

EMPLOYMENT AND TRAINING ADMINISTRATION ADVISORY SYSTEM U.S. DEPARTMENT OF LABOR Washington, D.C. 20210	CLASSIFICATION Foreign Labor Certification
	CORRESPONDENCE SYMBOL OFLC
	DATE July 15, 2013

ADVISORY: **TRAINING AND EMPLOYMENT GUIDANCE LETTER NO. 1-13**

TO: STATE WORKFORCE AGENCY ADMINISTRATORS

FROM: GERRI FIALA /s/
 Acting Assistant Secretary

SUBJECT: Fiscal Year (FY) 2013 Foreign Labor Certification (FLC) Grant Planning
 Guidance

1. **Purpose.** To provide guidance for the funding and management of FY 2013 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);
- Pub. L. 112-74, Division F, Title I, “State Unemployment Insurance and Employment Service Operations,” Subs. 5, 125 Stat. 786, 1055, as incorporated by Continuing Appropriations Resolution, 2013, Pub. L. 112-175, Section 101(a)(8), 126 Stat. 1313;
- 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, *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.*

RESCISSIONS None	EXPIRATION DATE Continuing
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3. **Background.** This TEGL is to provide State Workforce Agencies (SWAs) with programmatic guidance and final financial figures for FY 2013 to support FLC activities.
4. **Action Requested.** SWA Administrators are requested to immediately provide copies of this planning guidance to all staff involved in the preparation and submission of the annual grant plan for FY 2013. Absent receiving an approved extension from the Office of Foreign Labor Certification (OFLC) national office, a completed grant application package must be submitted by the SWA to OFLC **within 30 calendar days** from the date of receipt of the planning guidance by the SWA. In addition, we request that the administrators share this information within their respective state structures in order to ensure the public workforce system is fully aware of these various grant application process activities.
5. **Inquiries.** Questions from SWA staff should be directed to the OFLC national office at FLC.Grant@dol.gov.
6. **Attachments.**

Attachment 1 - Program Planning Guidance and Information Package
Attachment 2 - Fiscal Year (FY) 2013 Annual Plan
Attachment 3 - Annual Plan Certification
Attachment 4 - FY 2013 Funding Level

Note: The ETA intends to issue the TEGL for FY 2014 on an accelerated schedule prior to October 1, 2013, to better align SWA grant plans with the Federal budget planning and execution cycle. The grant application package for FY 2014 will be requested from the SWAs within 30 days of the date the TEGL is issued by the Department. Thereafter, the Department will continue to issue grant planning guidance for Foreign Labor Certification activities to the SWAs prior to October 1 of each Federal fiscal year.