

must be negotiated with the grantee and included in the approved plan.

**§ 669.510 What planning documents must an NFJP grantee submit?**

Each grantee receiving WIA section 167 program funds must submit to DSFP a comprehensive service delivery plan and a projection of participant services and expenditures covering the two-year designation cycle.

**§ 669.520 What information is required in the NFJP grant plans?**

An NFJP grantee's biennial plan must describe:

- (a) The employment and education needs of the farmworker population to be served;
- (b) The manner in which proposed services to farmworkers and their families will strengthen their ability to obtain or retain employment or stabilize their agricultural employment;
- (c) The related assistance and supportive services to be provided and the manner in which such assistance and services are to be coordinated with other available services;
- (d) The performance indicators and proposed levels of performance used to assess the performance of such entity, including the specific goals of the grantee's program for the two Program Years involved;
- (e) The method the grantee will use to target its services on specific segments of the eligible population, as appropriate;
- (f) The array of services which the grantee intends to make available, with costs specified on forms we prescribe. These forms will indicate how many participants the grantee expects to serve, by activity, the results expected under the grantee's plan, and the anticipated expenditures by cost category; and
- (g) Its response to any other requirements set forth in the SGA issued under § 669.210.

**§ 669.530 What are the submission dates for these plans?**

We will announce plan submission dates in the SGA issued under § 669.220.

**§ 669.540 Under what circumstances are the terms of the grantee's plan modified by the grantee or the Department?**

- (a) Plans must be modified to reflect the funding level for the second year of the designation cycle. We will provide instructions for when to submit modifications for second year funding, which will generally be no later than June 1 prior to the beginning of the second year of the designation cycle.
- (b) We may unilaterally modify the grantee's plan to add funds or, if the total amount of funds available for allotment is reduced by Congress, to reduce each grantee's grant amount.
- (c) The grantee may modify its plan to add, delete, expand, or reduce any part of the program plan or allowable activities. Such modifications may be made by the grantee without our approval except where the modification reduces the total number of participants to be served annually under intensive and/or training services by 15 percent or more, in which case the plan may only be modified with Grant Officer approval.
- (d) If the grantee is approved for a regulatory waiver under §§ 669.560 and 669.570, the grantee must submit a modification of its service delivery plan to reflect the effect of the waiver.

**§ 669.550 How are costs classified under the NFJP?**

- (a) Costs are classified as follows:
  - (1) Administrative costs, as defined in 20 CFR 667.220; and
  - (2) Program costs, which are all other costs not defined as administrative.
- (b) Program costs must be classified and reported in the following categories:
  - (1) Related assistance, including emergency assistance and supportive services, including allocated staff costs; and
  - (2) All other program services, including allocated staff costs.

**§ 669.555 Do the WIA administrative cost limits for States and local areas apply to NFJP grants?**

No, under 20 CFR 667.210(b), limits on administrative costs for NFJP grants will be negotiated with the grantee and

**§ 669.560**

identified in the grant award document.

**§ 669.560 Are there regulatory and/or statutory waiver provisions that apply to WIA section 167?**

(a) The statutory waiver provision at WIA section 189(i) does not apply to WIA section 167.

(b) NFJP grantees may request waiver of any regulatory provisions only when such regulatory provisions are:

- (1) Not required by WIA;
- (2) Not related to wage and labor standards, nondisplacement protection, worker rights, participation and protection of workers and participants, and eligibility of participants, grievance procedures, judicial review, nondiscrimination, allocation of funds, procedures for review and approval of plans; and
- (3) Not related to the key reform principles embodied in WIA, described in 20 CFR 661.400.

**§ 669.570 What information is required to document a requested waiver?**

To request a waiver, a grantee must submit a waiver plan that:

- (a) Describes the goals of the waiver, the expected programmatic outcomes, and how the waiver will improve the provision of WIA activities;
- (b) Is consistent with guidelines we establish and the waiver provisions at 20 CFR 661.400 through 661.420; and
- (c) Includes a modified service delivery plan reflecting the effect of requested waiver.

**Subpart E—The MSFW Youth Program**

**§ 669.600 What is the purpose of the WIA section 167 MSFW Youth Program?**

The purpose of the MSFW youth program is to provide an effective and comprehensive array of educational opportunities, employment skills, and life enhancement activities to at-risk and out-of-school MSFW youth that lead to success in school, economic stability and development into productive members of society.

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**§ 669.610 What is the relationship between the MSFW youth program and the NFJP authorized at WIA section 167?**

The MSFW youth program is funded under WIA section 127(b)(1)(A)(iii) to provide farmworker youth activities under the auspices of WIA section 167. These funds are specifically earmarked for MSFW youth. Funds provided for the section 167 program may also be used for youth, but are not limited to this age group.

**§ 669.620 How do the MSFW youth program regulations apply to the NFJP program authorized under WIA section 167?**

(a) This subpart applies only to the administration of grants for MSFW youth programs funded under WIA section 127(b)(1)(A)(iii).

(b) The regulations for the NFJP in this part apply to the administration of the MSFW youth program, except as modified in this subpart.

**§ 669.630 What are the requirements for designation as an “MSFW youth program grantee”?**

Any entity that meets the requirements described in the SGA may apply for designation as an “MSFW youth program grantee” consistent with requirements described in the SGA. The Department gives special consideration to an entity in any service area for which the entity has been designated as a WIA section 167 NFJP program grantee.

**§ 669.640 What is the process for applying for designation as an MSFW youth program grantee?**

(a) To apply for designation as an MSFW youth program grantee, entities must respond to an SGA by submitting a plan that meets the requirements of WIA section 167(c)(2) and describes a two-year strategy for meeting the needs of eligible MSFW youth in the service area the entity seeks to serve.

(b) The designation process is conducted competitively (subject to § 669.210) through a selection process distinct from the one used to select WIA section 167 NFJP grantees.