

## **§ 668.870**

may apply to those grantees required to keep their funds in interest-bearing accounts, and to grantees participating in the demonstration under Public Law 102-477.

### **§ 668.870 What is “program income” and how is it regulated in the INA program?**

(a) Program income is defined and regulated by WIA section 195(7), 20 CFR 667.200(a)(5) and the applicable rules in 29 CFR parts 95 and 97.

(b) For grants made under this part, program income does not include income generated by the work of a work experience participant in an enterprise, including an enterprise owned by an Indian tribe or Alaska Native entity, whether in the public or private sector.

(c) Program income does not include income generated by the work of an OJT participant in an establishment under paragraph (b) of this section.

## **Subpart I—Miscellaneous Program Provisions**

### **§ 668.900 Does WIA provide regulatory and/or statutory waiver authority?**

Yes, WIA section 166(h)(3) permits waivers of any statutory or regulatory requirement imposed upon INA grantees (except for the areas cited in § 668.920). Such waivers may include those necessary to facilitate WIA support of long term community development goals.

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

To request a waiver, an INA grantee must submit a plan indicating how the waiver will improve the grantee’s WIA program activities. We will provide further guidance on the waiver process, consistent with the provisions of WIA section 166(h)(3).

### **§ 668.920 What provisions of law or regulations may not be waived?**

Requirements relating to:

- (a) Wage and labor standards;
- (b) Worker rights;
- (c) Participation and protection of workers and participants;
- (d) Grievance procedures;
- (e) Judicial review; and

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(f) Non-discrimination may not be waived. (WIA sec. 166(h)(3)(A).)

### **§ 668.930 May INA grantees combine or consolidate their employment and training funds?**

Yes, INA grantees may consolidate their employment and training funds under WIA with assistance received from related programs in accordance with the provisions of the Indian Employment, Training and Related Services Demonstration Act of 1992 (Public Law 102-477) (25 U.S.C. 3401 *et seq.*). Also, Federally-recognized tribes that administer INA funds and funds provided by more than one State under other sections of WIA title I may enter into an agreement with the Governors to transfer the State funds to the INA program. (WIA sec. 166(f) and (h)(6).)

### **§ 668.940 What is the role of the Native American Employment and Training Council?**

The Native American Employment and Training Council is a body composed of representatives of the grantee community which advises the Secretary on all aspects of Native American employment and training program implementation. WIA section 166(h)(4) continues the Council essentially as it is currently constituted, with the exception that all the Council members no longer have to be Native American. However, the nature of the consultative process remains essentially unchanged. We continue to support the Council.

## **PART 669—NATIONAL FARMWORKER JOBS PROGRAM UNDER TITLE I OF THE WORKFORCE INVESTMENT ACT**

### **Subpart A—Purpose and Definitions**

Sec.

669.100 What is the purpose of the National Farmworker Jobs Program (NFJP) and the other services and activities established under WIA section 167?

669.110 What definitions apply to this program?

669.120 How do we administer the NFJP program?

669.130 What unit within the Department administers the National Farmworker Jobs Program funded under WIA section 167?