

<b>EMPLOYMENT AND TRAINING ADMINISTRATION ADVISORY SYSTEM U.S. DEPARTMENT OF LABOR Washington, D.C. 20210</b>	<b>CLASSIFICATION</b> Foreign Labor Certification
	<b>CORRESPONDENCE SYMBOL</b> OFLC
	<b>ISSUE DATE</b> December 3, 2007

**ADVISORY:** **FOREIGN LABOR CERTIFICATION  
TRAINING AND EMPLOYMENT GUIDANCE LETTER NO. 12-07**

**TO:** **STATE WORKFORCE AGENCY ADMINISTRATORS**

**FROM:** **EMILY STOVER DeROCCO /s/  
Assistant Secretary**

**SUBJECT:** **Fiscal Year (FY) 2008 Alien Labor Certification Grants – State Workforce Agency Allocations Under Continuing Budget Resolution Effective Through December 14, 2007**

1. **Purpose.** To advise State Workforce Agencies of their Alien Labor Certification (ALC) grant allocations under the FY 2008 Continuing Budget Resolution in effect November 17, 2007, through December 14, 2007.
2. **References.**
  - Immigration and Nationality Act (INA) Sections 101(a), 212(n) and (t), 214(c), and 218
  - U.S. Citizenship and Immigration Services regulation at 8 CFR 214.2(h)
  - Wagner-Peyser Act Section 7(d)
  - 29 CFR Part 93
  - OMB Circular A-87
  - Employment and Training Administration (ETA) Handbook No. 385, Wage Finding Process, August 1981
  - Guide for Employment Service Reimbursable Grant Activities
  - ETA Handbook No. 398, H-2A Program Handbook, January 1988
  - Prevailing Wage Determination Policy Guidance for Nonagricultural Immigration Programs, May 2005
  - Training and Employment Guidance Letter No. 04-06  
**Subject:** Plans to Phase out Penalty Mail Costs for “Employment Security” Programs and Availability of Supplemental Budget Funds for Conversion to Commercial Mail Methods
  - Other ETA instructions as noted

<b>RESCISSIONS</b>	<b>EXPIRATION DATE</b> <b>December 14, 2007</b>
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3. **Background.** Each fiscal year, upon the enactment of appropriations legislation for the Department of Labor, the Employment and Training Administration (ETA), through the Office of Foreign Labor Certification, advises State Workforce Agencies (SWA) on the Alien Labor Certification (ALC) grant distribution for the fiscal year, subject to submission and approval of workplans and meeting other criteria for funding. ETA guidance is designed to assist SWAs in their financial planning and, assuming ETA approves their workplans, to outline each state's procedural and programmatic obligations under the grant.

In the absence of final FY 2008 appropriations action to date – including a final Appropriations Act for the Department of Labor – the Congress has authorized and the President has signed a Continuing Budget Resolution (CR) to fund Government operations at the FY 2007 rate from November 17 through December 14, 2007. A previous CR funded programs from October 1 through November 16, 2007. With respect to the Department of Labor, the CR includes funding for state ALC activities under the Department's State Unemployment Insurance Employment Service Operations account. The attachment to this TEGl lists the grant allocation for each state under the current CR.

Based on long-standing practice, once the Department receives a final FY 2008 appropriation, it will issue detailed planning guidance to SWAs. For SWAs planning to apply for FY 2008 ALC funding or that have, by that time, used ALC funding distributed under an FY 2008 CR, the issuance of the planning guidance triggers an obligation to immediately submit a workplan in order to demonstrate continuing eligibility under the annual grant.

As appropriate, prior to final FY 2008 appropriations action, ETA will, to the extent feasible, advise SWAs of the amounts they will receive under each CR. Following the issuance of this TEGl, SWAs will receive additional information from the ETA Office of Grants and Contracts Management as their respective allocations become available for their use.

4. **Effective Date.** This guidance is effective immediately.
5. **Action Required.** SWA Administrators are directed to provide SWA staff involved in foreign labor certification activities with a copy of these procedures.
6. **Inquiries.** Grant funding questions should be directed to Julie Cerruti at (202) 693-3010. Program-related questions should be directed to Brian Pasternak at (202) 693-3010.
7. **Attachment.**