§ 839. Substate plans. 1. Substate grantees are required to submit a substate plan for review and comment to the local elected officials and the private industry council and to the governor for approval. Upon approval of the plan, grantees shall implement all procedures described pursuant to the requirements of this section.

2. The substate plan shall include statements describing:

(a) basic readjustment, retraining and supportive services and the method for providing such services;

(b) outreach and intake procedures and the method used to verify program participant eligibility;

(c) means for coordinating services with the unemployment compensation system;

(d) means for involving labor organizations representing individuals affected by dislocation within the substate area in the development and implementation of services;

(e) performance goals;

(f) procedures for selecting service providers consistent with section one hundred seven of the federal Job Training Partnership Act (P.L. 97-300);

(g) procedures for responding expeditiously to worker dislocation where the rapid response assistance required by section eight hundred forty of this article is inappropriate, of which methods may include but are not limited to:

(i) development and delivery of widespread outreach mechanisms;

(ii) provision of financial evaluation and counseling (where appropriate) to assist in determining eligibility for services and the type of services needed;

(iii) initial assessment and referral for further basic readjustment and retraining services; and

(iv) establishment of centers within each substate area for the purpose of providing such outreach, assessment and early readjustment assistance.

(h) the involvement of the governor, local elected officials and private industry council in the activities of the substate grantee;

(i) the training services to be provided including:

(i) assessment of participants' skill levels and occupational

abilities;

(ii) assessment of participants' needs including educational, training, employment and supportive services;

(iii) methods for allocating resources to provide the services recommended by rapid response teams; and

(iv) a description of services and activities to be provided in the substate area;

(j) the means to achieve coordination with other appropriate programs, services and systems for the purpose of avoiding duplicating services available through existing services;

(k) a detailed budget; and

(l) an evaluation design consistent with criteria set forth in regulations by the commissioner.

3. The governor shall approve the plan submitted by a substate grantee, or the modification thereof, unless he finds that:

(a) corrective measures for deficiencies found in audits or in meeting performance standards from previous years have not been taken or are not acceptably underway;

(b) the entity proposed to administer the program does not have the capacity to administer the funds;

(c) there are inadequate safeguards for the protection of funds received;

(d) the plan or modification does not comply with a particular provision of the federal job training partnership act (P.L. 97-300) or of regulations of the United States secretary of labor; or

(e) the plan or modification does not comply with the requirements of this article.

4. The governor shall approve or disapprove a plan submitted by a substate grantee or modification thereof within thirty days after the date that the plan or modification is submitted, except that if a petition is filed under subdivision five of this section, such period shall be extended to forty-five days. Any disapproval by the governor may be appealed to the United States secretary of labor.

5. Interested parties may petition the governor within fifteen days of

the date of submission for disapproval of the plan or modification thereof if:

(a) the party can demonstrate that it represents a substantial client interest;

(b) the party took appropriate steps to present its views and seek resolution of disputed issues prior to submission of the plan to the governor; and

(c) the request for disapproval is based on a violation of statutory requirements.

6. If a substate grantee fails to submit a plan, or submits a plan that is not approved by the governor, the governor may direct the expenditure of funds allocated to the substate area until such time as a plan is submitted and approved or a new substate grantee is designated under this article.

7. If a substate grantee fails to expend funds allocated to it in accordance with its plan, the governor may, subject to appropriate notice and opportunity for comment in the manner required for approval of the substate plan, direct the expenditure of funds in accordance with the substate plan until the substate grantee corrects the failure, the substate grantee submits an acceptable modification to its plan, or a new substate grantee is designated in accordance with the provisions of paragraph (a) of subdivision one of section eight hundred thirty-eight of this article.