

EMPLOYMENT AND TRAINING ADMINISTRATION ADVISORY SYSTEM U.S. DEPARTMENT OF LABOR Washington, D.C. 20210	CLASSIFICATION Foreign Labor Certification
	CORRESPONDENCE SYMBOL OFLC
	DATE March 24, 2016

ADVISORY: TRAINING AND EMPLOYMENT GUIDANCE LETTER NO. 15-15

TO: STATE WORKFORCE AGENCY ADMINISTRATORS

FROM: PORTIA WU 
Assistant Secretary

SUBJECT: Fiscal Year (FY) 2016 Foreign Labor Certification (FLC) Grant Planning Guidance

1. **Purpose.** To provide guidance for the funding and management of FY 2016 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);
- 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, *Employment Service Forms Preparation Handbook*, “Wage Finding Process,” August, 1981;
- Guide for Employment Service Reimbursable Grant Activities;
- ETA H-2A Program Handbook No. 398, January 1988; and
- 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 administers Foreign Labor Certification programs through the Employment and Training Administration’s Office of Foreign Labor Certification

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(OFLC), with the assistance of State Workforce Agencies (SWAs). Congress appropriates funding to OFLC to meet certain obligations mandated by the Immigration and Nationality Act (INA). This TEGl provides programmatic guidance and financial information to SWAs to support State foreign labor certification activities in FY 2016.

4. **Action Requested.** SWA Administrators are requested to immediately provide copies of this guidance to all staff involved in the preparation and submission of the annual grant plan for FLC program activities for FY 2016. **Within 30 calendar days** from the date of this TEGl's issuance, 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 organizations in order to ensure that fiscal and programmatic public workforce system members are fully aware of the required FY 2016 FLC grant application processes and timelines.
5. **Inquiries.** SWA staff should direct questions to the OFLC National Office at FLC.Grant@dol.gov.
6. **Attachments.**

Attachment 1 - Program Planning Guidance and Information Package

Attachment 2 - Fiscal Year (FY) 2016 Annual Plan

Attachment 3 - Annual Plan Certification

Attachment 4 - FY 2015 Funding Level (provided as estimates for use in determining FY 2016 final funding levels)

Program Planning Guidance and Information Package

I. Introduction

The Immigration and Nationality Act assigns certain responsibilities to the Secretary of Labor (Secretary) for employment-based immigration programs that require a labor certification. These statutory responsibilities include determining whether there are able, willing, and qualified U.S. workers available for the position in the area of intended employment and whether there would be any adverse effect on similarly-employed U.S. workers should a labor certification be granted. Accordingly, statutory and regulatory provisions require all employers seeking to hire either permanent or temporary nonimmigrant foreign labor to apply first to the Secretary for certification. The Secretary has delegated the administration of these certification programs to the Employment and Training Administration's (ETA's) Office of Foreign Labor Certification (OFLC).

Congress appropriates funding for Federal and State foreign labor certification activities through the State Unemployment Insurance and Employment Service Operations (SUIESO) account. The State Grants activity funds services provided by State Workforce Agencies (SWAs) in support of the foreign labor certification program, including placements of job orders, inspections of employer-provided housing, and the administration of prevailing wage employment practice surveys. ETA, through OFLC, distributes these funds annually to SWAs in accordance with approved State plans.

This Training and Employment Guidance Letter (TEGL) provides SWAs with the necessary guidelines for updating their annual plans and requesting funds in order to carry out their foreign labor certification program responsibilities. **The annual plan must show activity to be performed between October 1, 2015 and September 30, 2016.**

II. Grant Procedures

A. Grant Application. The SWA grant application must be developed in accordance with the instructions contained in this TEGL. The grant application package submitted by the SWA to OFLC should consist of: (1) a transmittal letter and (2) **one original and one copy** of the following documents:

- Application for Federal Assistance (SF-424), Office of Management and Budget (OMB) Control No. 4040-0004 (Grants.gov).
<http://www.grants.gov/web/grants/forms/sf-424-family.html>
- Budget Information -Non-Construction Programs, SF 424A (sections B and D only), OMB Control No. 4040-0006 (Grants.gov).
<http://apply07.grants.gov/apply/forms/sample/SF424A-V1.0.pdf>

Important Notes:

1. Submit a justification and supporting documentation for any proposed equipment purchases of \$5,000 or more, in addition to the grant budget form narrative. Prior approval of any equipment exceeding \$5,000 and any contracts/subcontracts must be obtained per 29 CFR 97.32 (equipment) and 29 CFR 97.30 (subgrants/contracts).
2. Please submit, in addition to the grant budget form, a narrative including supporting documentation to justify any proposed contracts and/or subcontracts the SWA intends to execute to carry out these grant activities. In addition to the above additional justifications (if needed) and submitting the total grant amount request as specified in the 424 and 424a, please note the application/budget must be based on projected State/territory needs for a period of one year.
3. Full-year funding levels will not be confirmed until the annual plans have been reviewed. Please use Attachment 4 to this TEGL as guidance for estimated funding.

FY 2016 Annual Plan

- Foreign Labor Certification Workload (Attachment 2, Section A)
- H-2B Program Activities (Attachment 2, Section B)
- H-2A Program Activities (Attachment 2, Section C)
- Cost of H-2A and H-2B Temporary Labor Certification Activities (Attachment 2, Section D)
- Grantee Contact Information (Attachment 2, Section F)
- Annual Plan Certification (Attachment 3)

B. Grant Submission. A completed grant application package must be submitted by the SWA to OFLC **within 30 calendar days** following the date of issuance of the planning guidance using the following address:

Office of Foreign Labor Certification
Employment and Training Administration
Department of Labor
200 Constitution Avenue, NW
Box# 12-200
Washington DC 20210

To expedite review of your grant application package, the preferred method is for SWAs to send a signed and scanned Word or PDF copy of the application to FLC.Grant@dol.gov. Please include “*FY 2016 SWA Grant Plan*” in the subject line of the e-mail.

- C. Grant Approval. Within 30 calendar days of receipt, OFLC will review the grant application package and inform the SWA, in writing, of any concerns or deficiencies that may prevent the grant application package from being approved. When it is determined that the grant application package meets the established criteria, the OFLC Administrator will recommend approval to the ETA Grant Officer. After reviewing the approved grant application package from the OFLC Administrator, the ETA Grant Officer will issue the grant, including the approved grant application package and a Notice of Obligation, to the SWA.
- D. Grant Signatures. The SWA’s authorized representative must sign all signature pages of the grant application. If that individual has changed from the prior year, you must provide an official letter, on State letterhead, with the grant application package identifying the new authorized representative.
- E. Grant Modifications. The grantee and the ETA Grant Officer, at the recommendation of the OFLC Administrator, may jointly modify the FY 2016 SWA Annual Plan including negotiated changes in program activities (e.g., review of job orders, wage or prevailing practice surveys, etc.) and funding levels during the grant period of performance. Any grant plan modification request must include a transmittal letter, written narrative of the proposed modification(s), revised annual budget, and quarterly spending plan.

In the event that the Secretary is required by future legislation, regulatory action, or a court order to carry out responsibilities related to the administration of foreign labor certification programs not currently anticipated, the OFLC Administrator will notify the SWAs and request that they submit appropriate modifications to their approved grant plans directly to the ETA Grant Officer in order to fully carry out their responsibilities.

III. Grant Reporting Procedures

As a condition of receiving these grant funds, SWAs agree to carry out responsibilities supporting the administration of foreign labor certification programs in accordance with all applicable regulations, policies, procedures, handbooks, manuals, and other directives, including but not limited to 20 CFR parts 655 and 656, 29 CFR Part 97 and 2 CFR Part 225. Financial and programmatic reporting by SWAs enables OFLC to report key information to Congress and OFLC stakeholders regarding the use of grant funds. Accurate reporting of required financial and program management data provides vital information to support future OFLC funding levels and ensure the appropriate management of grant funds.

OFLC is responsible for monitoring these cost-reimbursable grants. Monitoring activities may include: review and recommendation for approval of the grant application package; analysis of expenditure and performance data submitted by grantees; execution of programmatic plan modifications; assessing a grantee's timely and accurate submission of all required reports; and on-site reviews where needed. OFLC will advise SWAs on how to administer the grant in accordance with the approved plan and the terms and conditions of their Wagner-Peyser Annual Grant Funding Agreement.

SWAs will report financial and program management information using the following required reports:

- A. **Financial Status Report.** ETA requires all grant recipients to submit the Form ETA-9130, *U.S. DOL Financial Report* (OMB Control No. 1205-0461) on a quarterly basis providing detailed expenditure information on the grant award activities. The Form ETA-9130 report is due **no later than 45 calendar days after the end of each quarter left in the fiscal year** and must be submitted online through ETA's Grantee Reporting System at https://www.etareports.doleta.gov/CFDOCS/grantee_prod/reporting/index.cfm. You can obtain a copy of the Form ETA-9130 at the following Web site: <http://www.doleta.gov/grants/docs/ETA-9130-ESandUI.pdf>.

Fiscal Year 2016	Reporting Months	Report Due Date*
1 st Quarter	October – December	February 14, 2016
2 nd Quarter	January – March	May 15, 2016
3 rd Quarter	April – June	August 15, 2016
4 th Quarter	July – September	November 15, 2016

* The reporting system is available 24 hours a day including weekends; however, technical support is not available on weekends.

If the SWA experiences any technical issues submitting the report, please contact the E-Grants Helpdesk via e-mail at e-grants.help@dol.gov or phone at (202) 693-2682.

Important Notes on Allowable Costs:

- ⊗ Costs incurred under the grant may only be attributed to activities supporting the direct administration of foreign labor certification programs; and
- ⊗ Costs may include staff resources, travel expenditures, other direct administrative costs, and indirect/overhead support (where an approved indirect cost plan is in place).

B. Program Activity Report. To account for work performed under the grant, SWAs must submit the Form ETA-9127, *Foreign Labor Certification Quarterly Activity Report* (OMB Control No. 1205-0457) on a quarterly basis providing detailed information on H-2A and H-2B program activities.

The data required by the Form ETA-9127 are available to the SWAs as part of their routine processing of requests from employers (SWAs currently maintain this data). The Form ETA-9127 report is due **within 2 weeks after the end of each quarter during the fiscal year** and may be submitted by e-mail directly to OFLC at FLC.Grant@dol.gov.

OFLC will promptly review the report for completeness and notify the SWA of any inaccuracies or deficiencies requiring correction. You can obtain a copy of the Form ETA-9127 at the following Web site:

http://www.foreignlaborcert.doleta.gov/pdf/9127Instructions_Final.pdf.

Fiscal Year 2016	Reporting Months	Report Due Date*
1 st Quarter	October – December	January 15, 2016
2 nd Quarter	January – March	April 15, 2016
3 rd Quarter	April – June	July 15, 2016
4 th Quarter	July – September	October 15, 2016

* If the 15th day falls on a weekend (Saturday or Sunday, or Federal holiday), then the report is due the next business day.

If the SWAs experience any difficulties submitting the report, they may contact the OFLC Grants/Finance Team at FLC.Grant@dol.gov or (202) 513-7350.

C. Agricultural Prevailing Wage Survey Reports. A critical component of OFLC's ability to grant a labor certification under the H-2A temporary agricultural program is a finding that the wages of similarly employed U.S. workers are not adversely impacted by the admission of temporary foreign workers. To that end, an employer participating in the program is required to offer and pay the highest of several wages, namely: the

Adverse Effect Wage Rate (AEWR), the prevailing hourly wage or piece rate, the agreed-upon collective bargaining wage, or the Federal or State minimum wage, except where a special procedure is approved for an occupation or specific class of agricultural employment (20 CFR 655.120(a)).

SWAs collect and provide vital information to OFLC with respect to whether a prevailing hourly wage or piece rate exists for the occupation or crop in the area of intended employment (also see, 20 CFR 653.501(d)(4)). These employer wage results are collected through survey instruments designed by the SWA, conducted in accordance with the ETA Handbook No. 385, and transmitted to OFLC **as soon as the wage results are completed (based on the SWA's wage survey plan)** using the following standard forms:

ETA Form ETA-232, *Domestic Agricultural In-Season Wage Report* (OMB Control No. 1205-0017) http://www.foreignlaborcert.doleta.gov/pdf/in_season.pdf

ETA Form ETA-232A, *Wage Survey Interview Record* (OMB Control No. 1205-0017). <http://www.foreignlaborcert.doleta.gov/pdf/wage.pdf>.

ETA Forms 232 and 232A may be submitted electronically at agwage.surveys@dol.gov or mailed to the following address:

Office of Foreign Labor Certification
Employment and Training Administration
Department of Labor
200 Constitution Avenue, NW
Box# 12-200
Washington DC 20210

If the SWA experiences any technical issues conducting the prevailing wage survey or submitting the results, please contact the OFLC Temporary Programs Team at agwage.surveys@dol.gov or (202) 513-7350.

Agricultural Employment Practice Survey Reports. Department of Labor (Department) regulations 20 CFR 655.122(b) require that each job qualification and requirement listed in the employer's job offer must be bona fide and consistent with the normal and accepted qualifications required by employers that do not use H-2A workers in the same or comparable occupation and crops. In addition, Department regulations allow for certain terms of employment, provided that those terms constitute a prevailing practice. In making a determination as to whether a job offer contains normal and accepted qualifications and requirements or whether a term of employment would be considered a prevailing practice, OFLC may rely on any information or data collected through State-conducted surveys. The SWA is responsible for designing the survey instruments to collect the data and for transmitting the survey results in summary form to the Chicago National Processing Center (NPC) as soon as the employment practice results are completed. Absent employment practice survey results, the SWA will be

required to conduct ad hoc surveys.

The prevailing, normal, or common practice survey results may be submitted electronically directly to the Chicago NPC at H2ASWA.Chicago@dol.gov or mailed to the following address:

U.S. Department of Labor
Employment and Training Administration
Office of Foreign Labor Certification
Chicago National Processing Center
11 West Quincy Court
Chicago, IL 60604-2105
Attn: H-2A Prevailing Practice Surveys

If the SWA experiences any technical issues conducting or submitting the employment practice results, please contact the Chicago NPC at H2ASWA.Chicago@dol.gov or (312) 886-8000.

FISCAL YEAR (FY) 2016 ANNUAL PLAN
(Please complete all yellow highlighted fields)

(Insert Official Name of SWA – not that of an individual)

has prepared the following plan and statement of assurances for delivering services during FY 2016 (October 1, 2015 through September 30, 2016) to support the administration of foreign labor certification (FLC) programs in accordance with all applicable regulations, policies, procedures, handbooks, manuals, and other directives.

A. Foreign Labor Certification Workload

Category of OFLC Program Services/Activities	FY 2015 Workload Completed per ETA 9127 Report	FY 2016 Workload Completed	FY 2016 Workload To be Processed	TOTAL FY 2016 Workload⁽¹⁾ add previous 2 columns
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 prevailing practice surveys conducted and expected to be conducted in agricultural activities.				
D. Number of housing inspections conducted and expected to be conducted in anticipation of H-2A job orders.				
E. Number of job orders related to H-2B temporary labor certification applications processed and expected to be processed.				
F. Number of Full Time Equivalent (FTE) staff funded by this grant.				

(1) Workload includes actual OFLC program services/activities provided or services/activities planned for the period between October 1, 2015 and September 30, 2016.

B. H-2B Temporary Nonagricultural Program Activities

The SWA agrees to carry out all State activities in support of the Secretary's responsibilities under 8 U.S.C. 1101(a)(15)(H)(ii)(b) and 20 CFR 655 Subpart A to certify, upon application by a U.S. employer intending to petition the Department of Homeland Security (DHS) to admit H-2B workers, that 1) there are not enough able and qualified U.S. workers available for the position(s) to be filled and 2) the employment of the foreign worker(s) will not adversely affect the wages and working conditions of similarly employed U.S. workers. This section of the plan describes how the SWA will receive job orders to be placed in connection with future H-2B applications, process job orders in compliance with all applicable regulatory requirements, and manage referrals of qualified U.S. workers to the job opportunity.

1. Description of the process by which employers, desiring to hire foreign workers in temporary nonagricultural employment, can submit a job order to the SWA (i.e., self-service or staff-assisted) and how the employer identifies it as a job order placed in connection with a future application for H-2B workers. Where employers use self-services to submit job orders, a description of how the SWA identifies H-2B related job orders through a labor exchange system management report or other automated mechanism(s).

[SWA narrative inserted here]

2. A detailed step-by-step explanation of the process by which the SWA reviews job orders placed in connection with a future application for H-2B workers. Such a description should include the standard of review or criteria used to evaluate job order language, process for communicating deficiencies and/or notifying employers that the job order is acceptable, and the expected timeframes for conducting reviews of employer job orders. Include any relevant documentation (e.g. job order review worksheet, standard operating procedure, process flow map) on the SWA job order review process. Where employers use self-service to submit job orders, provide an explanation of the post-submission automated process used by the labor exchange system to review and post job orders.

Important Note: In circumstances where the SWA has determined that a job order filed in connection with a future application for H-2B workers must be open for longer than 10 calendar days, a description of the SWA's policies or procedures for handling such job orders must be included.

[SWA narrative inserted here]

3. Description of the process by which the SWA, upon receipt of a nonagricultural job order covering multiple states (e.g., multiple states within the same area of intended employment, itinerant jobs in tree planting, reforestation, utility right-of-way spraying,

outdoor entertainment), promptly transmits, on behalf of the employer, a copy of the job order to interstate clearance.

[SWA narrative inserted here]

4. Description of how the SWA will refer qualified U.S. workers to the job opportunity, particularly those requiring interstate referral, and maintain records of referrals in the event that such records are requested by the OFLC Certifying Officer in support of a final determination on a pending H-2B application or audit examination of a certified H-2B application. Please note: The response to this question should include 1) the process by which the SWA will refer workers in its state to jobs they would like to apply for in other states and 2) the process by which applicants in other states may be referred to Job Orders within your state.

[SWA narrative inserted here]

C. H-2A Temporary Agricultural Program Activities

The SWA agrees to carry out all activities in support of the Secretary's responsibilities under 8 U.S.C. 1101(a)(15)(H)(ii)(a) and 1188 and 20 CFR Part 655, subpart B, to certify, upon application by a U.S. employer intending to petition the Department of Homeland Security to admit H-2A workers, that 1) there are not enough able and qualified U.S. workers available for the position(s) to be filled, and 2) the employment of the foreign worker(s) will not adversely affect the wages and working conditions of similarly-employed U.S. workers.

This section of the plan describes how the SWA will conduct agricultural surveys of prevailing wages, prevailing practices, and normal and accepted requirements. It also includes standards applicable to SWA-conducted housing inspections.

- a. Schedule of the agricultural **prevailing wage** surveys (including logging activities) the SWA plans to conduct during the performance period of the grant in accordance with ETA Handbook No. 385, including anticipated survey timeframes by area (e.g., statewide, regional), crops or other agricultural activities/commodities, and approximately when wage results are expected to be transmitted to the OFLC National Office (via the Forms ETA-232 and ETA-232A for review. The SWA's schedule of surveys may be based upon current and historical agricultural job order activities or other information about major crops/commodities within the state's agricultural sector.

Important Note: Consistent with the ETA Handbook No. 385, the SWA should prioritize its limited resources on conducting wage surveys in the major crops or other agricultural activities/commodities where seasonal H-2A workers are regularly employed and, where

practicable, at a broader wage reporting area (e.g., statewide) that will yield statistically valid wage findings from year to year, particularly those agricultural activities paying workers on a piece rate basis. Sub-State reporting areas are acceptable as long as substantial dissimilarities in crop or related conditions within parts of the State exist.

[SWA schedule of wage surveys inserted here and, if necessary, include attachments]



- b. Schedule of the agricultural **prevailing practice** and **normal and accepted requirement** surveys (including logging activities) the SWA plans to conduct during the performance period of the grant in accordance with ETA Handbook No. 398, including anticipated survey timeframes by area (e.g., statewide, regional) and crops or other agricultural activities/commodities, and approximately when employment practice results are expected to be transmitted to the OFLC Chicago National Processing Center (NPC) for review.

[SWA schedule of employment practice surveys inserted here and, if necessary, include attachments]



The SWA agrees to submit all completed prevailing practice and normal and accepted requirement surveys promptly to the OFLC Chicago NPC either electronically at H2ASWA.Chicago@dol.gov or by mail to the following address:

U.S. Department of Labor
Employment and Training Administration
Office of Foreign Labor Certification
Chicago National Processing Center
11 West Quincy Court
Chicago, IL 60604-2105
Attn: H-2A Prevailing Practice Surveys

- c. In accordance with 20 CFR 655.122(d) and as a condition of issuing a temporary labor certification, SWAs must schedule and conduct **pre-occupancy inspections of housing** to be furnished to U.S. and H-2A workers who are not reasonably able to return to their place of residence the same day. Except in circumstances where the Department of Labor has promulgated special procedures, all employer-provided housing must, at a minimum, meet the full set of U.S. Department of Labor Occupational Safety and Health Administration standards at 29 CFR 1910.142 or the full set of standards at 20 CFR 654.404-654.417, whichever are applicable under 20 CFR 654.401. To the extent

practicable, the SWA will plan to schedule housing inspections before the filing of the agricultural clearance order for those employers who regularly use the H-2A Program.

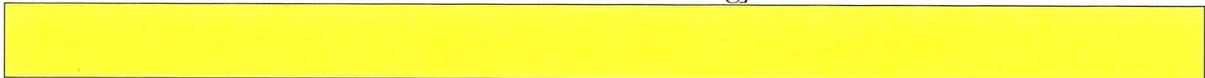
In order to ensure compliance with the Migrant Seasonal Worker Protection Act, the SWA must also provide a copy of the approved housing inspection to the employer or its authorized representative.

To the extent the SWA will use alternative methods for conducting pre-occupancy housing inspections, such as through contracts, memoranda of understanding, or other cooperative agreements with State or local organizations, please include a short description of these arrangements. Additionally, where the employer is offering rental (e.g., hotels or motels) or other public accommodations to workers and the SWA requires from the employer proof that such housing is in compliance with State or local law or regulation, the SWA must provide a copy of this State or local law or regulation. Lastly, SWAs involved in the mobile housing inspections associated with open range production of livestock applications processed under special procedures must maintain and make available to the Chicago NPC the three (3) year housing inspection schedules which allow employers to self-certify their mobile and fixed-site housing.

In accordance with instructions contained in the Notice of Acceptance issued by the NPC Certifying Officer, you must provide results of housing inspections so that a final temporary labor certification determination can be issued to the employer. The preferred method for supplying this information is by e-mail to h2a.application@dol.gov. If it is not possible to transmit this information by e-mail, the SWA may send it by fax to (312) 353-3352 or by U.S. Mail to:

U.S. Department of Labor
Employment and Training Administration
Office of Foreign Labor Certification
Chicago National Processing Center
11 West Quincy Court
Chicago, IL 60604-2105

[SWA narrative inserted here for alternative housing inspection methods and, if necessary, including attachments of the most current 3-year inspection schedule for mobile housing and State or local law or regulation governing the inspection of rental or other public accommodation housing]



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

Please base the information supplied in the table below on available prior fiscal year expenditure data to estimate the cost of conducting State activities under the H-2A and H-2B temporary labor certification programs. Please complete all yellow highlighted areas.

Costing Sheet (Including Logging)

Activity	Total Number	Total Cost	Average Cost ⁽⁵⁾
H-2A Housing Inspections ⁽¹⁾			
H-2A Prevailing Wage Surveys ⁽²⁾			
H-2A Prevailing Practice and Normal and Accepted Requirement Surveys ⁽²⁾			
H-2A Job Orders Processed ⁽³⁾			
Total Cost of H-2A Activities ⁽⁴⁾			
Staff Assisted H-2B Job Orders ⁽⁶⁾			
Total Cost of H-2A and H-2B Activities ⁽⁷⁾			

(1) H-2A Housing Inspections:

Include in the total cost estimate: travel time, inspection time, travel mileage, and completion of paperwork. Include 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) H-2A Prevailing Wage/Practice and Normal and Accepted Requirement 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 all surveys started during the prior fiscal year regardless of the final completion date.

(3) H-2A 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 plus Total Cost of Prevailing Wage/Practice Surveys plus Total Cost of Job Orders Processed.

(5) Average Cost:

- Total Cost of activity/Total Number of activity.

(6) Staff Assisted H-2B Job Orders:

- Total number of job orders.

(7) Total Cost of H-2A and H-2B Activities

- Add cost of all activities

E. Permanent Labor Certification Activities

The SWAs are expected to perform labor exchange activities necessary to support the recruitment of U.S. workers under the permanent labor certification program. Such labor exchange activities include placing job orders serving the area of intended employment and receiving referrals of qualified applicants for consideration. Please note that these activities are covered by existing Wagner-Peyser formula grants and not by the FLC grants that are the subject of this Training and Employment Guidance Letter.

F. Grantee Contact Information

H-2A Program Point-of-Contact

Last name		First name	
Job title			
Address			
City		State	Postal code
Telephone number (including extension)		Fax number	
E-mail address			

H-2B Program Point-of-Contact (if different than the contact listed above)

Last name		First name	
Job title			
Address			
City		State	Postal code
Telephone number (including extension)		Fax number	
E-mail address			

Fiscal Grant Point-of-Contact (if different than the contact listed above)

Last name		First name	
Job title			
Address			
City		State	Postal code
Telephone number (including extension)		Fax number	
E-mail address			

OMB Paperwork Reduction Act (OMB Control Number 1225-0086)

Persons are not required to respond to this collection of information unless it displays a currently valid OMB control number. Respondent's reply to these reporting requirements is required to obtain the benefits. Public reporting burden for this collection of information is estimated to average 4 hour per response, including the time for reviewing instructions, searching existing data sources, gathering and maintaining the data needed, and completing and reviewing the collection of information. Send comments regarding this burden estimate to the Office of Foreign Labor Certification • U.S. Department of Labor • Box 12-200 • 200 Constitution Ave., NW, • Washington, DC 20210.

ANNUAL PLAN CERTIFICATION

(Insert Official Name of SWA – not that of an individual)

certifies that it will carry out all activities outlined in the fiscal year 2016 Annual Plan to support the Secretary of Labor's responsibilities under the Immigration and Nationality Act as well as all other standard certifications and assurances as a condition of receiving the Federal grant funds. Per 29 CFR 97.42(e)(1), file documentation of grant activities and accomplishments will be available for examination by the Employment and Training Administration or other authorized Federal representatives.

Authorized Representative's Signature

Date _____

Authorized Representative's Job Title

Authorized Representative's Printed Name

Attachment 4

FY 2015 Funding Levels

**Last year's funding levels are provided for reference and may not equate to FY 2016 allocations.*

Alabama	91,208	Northern Mariana	71,565
Alaska	76,145	Islands	
Arizona	235,787	Ohio	256,193
Arkansas	87,591	Oklahoma	83,012
California	1,295,937	Oregon	120,474
Colorado	241,500	Pennsylvania	434,376
Connecticut	293,558	Puerto Rico	71,564
Delaware	104,573	Rhode Island	76,145
Florida	515,568	South Carolina	113,517
Georgia	564,490	South Dakota	97,460
Guam	79,954	Tennessee	204,372
Hawaii	71,564	Texas	767,599
Idaho	221,094	Utah	116,590
Illinois	466,983	Vermont	121,048
Indiana	76,143	Virgin Islands	71,564
Iowa	114,908	Virginia	580,000
Kansas	110,010	Washington	179,907
Kentucky	340,345	Washington DC	10,000
Louisiana	202,957	West Virginia	90,695
Maine	302,952	Wisconsin	136,580
Maryland	447,706	Wyoming	78,437
Massachusetts	889,045		
Michigan	307,306		
Minnesota	126,652		
Mississippi	99,043		
Missouri	150,558		
Montana	112,106		
Nebraska	94,245		
Nevada	102,741		
New Hampshire	78,737		
New Jersey	615,369		
New Mexico	87,591		
New York	1,417,021		
North Carolina	463,800		
North Dakota	115,715		