

FY 2010 ANNUAL PLAN
WORKLOAD SUPPLEMENT

_____ (Insert Agency Name) _____ has prepared the following information and assurances for delivering labor certification/attestation services during FY 2010.

A. Foreign Labor Certification Workload

Category of Labor Certification and Attestation Services	FY 2010 Workload ⁽¹⁾
A. Number of job orders related to H-2A temporary labor certification applications processed and expected to be processed.	
B. Number of prevailing wage surveys conducted and expected to be conducted in agricultural activities.	
C. Number of housing inspections conducted and expected to be conducted in anticipation of H-2A orders.	
D. Number of prevailing wage determinations provided to employers for non-agricultural occupations by the following categories: ¹	
	PERM
	H-1B
	H-1B1
	E-3
E. Number of Full Time Equivalent (FTE) staff funded by this grant.	
F. Any plans for changes in existing operations, including the prevailing wage program, which will substantially affect negotiated goals.	

(1) Workload includes *actual* labor certification/attestation services provided or services planned for the period between October 1, 2009 and September 30, 2010.

¹ Workload to include all prevailing wage determinations for requests submitted until December 31, 2009.

B. Conducting Housing Inspections

As a condition for receiving funds in support of the Secretary's responsibility under 8 U.S.C 1188, the Agency agrees to schedule and conduct pre-occupancy inspections of housing under the applicable Federal regulations to be furnished to migrant and seasonal farm workers or other U.S. workers, or to nonimmigrant foreign workers admitted to the United States under temporary labor certification programs for temporary employment in agriculture or logging. As stated earlier, the Department recently amended its H-2A regulations through a Final Rule issued on February 12, 2010, with an effective date of March 15, 2010. Therefore, in processing job orders and job referrals under the H-2A program, the SWA must follow the regulation in effect at the time the application for H-2A labor certification was submitted. Accordingly, H-2A applications submitted on or after March 15, 2010, must have employer-provided housing inspected prior to the issuance of the certification.

In accordance with the applicable Federal regulations, employers are required to provide housing at no cost, or public housing, for workers who are not reasonably able to return to their place of residence the same day. The housing must meet the applicable local, state, or federal standards, and be sufficient to house the number of workers requested.

1. Special Assurances.

- The state must adhere to the applicable Federal regulations, and actual housing inspections may be conducted under certain conditions in accordance with OSHA standards at 29 CFR 1910.142, Temporary Labor Camps.
- To the extent practicable, the Agency will be prepared to conduct housing inspections before the filing of job orders, if so requested by the employer.
- To the extent practicable, the Agency will plan to schedule housing inspections before the filing of H-2A applications for those employers who regularly use the H-2A program.

- The Agency (check one) **WILL** **WILL NOT** use an alternative method(s) for conducting pre-occupancy housing inspections (i.e., State Health Department, Agricultural Department, etc.).

Detailed Explanation of Alternative Method (if applicable):

2. Allowable Costs.

- Costs may be attributed to activities in support of tasks described in 20 CFR Part 654 Subpart E, Housing for Agricultural Workers and/or 29 CFR 1910.142, Temporary Labor Camps, and for indirect support as a fair share of overhead.

3. Performance Standards.

- The state's performance will be reviewed according to the applicable Federal regulations and housing standards.

4. Reporting.

- Required reporting of activity as specified on OMB approved ETA forms. Financial reporting will be as specified by ETA.
- States should plan to track the costs associated with conducting pre-occupancy housing inspections to assist OFLC in the allocation of future resources. The costs include, but are not limited to, staff resources, travel expenditures, and administrative costs.

C. Statement of Work for Agricultural Wage Surveys

As a condition for receiving funds in support of the Secretary's responsibility, the Agency agrees to conduct prevailing wage surveys of agricultural and logging activities in accordance with ETA Handbook No. 385 and all applicable Federal regulations.

1. Special Assurances.

The state must submit to OFLC a plan for the surveys it is scheduling for the coming year. This plan includes all the surveys which will be conducted by the state in the upcoming season. Accordingly, the state's survey targets are based on estimated job order activity to be produced by H-2A applications.

- The state must submit the results of its prevailing wage surveys (ETA form 232) promptly to the OFLC National Office so the correct wage is established for the next cycle of crop activity. Timely submission is critical to ensure release of wage determinations by the National Office well ahead of the crop activity start date.
- All documentation related to wage survey plans and results should be mailed to:

Mr. Ben Orona
Office of Foreign Labor Certification
Employment and Training Administration, USDOL
200 Constitution Avenue, NW
Room C-4312
Washington, DC 20210 Fax: 202-693-2768

2. Allowable Costs.

- Costs may be attributed to tasks described in ETA Handbook No. 385 for crop activities which meet the criteria specified above and for indirect support as a fair share of overhead.

3. Performance Standards.

- The state's performance will be reviewed for its adherence to the procedures for wage surveys in ETA Handbook No. 385. The procedures contained in the ETA Handbook No. 385 require that prevailing wage surveys be conducted for any crop activity that is anticipated in the upcoming season.

4. Reporting.

- Completed surveys will be submitted on the ETA-232. Financial reporting will be as specified by ETA.
- States should plan to track the costs associated with conducting prevailing wage surveys in order to assist OFLC in the allocation of future resources. The costs include, but are not limited to, staff resources, travel expenditures, and administrative costs.

D. Cost of H-2A Temporary Labor Certification Activities

The information contained in the table below is to be taken from available FY 2009 data to estimate the cost of conducting state activities under the H-2A temporary labor certification program, including applications for logging.

1. Costing Sheet (Including logging)

Activity	Total Number	Total Cost	Average Cost ⁽⁵⁾
Housing Inspections ⁽¹⁾			
Prevaling Wage/Practice Surveys ⁽²⁾			
Job Orders Processed ⁽³⁾			
Total Cost of H-2A Activities ⁽⁴⁾			

(1) Housing Inspections:

Include in the total cost estimate: travel time, inspection time, travel mileage, and completion of paperwork. Include in the total, all housing inspections started during the prior fiscal year regardless of the final completion date.

- If housing inspections are done by another organization, estimate the cost that the H-2A portion adds to their total cost and include this amount in the table.

(2) Prevailing Wage/Practice Surveys:

- Include in the total cost estimate the development of the survey instrument, postage, collection of responses, collation of information, and publication of results.

- Include in the total, all surveys started during the prior fiscal year regardless of the final completion date.

(3) Job Orders Processed:

- Include in the total cost estimate the creation and maintenance of files, taking into account the cost associated with receiving and reviewing applications, referring applicants, and releasing orders into inter/intra-state job system.

(4) Total Cost of H-2A Activities:

- Total Cost of Housing Inspections + Total Cost of Prevailing Wage/Practice Surveys + Total Cost of Job Orders Processed.

(5) Average Cost:

- Total Cost of activity/ Total Number of activity.

E. Grant Contact Information

Included below is the point-of-contact for this grant.

Name:	
Title:	
Address:	
Telephone Number:	
E-mail Address:	
Fax Number:	