

EMPLOYMENT AND TRAINING ADMINISTRATION ADVISORY SYSTEM U.S. DEPARTMENT OF LABOR Washington, D.C. 20210	<b>CLASSIFICATION</b> Foreign Labor Certification
	<b>CORRESPONDENCE SYMBOL</b> OFLC
	<b>DATE</b> February 4, 2014

**ADVISORY:**            **TRAINING AND EMPLOYMENT GUIDANCE LETTER NO. 10-13**

**TO:**                    STATE WORKFORCE AGENCY ADMINISTRATORS

**FROM:**                GERRI FIALA /s/ for ERIC M. SELEZNOW  
 Acting Assistant Secretary

**SUBJECT:**            Fiscal Year (FY) 2014 Foreign Labor Certification (FLC) Grant Planning  
 Guidance

1. **Purpose.** To provide guidance for the funding and management of FY 2014 annual grant allocations in order to perform FLC program activities.

2. **References.**

- Immigration and Nationality Act (INA), as amended, 8 U.S.C. 1101(a), 1182(a)(5)(A), 1184(c), and 1188;
- Approval of Covenant to Establish a Commonwealth of the Northern Mariana Islands, 48 U.S.C. 1801;
- Northern Mariana Islands Covenant Implementation Act, Pub. L. 94-241, Section 302;
- Consolidated Natural Resources Act, Pub. L. 110-229, 122 Stat. 865, Title VII – Northern Mariana Islands, Subtitle A-Immigration, Security, and Labor;
- Wagner-Peyser Act, 29 U.S.C. 49f(d);
- Division F, Title I, “State Unemployment Insurance and Employment Service Operations,” Subs. 5, 125 Stat. 786, 1055 (Pub. L. 112-74), as incorporated by Continuing Appropriations Resolution, 2013, Pub. L. 112-175, Section 101(a)(8), 126 Stat. 1313, and as amended by Continuing Appropriations Act, 2014, Pub. L. 113-46, 127 Stat. 567;
- U.S. Citizenship and Immigration Services regulations at 8 CFR Part 214;
- 20 CFR Parts 653, subpart F, 654, subpart E, 655, subparts A and B, 656 and 658;
- 2 CFR Part 225, Cost Principles for State, Local, and Indian Tribal Governments (OMB Circular A-87);
- OMB Circular No. A-102, Grants and Cooperative Agreements with State and Local Governments;
- Employment and Training (ET) Handbook No. 385, *Wage Finding Process*, August, 1981;
- Guide for Employment Service Reimbursable Grant Activities;
- ETA H-2A Program Handbook No. 398, January 1988; and

<b>RESCISSIONS</b> None	<b>EXPIRATION DATE</b> Continuing
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- Training and Employment Guidance Letter (TEGL) No. 04-06, *Plans to Phase out Penalty Mail Costs for “Employment Security” Programs and Availability of Supplemental Budget Funds for Conversion to Commercial Mail Methods.*

3. **Background.** The Department of Labor through the Employment and Training Administration, Office of Foreign Labor Certification’s (OFLC) national office and two processing centers, with the assistance of State Workforce Agencies (SWAs), administers various Foreign Labor Certification programs. Congress appropriates funding to OFLC, through the Wagner-Peyser allocations under the State Unemployment Insurance and Employment Service Operations provisions, to meet certain obligations mandated by the Immigration and Nationality Act (INA). OFLC provides annual guidance and funding levels to the SWAs so that they may support certain foreign labor certification activities. This TEGL is to provide SWAs with programmatic guidance and financial figures for FY 2014 to support FLC activities.
4. **Action Requested.** SWA Administrators are requested to immediately provide copies of this TEGL planning guidance to all staff involved in the preparation and submission of the annual grant plan for FLC program activities for FY 2014. **Within 30 calendar days** from the date of issuance of this TEGL, SWAs must submit their grant applications to OFLC unless they are in receipt of an approved, written extension from the OFLC National Office. We request that Administrators receiving this guidance share this information within their respective state and territory structures in order to ensure fiscal and program public workforce system members are fully aware of required FY 2014 FLC grant application process activities and timelines.
5. **Inquiries.** SWA staff should direct questions to OFLC National Office at [FLC.Grant@dol.gov](mailto:FLC.Grant@dol.gov)
6. **Attachments.**  
  
Attachment 1 - Program Planning Guidance and Information Package  
Attachment 2 - Fiscal Year (FY) 2014 Annual Plan  
Attachment 3 - Annual Plan Certification  
Attachment 4 - FY 2013 Funding Level (provided as example for TBD FY 2014 final funding levels)