

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 19, 2008

**ADVISORY:** TRAINING AND EMPLOYMENT GUIDANCE LETTER NO. 21-07  
**TO:** STATE WORKFORCE AGENCY ADMINISTRATORS  
**FROM:** DOUGLAS F. SMALL /s/  
Deputy Assistant Secretary  
**SUBJECT:** FISCAL YEAR (FY) 2008 FOREIGN LABOR CERTIFICATION  
GRANT GUIDANCE

1. **Purpose.** To provide guidance for the funding and management of FY 2008 annual grant allocations for the Foreign Labor Certification (FLC) programs.

2. **References.**

- Immigration and Nationality Act (INA), Sections 101(a), 212(n), 212 (t), 214(c), 214(i), and 218
- 8 CFR Part 214
- 2 CFR Part 225
- Wagner-Peyser Act, Section 7(d)
- OMB Circular A-87
- Employment and Training Administration (ETA) Handbook No. 385
- Guide for Employment Service Reimbursable Grant Activities
- ETA 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. 11-07, Change 1 (November 2007)
- Training and Employment Guidance Letter No. 22-07 (March 2008)
- 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> None	<b>EXPIRATION DATE</b> Continuing
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3. **Background.** The purpose of this memorandum is to define the roles State Workforce Agencies (SWAs) play in the FLC programs, planning figures for funding that will be allocated to support these activities, the necessary actions to request the funds, and the required steps to comply with the grant.
4. **Actions.** SWAs are required to complete the actions listed below.
- Respond to these guidelines within **thirty (30) days** of receipt to ensure allocation of remaining grant funds.
  - Establish program priorities by identifying how program funds would best be utilized and by splitting the grant allocation between agricultural and nonagricultural activities.
  - Inform the National Office via written communication of the proposed program priorities and the split that will be used to allocate funds between agricultural and nonagricultural activities.
5. **Mailing Address.** Mail completed work plans to Mr. William Rabung, Program Manager, Operations Division, Office of Foreign Labor Certification, U.S. Department of Labor, Room C-4312, 200 Constitution Avenue, NW, Washington, D.C. 20210.
6. **Inquiries.** Please direct questions to Mr. Rabung at (202) 693-3010.
7. **Attachments.**

<b>Attachment Name</b>	<b>Attachment Number</b>
Program Planning Guidance and Information Package	1
FY 2008 FLC Funding Levels	2
FLC Annual Plan Narrative	3
Major SWA Responsibilities for the FLC Agricultural Program	3
Major SWA Responsibilities for the FLC Non-Agricultural Programs	3
Guidance for Prevailing Wage Determinations	3
Annual Plan Procedures	4