

Attachment B to UIPL No. General Provisions for Administering FAC

Certifications and Assurances

- 1. Compliance with Federal Requirements.** States must comply with the provisions contained in the states' Agreements with the Department to administer FAC and with all applicable FAC funding instruments. States must perform such duties and functions in accordance with the Department's administrative requirements for grants and cooperative agreements at 29 CFR Parts 31, 32, 37, 96, 97, 98, and 99. Allowable costs shall be determined in accordance with the Office of Management and Budget Circular A-87 (Revised).
- 2. Prohibition on Subsidization of Forced or Indentured Child Labor.** States, consistent with section 101 of the Continuing Appropriations Resolution, 2009, P.L. 110-329, which incorporates Division G, Title I, of the Consolidated Appropriations Act, 2008, and in accordance with Executive Order No. 13126, must not obligate or expend funds made available to administer FAC for the procurement of goods, mined, produced, manufactured, or harvested or services rendered, whole or in part, by forced or indentured child labor in industries and host countries already identified by the United States Department of Labor prior to enactment of the Department's 2008 appropriation.
- 3. Salary and Bonus Pay Limitations.** States, in compliance with section 101 of the Continuing Appropriations Resolution, 2009, P.L. 110-329, which incorporates Division G, Title I, of the Consolidated Appropriations Act, 2008, must not use funds provided for FAC administration to pay the salary and bonuses of an individual, either as direct costs or indirect costs, at a rate in excess of Executive Level II, except as provided for under section 101 of Public Law 109-149. This limitation shall not apply to vendors providing goods and services as defined in OMB Circular No. A-133. Where states are recipients of such funds, states may establish a lower limit for salaries and bonuses of those receiving salaries and bonuses from subrecipients of such funds, taking into account factors including the relative cost-of-living in the state, the compensation levels for comparable state or local government employees, and the size of the organizations that administer Federal programs involved including Employment and Training Administration programs. See TEGL number 5-06 for further clarification. The incurrence of costs and receiving reimbursement for these costs under this award certifies that the Grantee has read the above condition and is in compliance.
- 4. Veterans' Priority Provisions.** This program, funded by the U.S. Department of Labor, is subject to the provisions of the "Jobs for Veterans Act" (JVA), Public Law 107-288 (38 USC 4215). The JVA provides priority of service to veterans and spouses of certain veterans for the receipt of employment, training, and placement services. The Veterans' priority is implemented by 20 CFR Part 1010 (73 Fed. Reg. 78132, Sept. 19, 2008). Please note that to obtain priority service a veteran must meet the program's eligibility requirements. Training and Employment Guidance Letter (TEGL) No. 5-03 (September 16, 2003) provided general guidance on the scope of the veterans priority statute and its effect on current employment and training programs. In addition to TEGL 5-03, a series of questions and answers related to priority of service is posted at <http://www.doleta.gov/programs/VETs> for fifteen (15) programs administered by ETA.

As made applicable by TEGL 13-06, and TEGL-13-06, Change 1, the Department of Labor Planning Guidance on the Workforce Investment Act (WIA) of 1998 and the Wagner-Peyser Act (70 Fed. Reg. 19206 (Apr. 12, 2005) and the revised Unified Planning Guidance (70 Fed. Reg. 19222, (April 12, 2005)) require states to describe the policies and strategies in place to ensure, pursuant to the JVA, that priority of service is provided to veterans (and certain spouses) who otherwise meet the eligibility requirements for all employment and training programs funded by the U.S. Department of Labor and administered by ETA. In addition, the states were required to provide assurances that they will comply with the Veterans' Priority Provisions established by the JVA. States must adhere to JVA requirements, as interpreted by the Department, in administering FAC.

5. **Certifications and Assurances.** In administering FAC, states must fully comply with the State Quality Service Plan (SQSP) assurances. These SQSP assurances are detailed in Chapter 1, Part VII of the "Unemployment Insurance State Quality Service Plan (SQSP) Planning and Reporting Guidelines," ET Handbook No. 336 (18th Edition).
 - A. **Assurance of Equal Opportunity (EO).**
 - B. **Assurance of Administrative Requirements and Allowable Cost Standards.**
 - C. **Assurance of Management Systems, Reporting, and Recordkeeping.**
 - D. **Assurance of Program Quality.**
 - E. **Assurance on Use of Unobligated Funds.**
 - F. **Assurance of Prohibition of Lobbying Costs (29 CFR Part 93).**
 - G. **Drug-Free Workplace (29 CFR Part 98).**
 - H. **Assurance of Disaster Recovery Capability.**
 - I. **Assurance of Conformity and Compliance.**
 - J. **Assurance of Automated Information Systems Security.**
 - K. **Assurance of Confidentiality.**

The Office of Management and Budget (OMB), SF 424 B *Assurances—Non-Construction Programs*, signed and submitted by each state with its State Quality Service Plan annual submission, also apply.