§ 848. Apportionment of funds. 1. For activities included in section eight hundred forty of this article the department may retain no more than thirty-six percent of the funds allocated to the state pursuant to this article.

2. (a) The governor shall reserve an additional ten percent of the funds allocated to the state pursuant to this article to be allocated among substate grantees as follows: (i) Each substate grantee which does not receive fifty thousand dollars from the allocation provided pursuant to subdivision three of this section shall be allocated from the funds provided pursuant to this subdivision, the difference between fifty thousand dollars and the amount provided pursuant to subdivision three of this section. (ii) The remainder of the allocation made available pursuant to this subdivision shall be made available to grantees on the basis of need defined as demand for retraining and basic readjustment services which exceeds the resources available in the approved substate plan when such demand is not the result of a plant closing as defined in subdivision ten of section eight hundred thirty-five of this article or a substantial layoff as defined in subdivision sixteen of section eight hundred thirty-five of this article.

(b) Each substate grantee with a demand for services which exceeds those otherwise available under the substate plan shall be eligible for funds according to the following criteria:

(i) the substate grantee must demonstrate its need through a plan modification which includes the amount of additional funding requested, number of dislocated workers or additional dislocated workers to be served, type of services to be provided, and a description of the change in economic conditions which led to the plan modification;

(ii) requests for additional funding which would provide added retraining services shall be considered before funds are released for added basic readjustment services;

(iii) any funds provided to substate grantees pursuant to this subdivision shall be distributed not later than nine months after the beginning of the program year for which the allotment was made; and

(iv) any funds undistributed at the end of the program year shall be included as part of the funding made available for activities under section eight hundred forty-six of this article in each succeeding

program year and allocated pursuant to subdivision three of this section.

3. For activities included in section eight hundred forty-six of this article, substate grantees shall receive any remaining funds allocated to the state, other than those allocated pursuant to subdivisions one and two of this section.

Funds shall be distributed to substate grantees according to the following formula:

(a) Ninety-two percent of available funds shall be allocated on the basis of the total of the number of unemployed persons collecting benefits under the unemployment insurance program during the most recent year for which data are available in a substate area added to the number of residents who were unemployed for fifteen weeks or longer as determined by the department using data from the current population survey provided by the federal bureau of labor statistics, the most recent census, local area unemployment statistics program and other most recent reliable data measuring such population in a substate area divided by the total number of such unemployed persons in all substate areas;

(b) Two percent of available funds shall be allocated on the basis of the number of unemployed persons residing in areas which have an average unemployment rate of at least six and one-half percent for the most recent twelve months as determined by the department using data from the local area unemployment statistics program in each substate area divided by the total number of unemployed persons in areas of substantial unemployment in all substate areas;

(c) Two percent on the basis of the number of unemployment insurance beneficiaries with no anticipated recall date identified for the most recent twenty-four month period under the permanent mass layoff and plant closing statistical series established by the department for a substate area divided by the total number of such beneficiaries in all substate areas;

(d) Two percent on the basis of the number of jobs lost during the most recent five-year period in industries that have declined as determined by employment reports of employers as filed with the

department under the unemployment insurance program in each substate area divided by the total number of jobs lost in all substate areas; and

(e) Two percent on the basis of the total number of farms with a debt/asset ratio of forty percent or more for the most recent year in a substate area divided by the number of such farms in all substate areas.

4. After March thirty-first of each program year for which funds are available for the purposes provided in this article, the department is authorized to reapportion any amount of an allocation otherwise due to a grantee, the state dislocated worker unit, the state education department, or any other provider if the department determines that it cannot obligate such amount for programs pursuant to this article. Such reapportionment will be redistributed in a manner consistent with the state plan and applicable federal law and regulations.