

SECTION .0200 - PLANNING AND CONTRACTING

04 NCAC 20B .0201 JOB TRAINING PLANS FOR SERVICE DELIVERY AREAS

- (a) An acceptable and approved job training plan is a prerequisite to the receipt of subgrant funds from the Division. Except for the grant period that expires June 30, 1984, the job training plan shall cover two program years.
- (b) The job training plan must be developed as described in the written agreement between the private industry council and the chief elected official(s) and in a manner consistent with federal law. The proposed plan or a summary thereof must be published and made available for review and comment to groups designated in the JTPA, any specific groups required by the Division and the public, at least 120 days before the beginning of the first of the two program years covered by the job training plan. The final plan must be published not less than 80 days before the beginning of the first of the two program years. The final plan must be submitted in writing not less than 80 days before the beginning of the first of the two program years.
- (c) The job training plan shall be submitted in a format required by the Division. It must have received the approval of the private industry council, and bear the signature of that chairperson, and the chief elected official(s), and bear the signature(s) of the official(s). It shall address all the requirements in Section 104 of the JTPA.
- (d) Modifications shall be treated in the same manner as plans, except that publication 120 days in advance of the first of the two program years is not required. Modifications must be published and submitted at least 80 days before their effective date. Amendments of a minor matter not effecting a material change in the job training plan may be deemed by the Division to constitute clarifications rather than modifications.
- (e) The Governor, upon recommendation of the State Job Training Coordinating Council, will approve job training plans and modifications unless he finds that a condition identified in Section 105(b) of the JTPA is present or that the plan or modification violates state law. Approval or disapproval will occur within 30 days of submission of the plan or modification, except as described in Paragraphs (f) or (g) of this Rule.
- (f) Individuals who represent a substantial client interest and took appropriate steps to present his or her views and seek resolution prior to submission of the plan to the Governor may, upon demonstration of such qualification, petition the Director, as delegate of the Governor, to disapprove a plan or modification, provided that the petition must be in writing received within 15 days of submission of the plan or modification or within 10 days of submission of a resubmitted plan or resubmitted modification and that the petition must specify that the request is based on a violation of statutory requirements in the plan itself. Petitions that fail to comply with the requirements of this Paragraph will not be considered. If the Governor approves the plan, the Director, as delegate of the Governor, will notify the petitioner of the approval and the reasons thereof. If a petition is filed, the time for approval or disapproval of an original plan or modification shall be extended an additional 15 days.
- (g) In the event of disapproval of a job training plan or modification, the Director will notify the chairperson of the private industry council and the chief elected official(s), who shall have 20 days from receipt of that notice to file with the Director a correction of the deficiencies in plan or modification. The Governor shall review and approve or disapprove the resubmitted plan or modification within 15 days, which 15 days may not be extended by a petition under Paragraph (e) of this Rule, although a petition that satisfies the requirements of Paragraph (e) of this Rule will be considered.
- (h) In the event of disapproval of a plan or modification or a resubmitted plan or modification, the chairperson of the private industry council, jointly and in writing, may appeal the disapproval to the Secretary of Labor, as set forth in 20 C.F.R. 628.5(c) provided such appeal is received within 30 days of receipt of the disapproval, that a copy of the appeal is simultaneously provided to the Secretary of Labor, and that federal requirements are met.
- (i) In the event that approval or disapproval is not made within the time required by these Rules, the existing job training plan shall continue to control the operation of activities by the service delivery area administrative entity until approval or disapproval.
- (j) In the event of disapproval of a job training plan and expiration of the prior approved job training plan, the Director may elect to continue operation under the prior approved job training plan until correction of deficiencies, resubmission and approval or until resolution of an appeal by the service delivery area private industry council and chief elected official(s) of the disapproval, or the Director may elect to take appropriate measures to assure the operation of job training activities in the service delivery area consistent with state law and policy and federal law during resolution of the appeal of disapproval, provided that such measures may not be punitive and shall be consistent with the job training plans approval for other service delivery areas.
- (k) In the event of further administrative or civil action by a petitioner under Paragraph (e) of this Rule after the Governor has approved a job training plan or modification, the plan or modification shall not be delayed by the further action unless ordered by a tribunal of competent jurisdiction, by the Secretary of Labor or by the Governor in

his discretion, which discretion shall not be exercised unless there is a likelihood of substantial injury to the petitioner's client interest and unless there is insubstantial harm from delay.

(l) The Rural Service Delivery area is not the state, under Section 105(d) of the JTPA, and shall submit its job training plan and any modification to the Governor.

*History Note: Authority G.S. 143B-430(b); 20 C.F.R. 628.4; Ex. O. No. 93, June 8, 1983;
Eff. February 1, 1976;
Transferred from T01: 18 Eff. September 15, 1981;
Amended Eff. August 1, 1988; October 1, 1984; August 1, 1982;
Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. April 27, 2019.*