, and Blasters
 - 47-5040 Mining Machine Operators
 - 47-5041 Continuous Mining Machine Operators
 - 47-5042 Mine Cutting and Channeling Machine Operators
 - 47-5049 Mining Machine Operators, All Other
 - 47-5050 Rock Splitters, Quarry
 - 47-5051 Rock Splitters, Quarry
 - 47-5060 Roof Bolters, Mining
 - 47-5061 Roof Bolters, Mining
 - 47-5070 Roustabouts, Oil and Gas
 - 47-5071 Roustabouts, Oil and Gas
 - 47-5080 Helpers—Extraction Workers
 - 47-5081 Helpers—Extraction Workers
 - 47-5090 Miscellaneous Extraction Workers
 - 47-5099 Extraction Workers, All Other
- 49-0000 INSTALLATION, MAINTENANCE, AND REPAIR OCCUPATIONS
 - 49-1000 SUPERVISORS OF MECHANICS, INSTALLERS, AND REPAIRERS
 - 49-1010 First-Line Supervisors/Managers of Mechanics, Installers, and Repairers
 - 49-1011 First-Line Supervisors/Managers of Mechanics, Installers, and Repairers
 - 49-2000 ELECTRICAL AND ELECTRONIC EQUIPMENT MECHANICS, INSTALLERS, AND REPAIRERS
 - 49-2010 Computer, Automated Teller, and Office Machine Repairers
 - 49-2011 Computer, Automated Teller, and Office Machine Repairers
 - 49-2020 Radio and Telecommunications Equipment Installers and Repairers
 - 49-2021 Radio Mechanics
 - 49-2022 Telecommunications Equipment Installers and Repairers, Except Line Installers
 - 49-2090 Miscellaneous Electrical and Electronic Equipment Mechanics, Installers, and Repairers
 - 49-2091 Avionics Technicians
 - 49-2092 Electric Motor, Power Tool, and Related Repairers
 - 49-2093 Electrical and Electronics Installers and Repairers, Transportation Equipment
 - 49-2094 Electrical and Electronics Repairers, Commercial and Industrial Equipment
 - 49-2095 Electrical and Electronics Repairers, Powerhouse, Substation, and Relay
 - 49-2096 Electronic Equipment Installers and Repairers, Motor Vehicles
 - 49-2097 Electronic Home Entertainment Equipment Installers and Repairers
 - 49-2098 Security and Fire Alarm Systems Installers
 - 49-3000 VEHICLE AND MOBILE EQUIPMENT MECHANICS, INSTALLERS, AND REPAIRERS
 - 49-3010 Aircraft Mechanics and Service Technicians
 - 49-3011 Aircraft Mechanics and Service Technicians
 - 49-3020 Automotive Mechanics and Repairers
 - 49-3021 Automotive Body and Related Repairers
 - 49-3022 Automotive Glass Installers and Repairers

- 49-3023 Automotive Mechanics and Service Technicians
- 49-3030 Engine Mechanics, Except Aircraft and Automotive
- 49-3031 Bus and Truck Mechanics and Diesel Engine Specialists
- 49-3032 Motorcycle Mechanics
- 49-3033 Small Engine Mechanics
- 49-3090 Miscellaneous Vehicle and Mobile Equipment Mechanics, Installers, and Repairers
 - 49-3091 Bicycle Repairers
 - 49-3092 Farm Equipment Mechanics
 - 49-3093 Mobile Heavy Equipment Mechanics, Except Engines
 - 49-3094 Rail Car Repairers
 - 49-3095 Recreational Vehicle Service Technicians
 - 49-3096 Tire Repairers and Changers
- 49-9000 OTHER INSTALLATION, MAINTENANCE, AND REPAIR OCCUPATIONS
 - 49-9010 Control and Valve Installers and Repairers
 - 49-9011 Mechanical Door Repairers
 - 49-9019 Control and Valve Installers and Repairers, All Other
 - 49-9020 Heating, Air Conditioning, and Refrigeration Mechanics and Installers
 - 49-9021 Heating, Air Conditioning, and Refrigeration Mechanics and Installers
 - 49-9030 Home Appliance Repairers
 - 49-9031 Home Appliance Repairers
 - 49-9040 Industrial Machinery Installation, Repair, and Maintenance Workers
 - 49-9041 Industrial Machinery Mechanics
 - 49-9042 Maintenance and Repair Workers, General
 - 49-9043 Maintenance Workers, Machinery
 - 49-9044 Millwrights
 - 49-9045 Refractory Materials Repairers, Except Brickmasons
 - 49-9050 Line Installers and Repairers
 - 49-9051 Electrical Power-line Installers and Repairers
 - 49-9052 Telecommunications Line Installers and Repairers
 - 49-9060 Precision Instrument and Equipment Repairers
 - 49-9061 Camera and Photographic Equipment Repairers
 - 49-9062 Medical Equipment Repairers
 - 49-9063 Musical Instrument Repairers and Tuners
 - 49-9064 Watch Repairers
 - 49-9069 Precision Instrument and Equipment Repairers, All Other
 - 49-9090 Miscellaneous Installation, Maintenance, and Repair Workers
 - 49-9091 Coin, Vending, and Amusement Machine Servicers and Repairers
 - 49-9092 Commercial Divers
 - 49-9093 Fabric Menders, Except Garment
 - 49-9094 Locksmiths and Safe Repairers
 - 49-9095 Manufactured Building and Mobile Home Installers
 - 49-9096 Riggers
 - 49-9097 Signal and Track Switch Repairers
 - 49-9098 Helpers—Installation, Maintenance, and Repair Workers
 - 49-9099 Installation, Maintenance, and Repair Workers, All Other
- 51-0000 PRODUCTION OCCUPATIONS
 - 51-1000 SUPERVISORS, PRODUCTION AND OPERATING WORKERS
 - 51-1010 First-Line Supervisors/Managers of Production and Operating Workers
 - 51-1011 First-Line Supervisors/Managers of Production and Operating Workers
 - 51-2000 ASSEMBLERS AND FABRICATORS
 - 51-2010 Aircraft Structure, Surfaces, Rigging, and Systems Assemblers
 - 51-2011 Aircraft Structure, Surfaces, Rigging, and Systems Assemblers
 - 51-2020 Electrical, Electronics, and Electromechanical Assemblers
 - 51-2021 Coil Winders, Tapers, and Finishers
 - 51-2022 Electrical and Electronic Equipment Assemblers
 - 51-2023 Electromechanical Equipment Assemblers
 - 51-2030 Engine and Other Machine Assemblers
 - 51-2031 Engine and Other Machine Assemblers
 - 51-2040 Structural Metal Fabricators and Fitters
 - 51-2041 Structural Metal Fabricators and Fitters
 - 51-2090 Miscellaneous Assemblers and Fabricators
 - 51-2091 Fiberglass Laminators and Fabricators
 - 51-2092 Team Assemblers
 - 51-2093 Timing Device Assemblers, Adjusters, and Calibrators
 - 51-2099 Assemblers and Fabricators, All Other
 - 51-3000 FOOD PROCESSING WORKERS
 - 51-3010 Bakers
 - 51-3011 Bakers
 - 51-3020 Butchers and Other Meat, Poultry, and Fish Processing Workers
 - 51-3021 Butchers and Meat Cutters
 - 51-3022 Meat, Poultry, and Fish Cutters and Trimmers
 - 51-3023 Slaughterers and Meat Packers
 - 51-3090 Miscellaneous Food Processing Workers
 - 51-3091 Food and Tobacco Roasting, Baking, and Drying Machine Operators and Tenders
 - 51-3092 Food Batchmakers
 - 51-3093 Food Cooking Machine Operators and Tenders

51-4000 METALWORKERS AND PLASTIC WORKERS

51-4010 Computer Control Programmers and Operators

51-4011 Computer-controlled Machine Tool Operators, Metal and Plastic

51-4012 Numerical Tool and Process Control Programmers

51-4020 Machine Forming Setters, Operators, and Tenders, Metal and Plastic

51-4021 Extruding and Drawing Machine Setters, Operators, and Tenders, Metal and Plastic

51-4022 Forging Machine Setters, Operators, and Tenders, Metal and Plastic

51-4023 Rolling Machine Setters, Operators, and Tenders, Metal and Plastic

51-4030 Machine Tool Cutting Setters, Operators, and Tenders, Metal and Plastic

51-4031 Cutting, Punching, and Press Machine Setters, Operators, and Tenders, Metal and Plastic

51-4032 Drilling and Boring Machine Tool Setters, Operators, and Tenders, Metal and Plastic

51-4033 Grinding, Lapping, Polishing, and Buffing Machine Tool Setters, Operators, and Tenders, Metal and Plastic

51-4034 Lathe and Turning Machine Tool Setters, Operators, and Tenders, Metal and Plastic

51-4035 Milling and Planing Machine Setters, Operators, and Tenders, Metal and Plastic

51-4040 Machinists

51-4041 Machinists

51-4050 Metal Furnace and Kiln Operators and Tenders

51-4051 Metal-refining Furnace Operators and Tenders

51-4052 Pourers and Casters, Metal

51-4060 Model Makers and Patternmakers, Metal and Plastic

51-4061 Model Makers, Metal and Plastic

51-4062 Patternmakers, Metal and Plastic

51-4070 Molders and Molding Machine Setters, Operators, and Tenders, Metal and Plastic

51-4071 Foundry Mold and Coremakers

51-4072 Molding, Coremaking, and Casting Machine Setters, Operators, and Tenders, Metal and Plastic

51-4080 Multiple Machine Tool Setters, Operators, and Tenders, Metal and Plastic

51-4081 Multiple Machine Tool Setters, Operators, and Tenders, Metal and Plastic

51-4110 Tool and Die Makers

51-4111 Tool and Die Makers

51-4120 Welding, Soldering, and Brazing Workers

51-4121 Welders, Cutters, Solderers, and Brazers

51-4122 Welding, Soldering, and Brazing Machine Setters, Operators, and Tenders

51-4190 Miscellaneous Metalworkers and Plastic Workers

51-4191 Heat Treating Equipment Setters, Operators, and Tenders, Metal and Plastic

51-4192 Lay-out Workers, Metal and Plastic

51-4193 Plating and Coating Machine Setters, Operators, and Tenders, Metal and Plastic

51-4194 Tool Grinders, Filers, and Sharpeners

51-4199 Metalworkers and Plastic Workers, All Other

51-5000 PRINTING WORKERS

51-5010 Bookbinders and Bindery Workers

51-5011 Bindery Workers

51-5012 Bookbinders

51-5020 Printers

51-5021 Job Printers

51-5022 Prepress Technicians and Workers

51-5023 Printing Machine Operators

51-6000 TEXTILE, APPAREL, AND FURNISHINGS WORKERS

51-6010 Laundry and Dry-cleaning Workers

51-6011 Laundry and Dry-cleaning Workers

51-6020 Pressers, Textile, Garment, and Related Materials

51-6021 Pressers, Textile, Garment, and Related Materials

51-6030 Sewing Machine Operators

51-6031 Sewing Machine Operators

51-6040 Shoe Workers

51-6041 Shoe and Leather Workers and Repairers

51-6042 Shoe Machine Operators and Tenders

51-6050 Tailors, Dressmakers, and Sewers

51-6051 Sewers, Hand

51-6052 Tailors, Dressmakers, and Custom Sewers

51-6060 Textile Machine Setters, Operators, and Tenders

51-6061 Textile Bleaching and Dyeing Machine Operators and Tenders

51-6062 Textile Cutting Machine Setters, Operators, and Tenders

51-6063 Textile Knitting and Weaving Machine Setters, Operators, and Tenders

51-6064 Textile Winding, Twisting, and Drawing Out Machine Setters, Operators, and Tenders

51-6090 Miscellaneous Textile, Apparel, and Furnishings Workers

51-6091 Extruding and Forming Machine Setters, Operators, and Tenders, Synthetic and Glass Fibers

51-6092 Fabric and Apparel Patternmakers

51-6093 Upholsterers

51-6099 Textile, Apparel, and Furnishings Workers, All Other

51-7000 WOODWORKERS

51-7010 Cabinetmakers and Bench Carpenters

51-7011 Cabinetmakers and Bench Carpenters

51-7020 Furniture Finishers

51-7021 Furniture Finishers

51-7030 Model Makers and Patternmakers, Wood

51-7031 Model Makers, Wood

- 51-7032 Patternmakers, Wood
- 51-7040 Woodworking Machine Setters, Operators, and Tenders
 - 51-7041 Sawing Machine Setters, Operators, and Tenders, Wood
 - 51-7042 Woodworking Machine Setters, Operators, and Tenders, Except Sawing
- 51-7090 Miscellaneous Woodworkers
 - 51-7099 Woodworkers, All Other
- 51-8000 PLANT AND SYSTEM OPERATORS
 - 51-8010 Power Plant Operators, Distributors, and Dispatchers
 - 51-8011 Nuclear Power Reactor Operators
 - 51-8012 Power Distributors and Dispatchers
 - 51-8013 Power Plant Operators
 - 51-8020 Stationary Engineers and Boiler Operators
 - 51-8021 Stationary Engineers and Boiler Operators
 - 51-8030 Water and Liquid Waste Treatment Plant and System Operators
 - 51-8031 Water and Liquid Waste Treatment Plant and System Operators
 - 51-8090 Miscellaneous Plant and System Operators
 - 51-8091 Chemical Plant and System Operators
 - 51-8092 Gas Plant Operators
 - 51-8093 Petroleum Pump System Operators, Refinery Operators, and Gaugers
 - 51-8099 Plant and System Operators, All Other
- 51-9000 OTHER PRODUCTION OCCUPATIONS
 - 51-9010 Chemical Processing Machine Setters, Operators, and Tenders
 - 51-9011 Chemical Equipment Operators and Tenders
 - 51-9012 Separating, Filtering, Clarifying, Precipitating, and Still Machine Setters, Operators, and Tenders
 - 51-9020 Crushing, Grinding, Polishing, Mixing, and Blending Workers
 - 51-9021 Crushing, Grinding, and Polishing Machine Setters, Operators, and Tenders
 - 51-9022 Grinding and Polishing Workers, Hand
 - 51-9023 Mixing and Blending Machine Setters, Operators, and Tenders
 - 51-9030 Cutting Workers
 - 51-9031 Cutters and Trimmers, Hand
 - 51-9032 Cutting and Slicing Machine Setters, Operators, and Tenders
 - 51-9040 Extruding, Forming, Pressing, and Compacting Machine Setters, Operators, and Tenders
 - 51-9041 Extruding, Forming, Pressing, and Compacting Machine Setters, Operators, and Tenders
 - 51-9050 Furnace, Kiln, Oven, Drier, and Kettle Operators and Tenders
 - 51-9051 Furnace, Kiln, Oven, Drier, and Kettle Operators and Tenders
 - 51-9060 Inspectors, Testers, Sorters, Samplers, and Weighers
 - 51-9061 Inspectors, Testers, Sorters, Samplers, and Weighers
 - 51-9070 Jewelers and Precious Stone and Metal Workers
 - 51-9071 Jewelers and Precious Stone and Metal Workers
 - 51-9080 Medical, Dental, and Ophthalmic Laboratory Technicians
 - 51-9081 Dental Laboratory Technicians
 - 51-9082 Medical Appliance Technicians
 - 51-9083 Ophthalmic Laboratory Technicians
 - 51-9110 Packaging and Filling Machine Operators and Tenders
 - 51-9111 Packaging and Filling Machine Operators and Tenders
 - 51-9120 Painting Workers
 - 51-9121 Coating, Painting, and Spraying Machine Setters, Operators, and Tenders
 - 51-9122 Painters, Transportation Equipment
 - 51-9123 Painting, Coating, and Decorating Workers
 - 51-9130 Photographic Process Workers and Processing Machine Operators
 - 51-9131 Photographic Process Workers
 - 51-9132 Photographic Processing Machine Operators
 - 51-9140 Semiconductor Processors
 - 51-9141 Semiconductor Processors
 - 51-9190 Miscellaneous Production Workers
 - 51-9191 Cementing and Gluing Machine Operators and Tenders
 - 51-9192 Cleaning, Washing, and Metal Pickling Equipment Operators and Tenders
 - 51-9193 Cooling and Freezing Equipment Operators and Tenders
 - 51-9194 Etchers and Engravers
 - 51-9195 Molders, Shapers, and Casters, Except Metal and Plastic
 - 51-9196 Paper Goods Machine Setters, Operators, and Tenders
 - 51-9197 Tire Builders
 - 51-9198 Helpers—Production Workers
 - 51-9199 Production Workers, All Other
- 53-0000 TRANSPORTATION AND MATERIAL MOVING OCCUPATIONS
 - 53-1000 SUPERVISORS, TRANSPORTATION AND MATERIAL MOVING WORKERS
 - 53-1010 Aircraft Cargo Handling Supervisors
 - 53-1011 Aircraft Cargo Handling Supervisors
 - 53-1020 First-Line Supervisors/Managers of Helpers, Laborers, and Material Movers, Hand
 - 53-1021 First-Line Supervisors/Managers of Helpers, Laborers, and Material Movers, Hand
 - 53-1030 First-Line Supervisors/Managers of Transportation and Material-moving Machine and Vehicle Operators
 - 53-1031 First-Line Supervisors/Managers of Transportation and Material-moving Machine and Vehicle Operators
 - 53-2000 AIR TRANSPORTATION WORKERS
 - 53-2010 Aircraft Pilots and Flight Engineers
 - 53-2011 Airline Pilots, Copilots, and Flight Engineers
 - 53-2012 Commercial Pilots

- 53-2020 Air Traffic Controllers and Airfield Operations Specialists
 - 53-2021 Air Traffic Controllers
 - 53-2022 Airfield Operations Specialists
- 53-3000 MOTOR VEHICLE OPERATORS
 - 53-3010 Ambulance Drivers and Attendants, Except Emergency Medical Technicians
 - 53-3011 Ambulance Drivers and Attendants, Except Emergency Medical Technicians
 - 53-3020 Bus Drivers
 - 53-3021 Bus Drivers, Transit and Intercity
 - 53-3022 Bus Drivers, School
 - 53-3030 Driver/Sales Workers and Truck Drivers
 - 53-3031 Driver/Sales Workers
 - 53-3032 Truck Drivers, Heavy and Tractor-trailer
 - 53-3033 Truck Drivers, Light or Delivery Services
 - 53-3040 Taxi Drivers and Chauffeurs
 - 53-3041 Taxi Drivers and Chauffeurs
 - 53-3090 Miscellaneous Motor Vehicle Operators
 - 53-3099 Motor Vehicle Operators, All Other
- 53-4000 RAIL TRANSPORTATION WORKERS
 - 53-4010 Locomotive Engineers and Operators
 - 53-4011 Locomotive Engineers
 - 53-4012 Locomotive Firers
 - 53-4013 Rail Yard Engineers, Dinkey Operators, and Hostlers
 - 53-4020 Railroad Brake, Signal, and Switch Operators
 - 53-4021 Railroad Brake, Signal, and Switch Operators
 - 53-4030 Railroad Conductors and Yardmasters
 - 53-4031 Railroad Conductors and Yardmasters
 - 53-4040 Subway and Streetcar Operators
 - 53-4041 Subway and Streetcar Operators
 - 53-4090 Miscellaneous Rail Transportation Workers
 - 53-4099 Rail Transportation Workers, All Other
- 53-5000 WATER TRANSPORTATION WORKERS
 - 53-5010 Sailors and Marine Oilers
 - 53-5011 Sailors and Marine Oilers
 - 53-5020 Ship and Boat Captains and Operators
 - 53-5021 Captains, Mates, and Pilots of Water Vessels
 - 53-5022 Motorboat Operators
 - 53-5030 Ship Engineers
 - 53-5031 Ship Engineers
- 53-6000 OTHER TRANSPORTATION WORKERS
 - 53-6010 Bridge and Lock Tenders
 - 53-6011 Bridge and Lock Tenders
 - 53-6020 Parking Lot Attendants
 - 53-6021 Parking Lot Attendants
 - 53-6030 Service Station Attendants
 - 53-6031 Service Station Attendants
 - 53-6040 Traffic Technicians
 - 53-6041 Traffic Technicians
 - 53-6050 Transportation Inspectors
 - 53-6051 Transportation Inspectors
 - 53-6090 Miscellaneous Transportation Workers
 - 53-6099 Transportation Workers, All Other
- 53-7000 MATERIAL MOVING WORKERS
 - 53-7010 Conveyor Operators and Tenders
 - 53-7011 Conveyor Operators and Tenders
 - 53-7020 Crane and Tower Operators
 - 53-7021 Crane and Tower Operators
 - 53-7030 Dredge, Excavating, and Loading Machine Operators
 - 53-7031 Dredge Operators
 - 53-7032 Excavating and Loading Machine and Dragline Operators
 - 53-7033 Loading Machine Operators, Underground Mining
 - 53-7040 Hoist and Winch Operators
 - 53-7041 Hoist and Winch Operators
 - 53-7050 Industrial Truck and Tractor Operators
 - 53-7051 Industrial Truck and Tractor Operators
 - 53-7060 Laborers and Material Movers, Hand
 - 53-7061 Cleaners of Vehicles and Equipment
 - 53-7062 Laborers and Freight, Stock, and Material Movers, Hand
 - 53-7063 Machine Feeders and Offbearers
 - 53-7064 Packers and Packagers, Hand
 - 53-7070 Pumping Station Operators
 - 53-7071 Gas Compressor and Gas Pumping Station Operators
 - 53-7072 Pump Operators, Except Wellhead Pumps
 - 53-7073 Wellhead Pumps
 - 53-7080 Refuse and Recyclable Material Collectors
 - 53-7081 Refuse and Recyclable Material Collectors
 - 53-7110 Shuttle Car Operators

- 53-7111 Shuttle Car Operators
- 53-7120 Tank Car, Truck, and Ship Loaders
- 53-7121 Tank Car, Truck, and Ship Loaders
- 53-7190 Miscellaneous Material Moving Workers
- 53-7199 Material Moving Workers, All Other
- 55-0000 MILITARY SPECIFIC OCCUPATIONS
 - 55-1000 MILITARY OFFICER SPECIAL AND TACTICAL OPERATIONS LEADERS/MANAGERS
 - 55-1010 Military Officer Special and Tactical Operations Leaders/Managers
 - 55-1011 Air Crew Officers
 - 55-1012 Aircraft Launch and Recovery Officers
 - 55-1013 Armored Assault Vehicle Officers
 - 55-1014 Artillery and Missile Officers
 - 55-1015 Command and Control Center Officers
 - 55-1016 Infantry Officers
 - 55-1017 Special Forces Officers
 - 55-1019 Military Officer Special and Tactical Operations Leaders/Managers, All Other
 - 55-2000 FIRST-LINE ENLISTED MILITARY SUPERVISORS/MANAGERS
 - 55-2010 First-Line Enlisted Military Supervisors/Managers
 - 55-2011 First-Line Supervisors/Managers of Air Crew Members
 - 55-2012 First-Line Supervisors/Managers of Weapons Specialists/Crew Members
 - 55-2013 First-Line Supervisors/Managers of All Other Tactical Operations Specialists
 - 55-3000 MILITARY ENLISTED TACTICAL OPERATIONS AND AIR/WEAPONS SPECIALISTS AND CREW MEMBERS
 - 55-3010 Military Enlisted Tactical Operations and Air/Weapons Specialists and Crew Members
 - 55-3011 Air Crew Members
 - 55-3012 Aircraft Launch and Recovery Specialists
 - 55-3013 Armored Assault Vehicle Crew Members
 - 55-3014 Artillery and Missile Crew Members
 - 55-3015 Command and Control Center Specialists
 - 55-3016 Infantry
 - 55-3017 Radar and Sonar Technicians
 - 55-3018 Special Forces
 - 55-3019 Military Enlisted Tactical Operations and Air/Weapons Specialists and Crew Members, All Other

**APPENDIX B: SOC Code Cross List—
July 1997 SOC to July 1998 SOC**

7/1997 7/1998

11-1001	11-1011	13-1004	13-1051	17-2003	17-2031
11-1002	11-1021	13-1005	11-9061	17-2004	17-2041
11-1003	11-1031	13-1011	13-1061	17-2005	17-2051
11-2001	11-3011	13-1012	13-1062	17-2006	17-2061
11-2002	11-2011	13-1013	13-1063	17-2011	17-2071
11-2003	11-3021	13-1019	13-1069	17-2012	17-2072
11-2011	11-3031	13-1021	13-1081	17-2021	17-2081
11-2012	11-3031	13-1022	13-1111	17-2031	17-2111
11-2021	11-3041	13-1023	13-1121	17-2032	17-2112
11-2022	11-3042	13-1099	13-1199	17-2041	17-2121
11-2029	11-3049	13-2001	13-2011	17-2042	17-2131
11-2031	11-3051	13-2002	13-2021	17-2043	17-2141
11-2041	11-2021	13-2003	13-2031	17-2044	17-2151
11-2042	11-2022	13-2004	13-2041	17-2045	17-2161
11-2051	11-2031	13-2011	13-2051	17-2046	17-2171
11-2052	11-3061	13-2012	13-2052	17-2099	17-2199
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11-3012	11-9012	13-2032	13-2072	17-3013	17-3013
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11-3033	11-9033	15-1002	15-1021	17-3032	17-3022
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11-3046	11-9121	15-1032	15-1051	17-3041	17-3031
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11-3999	11-9199	15-2001	15-2011	19-1013	19-1013
13-1001	13-1011	15-2002	15-2021	19-1021	19-1021
13-1002	13-1021	15-2003	15-2031	19-1022	19-1022
13-1002	13-1022	15-2004	15-2041	19-1023	19-1023
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		17-1011	17-1021	19-1032	19-1032
		17-1012	17-1022	19-1041	19-1049
		17-2001	17-2011	19-1099	19-1099
		17-2002	17-2021	19-2001	19-2011

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19-2003	19-2031	21-2052	29-2056	27-2058	25-1067
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19-2012	19-2043	21-3002	31-1011	27-2062	25-1072
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19-4005	19-4092	23-1014	21-1015	27-4012	25-4012
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33-5013	43-4151	39-3001	37-3011	45-2091	47-2131
33-5014	43-4161	39-3002	37-3012	45-2092	47-2132
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33-6002	43-9021	41-2002	39-3092	45-2122	47-4061
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33-7002	43-5032	41-2013	39-3013	45-2125	47-4071
33-7003	43-5041	41-2021	39-3031	45-2126	47-2211
33-7004	43-5031	41-3001	39-5011	45-2127	47-2221
33-7005	43-5051	41-3002	39-5012	45-2131	47-3011
33-7006	43-5052	41-3002	39-5094	45-2132	47-3012
33-7007	43-5053	41-3003	39-5091	45-2133	47-3013
33-7008	43-5061	41-3004	39-5092	45-2134	47-3014
33-7011	43-5071	41-3005	39-5093	45-2135	47-3015
33-7012	43-5081	41-4001	39-6011	45-2136	47-3016
33-7013	43-5111	41-4002	39-6012	45-2139	47-3019
33-8001	43-6011	41-4003	39-6031	45-2199	47-3019
33-8002	43-6012	41-4004	39-6032	45-3011	47-5011
33-8003	43-6013	41-4005	39-6021	45-3012	47-5012
33-8099	43-6019	41-4006	39-6022	45-3013	47-5013
33-9001	43-9011	41-5001	39-9011	45-3021	47-5021
33-9002	43-5021	41-5002	39-4021	45-3022	47-5031
33-9003	43-9051	41-5003	39-3093	45-3031	47-5041
33-9004	43-9061	41-5004	39-9021	45-3032	47-5042
33-9005	43-9071	41-5005	11-9061	45-3039	47-5049
33-9006	43-9081	41-5005	39-4011	45-3041	47-5051

45-3042	47-5061	49-4011	51-4192	49-9025	51-9122
45-3043	47-5071	49-4012	51-4041	49-9026	51-9123
45-3044	47-5081	49-4013	51-4051	49-9027	51-9196
45-3099	47-5099	49-4014	51-4035	49-9031	51-9131
47-1001	49-1011	49-4021	51-4061	49-9032	51-9132
47-2001	49-2011	49-4022	51-4062	49-9041	51-9141
47-2002	49-2021	49-4031	51-4071	49-9042	51-9012
47-2003	49-2022	49-4032	51-4072	49-9043	51-9197
47-2011	49-2091	49-4033	51-4081	49-9044	51-9198
47-2012	49-2092	49-4034	51-4012	49-9999	51-9199
47-2013	49-2093	49-4035	51-4193	51-1001	53-1011
47-2013	49-2096	49-4036	51-4052	51-1002	53-1021
47-2014	49-2094	49-4037	51-4023	51-1003	53-1031
47-2014	49-2095	49-4038	51-2041	51-2011	53-2011
47-2015	49-2097	49-4041	51-4111	51-2012	53-2012
47-3001	49-3011	49-4042	51-4194	51-2021	53-2021
47-3002	49-3021	49-4051	51-4121	51-2022	53-2022
47-3003	49-3022	49-4052	51-4122	51-3001	53-3011
47-3004	49-3023	49-4099	51-4199	51-3011	53-3021
47-3005	49-3091	49-5001	51-5011	51-3012	53-3022
47-3006	49-3031	49-5002	51-5012	51-3021	53-3031
47-3007	49-3092	49-5003	43-9021	51-3022	53-3041
47-3008	49-3093	49-5004	51-5021	51-3031	53-3032
47-3011	49-3032	49-5005	51-5022	51-3032	53-3033
47-3012	49-3094	49-5006	51-5023	51-3099	53-3099
47-3013	49-3095	49-6001	51-6091	51-4011	53-4011
47-3014	49-3033	49-6002	51-6092	51-4012	53-4012
47-4001	49-9061	49-6003	51-6011	51-4013	53-4013
47-4002	49-9091	49-6004	51-6021	51-4021	53-4021
47-4004	49-9051	49-6005	51-6031	51-4022	53-4031
47-4005	49-9093	49-6006	51-6041	51-4023	53-4041
47-4006	49-9021	49-6007	51-6042	51-4099	53-4099
47-4007	49-9031	49-6011	51-6051	51-5001	53-6011
47-4008	49-9041	49-6012	51-6052	51-5002	53-5011
47-4011	49-9094	49-6021	51-6061	51-5011	53-5021
47-4012	49-9042	49-6022	51-6062	51-5012	53-5022
47-4013	49-9043	49-6023	51-6063	51-5021	53-5031
47-4014	49-9095	49-6024	51-6064	51-6001	53-6021
47-4015	49-9011	49-6025	51-6093	51-6002	53-6031
47-4016	49-9062	49-6099	51-6099	51-6003	53-6041
47-4017	49-9044	49-7001	51-7011	51-6004	53-6051
47-4018	49-9063	49-7002	51-7021	51-6005	53-6061
47-4022	49-9045	49-7011	51-7031	51-6099	53-6099
47-4023	49-9096	49-7012	51-7032	51-7001	53-7011
47-4024	49-9097	49-7021	51-7041	51-7002	53-7021
47-4025	49-9052	49-7022	51-7042	51-7003	53-7199
47-4026	49-3096	49-7099	51-7099	51-7011	53-7031
47-4027	49-9064	49-8001	51-8091	51-7012	53-7032
47-4028	49-9098	49-8002	51-8092	51-7013	53-7033
47-4999	49-9092	49-8003	51-8093	51-7021	53-7041
47-4999	49-9099	49-8011	51-8011	51-7022	45-4022
49-1001	51-1011	49-8012	51-8012	51-7022	53-7051
49-2001	51-2011	49-8013	51-8013	51-7023	53-7062
49-2002	51-2021	49-8021	51-8021	51-7024	53-7063
49-2011	51-2022	49-8022	51-8031	51-7031	53-7071
49-2012	51-2023	49-8099	51-8099	51-7032	53-7072
49-2021	51-2031	49-9001	51-9191	51-7033	53-7073
49-2022	51-2091	49-9002	51-9011	51-7041	53-7081
49-2023	51-2092	49-9003	51-9192	51-7042	53-7111
49-2024	51-2093	49-9004	51-9121	51-7043	53-7121
49-2099	51-2099	49-9005	51-9193	51-7044	53-7061
49-3001	51-3011	49-9006	51-9021	51-7099	53-7199
49-3011	51-3021	49-9007	51-9031	53-1001	55-1011
49-3012	51-3022	49-9008	51-9032	53-1002	55-1012
49-3013	51-3023	49-9011	51-9081	53-1003	55-1013
49-3021	51-3091	49-9012	51-9194	53-1004	55-1014
49-3022	51-3092	49-9013	51-9041	53-1005	55-1015
49-3023	51-3093	49-9014	51-9051	53-1006	55-1016
49-4001	51-4011	49-9015	51-9022	53-1007	55-1017
49-4002	51-4031	49-9016	51-9061	53-1099	55-1019
49-4003	51-4032	49-9017	51-9071	53-2001	55-2011
49-4004	51-4021	49-9018	51-9082	53-2002	55-2012
49-4005	51-4022	49-9021	51-9023	53-2003	55-2013
49-4006	51-4033	49-9022	51-9195	53-3001	55-3011
49-4007	51-4191	49-9023	51-9083	53-3002	55-3012
49-4008	51-4034	49-9024	51-9111	53-3003	55-3013

53-3004 55-3014
 53-3005 55-3015
 53-3006 55-3016
 53-3007 55-3017
 53-3008 55-3018
 53-3099 55-3019

Appendix C: Respondents to the July 7, 1997, Federal Register Notice

The SOCRPC received over 200 comments from 194 different individuals and organizations. The appendix below lists the names of individuals, employees of organizations, institutions, private companies, government agencies, and associations who commented on the July 7, 1997, Federal Register Notice.

Alameda Alliance for Health
 American Academy of Audiology
 American Association for Health Education
 American Association for Marriage and Family Therapy
 American Association for Medical Transcription
 American Association of Medical Assistants
 American College of Epidemiology
 American College of Preventive Medicine
 American Dental Hygienists Association
 American Heart Association
 American Institute of Graphic Arts
 American Institute of Physics
 American Physical Therapy Association
 American Physiological Society
 American Public Health Association
 American Society of Alternative Therapists
 American Speech-Language-Hearing Association
 American Translators Association
 Amherst Central High School
 Arizona Department of Economic Security
 Arkansas Department of Health
 Association of American Geographers
 Association of Schools of Public Health
 Association of State and Territorial Directors of Health Promotion and Public Health Education
 Baldassini, Dominique M.
 Bassett, Monica
 Beginnings
 Bendersky, Judith
 Bernards Township Health Department
 Bertallot, Andrew
 Berwitz, Clement, Jr.
 Brewster, Denise G.
 Bureau of Labor Statistics, Chicago Regional Office, National Compensation Survey
 Bureau of Labor Statistics, Office of Safety, Health, and Working Conditions
 Butte County Department of Public Health
 Bynum, Melinda
 C. Hage Associates
 California Council of Local Directors of Health Education
 California Department of Health Services, Emergency Preparedness and Injury Control Branch
 California Health and Welfare Agency
 California State University, Long Beach, Health Science Department
 Catawba County Public Health Department
 Chilton Memorial Hospital
 Coalition of National Health Education Organizations
 Connecticut Department of Labor

Construction Labor Research Council
 Consumer Electronics Manufacturers Association
 Contra Costa Health Services Department
 Council on Education for Public Health
 Dietrich, Eleanor
 Down, Susan E.
 Dunham, Patricia R.
 Durward, Dina
 East Carolina University
 East County Community Health Services
 English Nanny and Governess School, Inc.
 Ennis, Amanda
 Florida Department of Labor and Employment Security
 Forrey, Arden W.
 Fries, Sarah Tilton
 Georgia Department of Labor
 Glazer, Emily
 Guild of Professional Tour Guides of Washington, D. C.
 Guilford County Women's Health Program
 Hartley Dodge Memorial Hospital, Department of Health
 Health Education Consultant's Council
 Hewald, Ohio K.
 Hirtz, Susan
 Idaho Department of Health and Welfare
 Illinois Department of Employment Security
 Illinois State University
 International Hearing Society
 International Labor Office
 International Organization for Medical Physics
 Interstate Commission of Employment Security Agencies
 Iowa State Occupational Information Coordinating Committee
 Jacobson, Solomon G.
 Johns Hopkins University School of Hygiene and Public Health
 Johnson, Barbara L.
 Johnston, Michelle R.
 Kambas, Michael
 Kansas Human Resources
 LA Care Health Plan
 Lackey, Cheryl
 Li, Wex
 Los Angeles Department of Health Services
 Luke's-Roosevelt Hospital Center
 Madison Health Department
 Medical Center Delaware
 Michigan Jobs Commission
 Millburn, Township of, Board of Health
 Minnesota Department of Economic Security
 Minnesota Occupational Information Coordinating Committee
 Missouri Department of Labor and Industrial Relations
 Mobil
 Monroe, Diana L.
 Montana Department of Labor and Industry
 Mortenson, Helen
 National Air Transportation Association
 National Association of Social Workers
 National Association of State Personnel Executives
 National Athletic Trainers Association
 National Certification Board for Therapeutic Massage and Bodywork
 National Commission for Health Education Credentialing
 National Court Reporters Association
 National Environmental Health Association
 National Library of Medicine, Health Services Research Information

National Systems Contractors Association
 National Transportation Safety Board
 Nevada Department of Employment, Training, and Rehabilitation
 New Jersey Department of Health and Senior Services
 New Jersey Department of Labor
 New Jersey Department of Personnel
 New Jersey Graduate Program in Public Health
 New Mexico Department of Labor
 New Mexico State University
 New York Department of Labor
 North Carolina Department of Health and Human Services, Division of Health Promotion
 North Carolina Department of Health and Human Services, Office of Healthy Carolinians
 North Carolina Office of State Personnel
 O*NET—Employment and Training Administration
 O*NET North Carolina Team
 Office of Personnel Management
 Ohio Department of Health, Bureau of Health Promotion and Risk Reduction
 Panama Canal Commission
 PCA Health Plans of Texas, Inc.
 Pennsylvania Department of Labor and Industry
 Pennsylvania State University
 Pensacola Junior College
 Pinellas Workforce Development Board
 Pletka, Wade
 Private Industry Council of San Francisco
 Registry of Interpreters for the Deaf, Inc.
 Rhode Island Department of Health
 Robertson, Anna Ryan
 Rollins School of Public Health
 Rutgers University Student Health Service
 Sakora, Lea
 San Diego Workforce Partnership
 Schreiber Translations and Publishing, Inc.
 Snohomish County Community Health Center
 Snyder, George W. K., Jr.
 Society for Public Health Education, Inc.
 Society for Public Health Education, Inc., Great Lakes Chapter
 Society for Public Health Education, Inc., Greater New York Chapter
 Society for Public Health Education, Inc., New Jersey Chapter
 Society for Public Health Educators, Inc., NCA
 Society for Public Health Education, Inc., San Diego Chapter
 Society for Public Health Education, Inc., Southern California Chapter
 Society of Vascular Technology
 South Carolina Department of Health and Environmental Control, Office of Public Health Education
 South Dakota Department of Labor
 Special Libraries Association
 Special Libraries Association, New York Chapter
 Stanford Patient Education Research Center
 Stevenson, Paul S.
 Stoess, Caryn
 Sweedle, Julie
 Teachers College, Columbia University
 Tennessee Department of Employment Security
 Texas A and M University, Department of Health and Kinesiology

Texas Department of Health
Texas Workforce Commission
U.S. Department of Education, National
Institute of Student Achievement
U.S. Department of Health and Human
Services, Bureau of Health Professions
U.S. Department of Health and Human
Services, National Institute of Health,
National Heart, Lung, and Blood Institute
U.S. Department of Health and Human
Services, National Institute of Health,
National Library of Medicine
U.S. Department of Health and Human
Services, Office of Public Health and
Science
U.S. Department of Health and Human
Services, Office of the Secretary

U.S. Office of Personnel Management
U.S. Senate, Senator Thad Cochran
U.S. Senate, Senator Robert G. Torricelli
UCI Medical Center
Union Pacific Railroad
University of California at San Diego
University of California, Los Angeles
University of Central Arkansas
University of Medicine and Dentistry of New
Jersey, Environmental and Occupational
Health Sciences Institute
University of Michigan
University of Mississippi
University of North Carolina
University of North Florida
University of North Texas Health Science
Center

Vertek
Virginia Mason Medical Center
Wake County Department of Health
Webb, Karen
William Paterson University
Wisconsin Department of Workforce
Development
Wyatt, Phil
Wyoming Department of Employment
Zorrilla, Marcia M.
Donald R. Arbuckle,
*Acting Administrator and Deputy
Administrator, Office of Information and
Regulatory Affairs.*
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