

application of paragraph (b) of this section is eligible to compete for funds in the immediately subsequent two-year grant cycle. In such a situation, we will not issue a waiver of competition and for the area and will select a grantee through the normal competitive process.

§ 667.830 When will the Administrative Law Judge issue a decision?

(a) The ALJ should render a written decision not later than 90 days after the closing of the record.

(b) The decision of the ALJ constitutes final agency action unless, within 20 days of the decision, a party dissatisfied with the ALJ's decision has filed a petition for review with the Administrative Review Board (ARB) (established under Secretary's Order No. 2-96), specifically identifying the procedure, fact, law or policy to which exception is taken. Any exception not specifically urged is deemed to have been waived. A copy of the petition for review must be sent to the opposing party at that time. Thereafter, the decision of the ALJ constitutes final agency action unless the ARB, within 30 days of the filing of the petition for review, notifies the parties that the case has been accepted for review. Any case accepted by the ARB must be decided within 180 days of acceptance. If not so decided, the decision of the ALJ constitutes final agency action.

§ 667.840 Is there an alternative dispute resolution process that may be used in place of an OALJ hearing?

(a) Parties to a complaint which has been filed according to the requirements of § 667.800 may choose to waive their rights to an administrative hearing before the OALJ. Instead, they may choose to transfer the settlement of their dispute to an individual acceptable to all parties who will conduct an informal review of the stipulated facts and render a decision in accordance with applicable law. A written decision must be issued within 60 days after submission of the matter for informal review.

(b) The waiver of the right to request a hearing before the OALJ will automatically be revoked if a settlement has not been reached or a decision has

not been issued within the 60 days provided in paragraph (a) of this section.

(c) The decision rendered under this informal review process will be treated as a final decision of an Administrative Law Judge under section 186(b) of the Act.

§ 667.850 Is there judicial review of a final order of the Secretary issued under section 186 of the Act?

(a) Any party to a proceeding which resulted in a Secretary's final order under section 186 of the Act may obtain a review in the United States Court of Appeals having jurisdiction over the applicant or recipient of funds involved, by filing a review petition within 30 days of the issuance of the Secretary's final order.

(b) The court has jurisdiction to make and enter a decree affirming, modifying, or setting aside the order of the Secretary, in whole or in part.

(c) No objection to the Secretary's order may be considered by the court unless the objection was specifically urged, in a timely manner, before the Secretary. The review is limited to questions of law, and the findings of fact of the Secretary are conclusive if supported by substantial evidence.

(d) The judgment of the court is final, subject to certiorari review by the United States Supreme Court.

§ 667.860 Are there other remedies available outside of the Act?

Nothing contained in this subpart prejudices the separate exercise of other legal rights in pursuit of remedies and sanctions available outside the Act.

Subpart I—Transition Planning

§ 667.900 What special rules apply during the JTPA/WIA transition?

(a)(1) To facilitate planning for the implementation of WIA, a Governor may reserve an amount equal to no more than 2 percent of the total amount of JTPA formula funds allotted to the State for fiscal years 1998 and 1999 for expenditure on transition planning activities. The funds may be from any one or more of the JTPA titles and subparts, that is, funds do not have to be drawn proportionately from

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all titles and subparts. The Governor must report the expenditure of these funds for transition planning separately in accordance with instructions we issued, but the expenditure is not required to be allocated to the various titles and subparts;

(2) These reserved transition funds may be excluded from any calculation of compliance with JTPA cost limitations.

(b) Not less than 50 percent of the funds reserved by the Governor in paragraph (a) of this section must be made available to local entities.

(c) We will issue such other transition guidance as is necessary and appropriate.

§ 667.910 Are JTPA participants to be grandfathered into WIA?

Yes, all JTPA participants who are enrolled in JTPA must be grandfathered into WIA. These participants can complete the JTPA services specified in their individual service strategy, even if that service strategy is not allowable under WIA, or if the participant is not eligible to receive these services under WIA.

PART 668—INDIAN AND NATIVE AMERICAN PROGRAMS UNDER TITLE I OF THE WORKFORCE INVESTMENT ACT

Subpart A—Purposes and Policies

Sec.

668.100 What is the purpose of the programs established to serve Native American peoples (INA programs) under section 166 of the Workforce Investment Act?

668.120 How must INA programs be administered?

668.130 What obligation do we have to consult with the INA grantee community in developing rules, regulations, and standards of accountability for INA programs?

668.140 What WIA regulations apply to the INA program?

668.150 What definitions apply to terms used in the regulations in this part?

Subpart B—Service Delivery Systems Applicable to Section 166 Programs

668.200 What are the requirements for designation as an “Indian or Native American (INA) grantee”?

668.210 What priority for designation is given to eligible organizations?

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668.220 What is meant by the “ability to administer funds” for designation purposes?

668.230 How will we determine an entity’s “ability to administer funds”?

668.240 What is the process for applying for designation as an INA grantee?

668.250 What happens if two or more entities apply for the same area?

668.260 How are INA grantees designated?

668.270 What appeal rights are available to entities that are denied designation?

668.280 Are there any other ways in which an entity may be designated as an INA grantee?

668.290 Can an INA grantee’s designation be terminated?

668.292 How does a designated entity become an INA grantee?

668.294 Do we have to designate an INA grantee for every part of the country?

668.296 How are WIA funds allocated to INA grantees?

Subpart C—Services to Customers

668.300 Who is eligible to receive services under the INA program?

668.340 What are INA grantee allowable activities?

668.350 Are there any restrictions on allowable activities?

668.360 What is the role of INA grantees in the One-Stop system?

668.370 What policies govern payments to participants, including wages, training allowances or stipends, or direct payments for supportive services?

668.380 What will we do to strengthen the capacity of INA grantees to deliver effective services?

Subpart D—Supplemental Youth Services

668.400 What is the purpose of the supplemental youth services program?

668.410 What entities are eligible to receive supplemental youth services funding?

668.420 What are the planning requirements for receiving supplemental youth services funding?

668.430 What individuals are eligible to receive supplemental youth services?

668.440 How is funding for supplemental youth services determined?

668.450 How will supplemental youth services be provided?

668.460 Are there performance measures and standards applicable to the supplemental youth services program?

Subpart E—Services to Communities

668.500 What services may INA grantees provide to or for employers under section 166?