

EMPLOYMENT AND TRAINING ADMINISTRATION ADVISORY SYSTEM U.S. DEPARTMENT OF LABOR Washington, D.C. 20210	CLASSIFICATION Foreign Labor Certification
	CORRESPONDENCE SYMBOL OFLC
	DATE May 11, 2015

ADVISORY: TRAINING AND EMPLOYMENT GUIDANCE LETTER NO. 33-14

TO: STATE WORKFORCE AGENCY ADMINISTRATORS

FROM: PORTIA WU /s/
Assistant Secretary

SUBJECT: Fiscal Year (FY) 2015 Foreign Labor Certification (FLC) Grant Planning Guidance

1. **Purpose.** To provide guidance for the funding and management of FY 2015 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, *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

RESCISSIONS None	EXPIRATION DATE Continuing
----------------------------	--------------------------------------

- 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 (OFLC), with the assistance of State Workforce Agencies (SWAs). 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 to support foreign labor certification activities. This TEGL provides programmatic guidance and financial information to SWAs to support these OFLC activities in FY 2015.
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 2015. **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 State and territory structures in order to ensure fiscal and program public workforce system members are fully aware of the required FY 2015 FLC grant application processes and timelines.
5. **Inquiries.** SWA staff should direct questions to OFLC National Office at FLC.Grant@dol.gov
6. **Attachments.**

Attachment 1 - Program Planning Guidance and Information Package

Attachment 2 - Fiscal Year (FY) 2015 Annual Plan

Attachment 3 - Annual Plan Certification

Attachment 4 - FY 2014 Funding Level (provided as estimates for use in determining FY 2015 final funding levels)