

EMPLOYMENT AND TRAINING ADMINISTRATION ADVISORY SYSTEM U.S. DEPARTMENT OF LABOR Washington, D.C. 20210	CLASSIFICATION OWI
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ADVISORY: TRAINING AND EMPLOYMENT GUIDANCE LETTER NO. 24-14

TO: NATIONAL FARMWORKER JOBS PROGRAM GRANTEES

FROM: PORTIA WU /s/
Assistant Secretary

SUBJECT: Program Year 2015 Planning Guidance for National Farmworker Jobs Program Employment and Training and Housing Grantees

1. **Purpose.** To provide instructions for National Farmworker Jobs Program (NFJP) grantees for preparing and submitting program plans for Program Year (PY) 2015, establishing PY 2015 performance goals, and to convey the grant fund allocations for the program year.
2. **References.**
 - Federal Register, February 12, 2013, *Notice of Availability of Funds and Solicitation for Grant Applications for National Farmworker Jobs Program Grants*.
 - Section 167 of the Workforce Investment Act of 1998 (WIA), as amended (Pub. L. 105-220);
 - Section 167 of the Workforce Innovation and Opportunity Act (WIOA).
 - 20 CFR Part 669.
 - Training and Employment Guidance Letter (TEGL) No. 15-14 *Implementation of the New Uniform Guidance Regulations*.
3. **Background.** The current period of performance for all NFJP grants was scheduled to end June 30, 2015. However, to facilitate the transition of the NFJP from the WIA to WIOA, which takes effect on July 1, 2015, the Department of Labor, Employment and Training Administration (ETA) is extending all current NFJP grant awards for an additional year, through June 30, 2016. This action is being taken under the transition authority at WIOA Section 503(b) to provide for the orderly transition from WIA to WIOA.

Funding for grantees in PY 2015 is dependent upon a grantee's submission of a program plan and ETA's approval of that plan; any grantee submission delays may delay individual grant awards. This TEGL provides instructions to current NFJP grantees to prepare and submit their program plans for PY 2015. Additional operational guidance regarding implementation of WIOA will be forthcoming from the Department.

RESCISSIONS None	EXPIRATION DATE June 30, 2016
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4. Instructions for Employment and Training Grantees

A. **Employment and Training Grantee Program Plan Requirements.** To receive PY 2015 funds, NFJP employment and training grantees must submit a program plan and have that plan approved by ETA. The program plan must contain the following:

- a. *Standard Form (SF) 424, "Application for Federal Assistance."* The SF-424 must clearly identify the grantee, be signed by an individual with authority to enter into a grant agreement, and include the grantee's Data Universal Numbering System number. Grantees must use the current version of SF-424 available at: http://apply07.grants.gov/apply/forms/sample/SF424_2_1-V2.1.pdf.
- b. *SF-424A Budget Information Form and Budget Narrative.* Grantees must include a SF-424A and a narrative explanation to support the funding. Grantees must use the current version of SF-424A available at: <http://www.doleta.gov/Farmworker/pdf/sf424a.pdf>.
- c. *ETA Form 9094, Program Planning Summary.* Grantees must provide a Program Planning Summary (PPS), which depicts planned participant levels and outcomes. In addition to submitting as part of the program plan, grantees must enter the PPS into the grantee on-line reporting system, the Enterprise Business Support System (EBSS), by July 31, 2015. Grantees must use the current PPS Form 9094, which is available at: http://wdr.doleta.gov/directives/attach/TEGL/TEGL_32_12_Att2.pdf.
- d. *ETA Form 9093, Budget Information Summary.* Grantees must provide a Budget Information Summary (BIS), which depicts the budget plan for quarterly expenditures for administrative and program costs. Administrative costs are limited to 15 percent of the total grant amount. In addition to submission as part of the program plan, grantees must enter the BIS into the grantee on-line reporting system, EBSS, by July 31, 2015. Grantees must use the current BIS Form 9093, which is available at: http://wdr.doleta.gov/directives/attach/TEGL/TEGL_32_12_Att1.pdf.

Additionally, if there are any planned changes for PY 2015 to the following components of a current approved program plan, grantees should also submit proposed updates to:

- Program Design
- Partnership Strategies
- Outcomes
- Organizational Chart
- Indirect Cost Rate Agreement

If the above sections have not changed from the PY 2014 program plan submission, grantees do not need to submit these sections for PY 2015.

- B. **Grantee Performance Goals.** In PY 2014, ETA implemented a new approach for establishing grantee performance goals for the three common performance measures – entered employment, retention in employment, and average earnings. ETA established grantee performance goals through a statistical regression model that accounted for economic conditions and participant characteristics, and through a negotiation process, as required in Federal regulations for the NFJP requirements under WIA (20 CFR Part 669).

New primary indicators of performance were established in WIOA and will be implemented in the WIOA Final Rule. However, the new performance indicators are not effective until July 1, 2016 (WIOA Sec. 506(b)(1)). As part of the transition to WIOA, ETA will use the PY 2014 performance goals as the PY 2015 goals. Grantees may request re-negotiation for PY 2015 by contacting their Federal project office by May 15, 2016. Grantees must present compelling data during re-negotiation to justify a change to a performance goal.

5. **Instructions for Housing Grantees**

- A. **Housing Grantee Program Plan Requirements.** To receive PY 2015 funds, NFJP housing grantees must submit a program plan and have that plan approved by ETA. The program plan must contain the following:
- a. *Standard Form (SF) 424, “Application for Federal Assistance.”* The SF-424 must clearly identify the grantee, be signed by an individual with authority to enter into a grant agreement, and include the grantee’s Data Universal Numbering System number. Grantees must use the current version of SF-424 available at: http://apply07.grants.gov/apply/forms/sample/SF424_2_1-V2.1.pdf.
 - b. *SF-424A Budget Information Form and Budget Narrative.* Grantees must include a SF-424A and a narrative explanation to support the funding. Grantees must use the current version of SF-424A available at: <http://www.doleta.gov/Farmworker/pdf/sf424a.pdf>.

Grantees that receive funds for both permanent and temporary housing assistance must submit: 1) three SF-424As – one for the total amount of grant funds, one for permanent housing funds, and one for temporary housing funds; and 2) separate budget narratives for permanent and temporary housing.

Additionally, if there are any planned changes for PY 2015 to the following components of a current approved program plan, grantees should also submit proposed updates to:

- Housing Analysis
- Program Activities

- Partnership Strategies
- Outcomes
- Timeline
- Organizational Chart
- Indirect Cost Rate Agreement

If the above sections have not changed from the PY 2014 program plan submission, grantees do not need to submit these sections for PY 2015.

6. **Instructions for All Employment and Training and Housing Grantees**

- A. **Implementation of the New Uniform Guidance Regulations.** The Office of Management and Budget (OMB) streamlined the Federal government's guidance on Administrative Requirements, Cost Principles, and Audit Requirements for Federal awards, and issued *Uniform Administrative Requirements, Cost Principles, and Audit Requirements for Federal Awards Final Rule* (Uniform Guidance). On December 9, 2014, DOL released TEGL No. 15-14 *Implementation of the New Uniform Guidance Regulations* announcing that the Uniform Guidance will apply to all funding actions and new Federal awards made on or after December 26, 2014. Therefore, all NFJP grantees who receive funding for PY 2015 activities will receive new terms and conditions applying the Uniform Guidance to these new funds. For the new money only, these new terms will supersede the previous Notice of Award conditions applying 2 CFR 220, 225, or 230, 29 CFR Parts 95 and 97, and the audit requirements at 2 CFR Part 96 and 99.

TEGL 15-14 also encourages current grantees who receive annual allotments or other incremental funding in PY 2015, such as NFJP grantees, to follow the new Uniform Guidance for all funds. However, a modification to the current grant is necessary to officially apply the new guidance to existing grant awards with funds issued prior to December 26, 2014. Grantees should review TEGL 15-14 for specific instructions on requesting this type of modification.

- B. **Indirect Cost Rate.** Any grantee that includes indirect charges on the SF-424A must have a valid Indirect Cost Rate Agreement (ICRA) or Cost Allocation Plan (CAP) supplied by the Federal Cognizant Agency on file. For any grantee that chooses to include estimated indirect costs in its budget, and that either does not have an ICRA/CAP or has a pending ICRA/CAP, the Grant Officer will release funds in the amount of 10 percent of salaries and wages to support indirect costs at the time of award. Within 90 days of award, a grantee must submit an acceptable indirect cost proposal or CAP to its Federal Cognizant Agency to obtain a provisional indirect cost rate.

Under the Department of Labor's Uniform Guidance, any non-Federal entity that has never received a negotiated indirect cost rate, except for those non-Federal entities described in 2 CFR Part 200 Appendix VII, may elect to charge a de minimis rate of 10 percent of modified total direct costs which may be used indefinitely.

If a grantee meets the requirements to use the 10 percent de minimis rate as described in 2 CFR 200.414(f), the grantee must include a description of the modified total direct costs base (see 2 CFR 200.68 for definition) used in the calculation along with the amount of the base, and the total indirect costs requested based on the 10 percent de minimis rate. If a grantee chooses this option, this methodology must be used consistently for all Federal awards until the grantee negotiates for an indirect cost rate, which a grantee may apply to do at any time. (See 2 CFR 200.414(f) for more information on use of the de minimis rate.)

- C. **Use of PY 2014 Funds.** The period of performance for current NFJP grants is extended until June 30, 2016. In order to support transition to WIOA, grantees may use PY 2014 funds through the end of the period of performance, June 30, 2016. ETA expects grantees to spend the majority of their PY 2014 funds in PY 2014.

Grantees must continue to file each quarter a Federal Financial Report (ETA Form 9130) for PY 2014 funds until those funds are fully expended or the balance is returned to the Department.

D. **Grant Allocations.**

- a. The total amount available for NFJP employment and training grants for PY 2015 is \$75,885,000. The PY 2015 allocations are included in Attachment I and II of this TEGL.
 - b. The total amount available for NFJP housing grants for PY 2015 is \$5,517,000. The PY 2015 allocations are included in Attachment III of this TEGL.
- E. **Submission Requirements.** Grantees must submit their PY 2015 program plan to ETA no later than May 15, 2015. Please submit program plans electronically to the NFJP program e-mail address NFJP@dol.gov with the subject line “Program plan submission – [Employment and Training or Housing] – [State] – [organization]” and an electronic “cc” to the appropriate regional Federal Project Officer.
- F. **Paperwork Reduction Act (PRA) Statement.** According to PRA, no persons are required to respond to a collection of information unless such collection displays a valid OMB Control Number. The Department notes that a Federal agency may not conduct or sponsor a collection of information, nor is the public required to respond to a collection of information, unless the Office of Management and Budget (OMB) under the PRA, approves it and it displays a currently valid OMB control number (44 U.S.C. 3507). Also, notwithstanding any other provisions of law, no person shall be subject to penalty for failing to comply with a collection of information if the collection of information does not display a currently valid OMB Control Number (44 U.S.C. 3512). The currently valid OMB Control Number for this collection is OMB 1205-0425, which expires May 31, 2016.
- G. **Inquiries.** Please address questions regarding this guidance to the appropriate Federal Project Officer.

7. **Attachments.**

- PY 2015 NFJP Employment and Training Grant Fund Allocations
- PY 2015 NFJP California Employment and Training Grant Fund Allocations
- PY 2015 NFJP Housing Grant Fund Allocations