

### § 34.3

with or without reasonable accommodation, is capable of performing the essential functions of the job or meets the qualifications of the training program, as applicable.

*Recipient* means any entity to which Federal financial assistance under any title of JTPA is extended, either directly or through the Governor or through another recipient (including any successor, assignee, or transferee of a recipient), but excluding the ultimate beneficiaries of the JTPA-funded program or activity and the Governor. *Recipient* includes, but is not limited to: Job Corps Centers and Center operators (excluding federally-operated Job Corps Centers), State Employment Security Agencies, State-level agencies that administer JTPA funds, SDA grant recipients, Substate grant recipients and service providers, as well as National Program recipients.

*Respondent* means the grant applicant or recipient against which a complaint has been filed pursuant to the nondiscrimination and equal opportunity provisions of JTPA or this part.

*SDA grant recipient* means the entity that receives JTPA funds for a service delivery area (SDA) directly from the Governor.

*Secretary* means the Secretary of Labor, U.S. Department of Labor, or his or her designee.

*Service provider* means the operator of any JTPA-funded program or activity that receives funds from or through an SDA grant recipient or a Substate grantee.

*Small recipient* means a recipient who serves fewer than 15 beneficiaries, and employs fewer than 15 employees at all times during a grant year.

*Solicitor* means the Solicitor of Labor, U.S. Department of Labor, or his or her designee.

*State* means the individual states of the United States, the District of Columbia, the Commonwealth of Puerto Rico, the Virgin Islands, American Samoa, Guam, Wake Island, the Commonwealth of the Northern Mariana Islands, the Federated States of Micronesia, the Republic of the Marshall Islands, and Palau.

*State Employment Security Agency* (SESA) means the State agency which, under the State Administrator, con-

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tains both the State Employment Service agency (State agency) and the State unemployment compensation agency.

*State Programs* means programs funded in whole or in part under JTPA wherein the Governor and/or State receives and disburses the grant to or through SDA grant recipients or Substate grantees. Such programs include but are not limited to those programs funded in whole or in part under titles II or III of JTPA. *State programs* also includes *State Employment Security Agencies*.

*Substate grantee* means that agency or organization selected to administer programs pursuant to section 312(b) of JTPA. The Substate grantee is the entity that receives title III funds for a substate area directly from the Governor.

*Terminee* means a *participant* terminating during the applicable program year.

### § 34.3 Discrimination prohibited.

No individual in the United States shall, on the ground of race, color, religion, sex, national origin, age, disability, political affiliation or belief, and for beneficiaries only, citizenship or participation in JTPA, be excluded from participation in, denied the benefits of, subjected to discrimination under, or denied employment in the administration of or in connection with any JTPA-funded program or activity.

### § 34.4 Specific discriminatory actions prohibited on the ground of race, color, religion, sex, national origin, age, political affiliation or belief, citizenship, or participation in JTPA.

(a) For the purposes of this section, prohibited ground means race, color, religion, sex, national origin, age, political affiliation or belief, and for beneficiaries only, citizenship or participation in JTPA. A recipient shall not, directly or through contractual, licensing, or other arrangements, on a prohibited ground:

(1) Deny an individual any service, financial aid, or benefit provided under the JTPA-funded program or activity;

(2) Provide any service, financial aid, or benefit to an individual which is different, or is provided in a different