

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>
	March 24, 2016

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

**TO:** STATE WORKFORCE AGENCY ADMINISTRATORS

**FROM:** PORTIA WU /s/  
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

<b>RESCISSIONS</b>	<b>EXPIRATION DATE</b>
None	Continuing

(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](mailto: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)