

EMPLOYMENT AND TRAINING ADMINISTRATION ADVISORY SYSTEM U.S. DEPARTMENT OF LABOR Washington, D.C. 20210	CLASSIFICATION Foreign Labor Certification
	CORRESPONDENCE SYMBOL OFLC
	DATE June 11, 2025

ADVISORY: TRAINING AND EMPLOYMENT GUIDANCE LETTER NO. 15-24

TO: STATE WORKFORCE AGENCY ADMINISTRATORS

FROM: LORI FRAZIER BEARDEN 
Acting Assistant Secretary

SUBJECT: Foreign Labor Certification Grant Planning Guidance for Fiscal Year
(FY) 2025 through FY 2027

1. **Purpose.** To provide guidance to State Workforce Agencies (SWAs) applicable through FY 2027 and announce the grant allotments for FY 2025 foreign labor certification grants.
2. **Action Requested.** The Employment and Training Administration (ETA) requests that SWA Administrators receiving this guidance share the information within their respective organizations to ensure that fiscal and programmatic staff are aware of the changes impacting foreign labor certification grant activities and timelines contained in this Training and Employment Guidance Letter (TEGL). SWAs are required to submit a three-year strategic grant plan and application to ETA **no later than 30 calendar days** after the issuance of this guidance unless they are in receipt of an approved extension from ETA's Office of Foreign Labor Certification (OFLC). OFLC will review the grant application package and, generally within 30 calendar days of receipt, inform the SWA in writing of any concerns or deficiencies that may prevent the grant application package from being approved.
3. **Summary and Background.**
 - a. Summary – This document provides fiscal guidance and information effective between FYs 2025 and 2027 and announces SWAs' FY 2025 grant allotments for foreign labor certification activities.
 - b. Background – The mission of ETA's OFLC is to determine, on a case-by-case basis, whether there are able, willing, and qualified U.S. workers available for a job, and whether there will be adverse impact on the wages and working conditions of similarly employed U.S. workers should a labor certification be granted. The Immigration and Nationality Act (INA) and the Northern Mariana Islands U.S. Workforce Act of 2018 (Workforce Act) assign certain responsibilities to the Secretary of Labor (Secretary) for employment-based immigration programs. The Secretary has delegated the non-enforcement responsibilities of these labor certification programs to ETA's OFLC.

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Accordingly, statutory and regulatory provisions of foreign labor certification programs administered by OFLC generally require employers seeking to hire foreign labor on a permanent or temporary basis to apply to the Secretary for a Labor certification. ETA will provide annual grants to State Workforce Agencies (SWAs) based on a 3-year strategic grant plan to support required state-level foreign labor certification activities. These activities include, but are not limited to, reviewing and placing job orders (for H-2A and H-2B) and job vacancy announcements (for CW-1) to recruit U.S. workers; providing assistance to employers in the effective recruitment of U.S. workers; conducting safety inspections of employer-provided housing for H-2A agricultural workers and workers in corresponding employment; performing prevailing practice and wage surveys used to set the wages and working standards for occupations within the state; conducting the Commonwealth of the Northern Mariana Islands (CNMI) governor's survey for CW-1; and conducting post-certification site visits to support employer compliance with H-2A and H-2B program requirements. SWAs must submit a three-year strategic grant plan in order to establish eligibility for these grants during each of the next three years.

4. **Content.** Please see Attachment II for FY 2025 grant allotments, and Attachment III, for the SWA Three-Year Strategic Grant Plans.
5. **Inquiries.** SWA staff should direct all grant-related questions to the OFLC National Office at FLC.Grant@dol.gov.
6. **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, 1806;
 - Wagner-Peyser Act, 29 U.S.C. 49f(d);
 - U.S. Citizenship and Immigration Services regulations at 8 Code of Federal Regulations (CFR) Part 214;
 - 20 CFR Parts 653, subpart F; 654, subpart E; 655, subparts A, B and E; 656; and 658;
 - ETA H-2A Program Handbook No. 398, January 1988;
 - 2 CFR Part 200 Uniform Administrative Requirements, Cost Principles, and Audit Requirements for Federal Awards;
 - 2 CFR Part 2900, Uniform Administrative Requirements, Cost Principles, and Audit Requirements for Federal Awards, Department of Labor; and
 - Full-Year Continuing Appropriations and Extensions Act, 2025 (H.R. 1968).
7. **Attachment(s).**
 - Attachment I: Program Planning Guidance and Information Package
 - Attachment II: FY 2025 Grant Allotments
 - Attachment III: FY 2025-2027 Instructions for Three-Year Strategic Grant Plan
 - Attachment IV: Grant Plan Certification
 - Attachment V: Instructions for Completing the Budget Narrative

Program Planning Guidance and Information Package

A. Introduction

Congress appropriates annual funding for state foreign labor certification activities through the State Unemployment Insurance and Employment Service Operations (SUIESO) account. These state grants are provided to SWAs in accordance with approved state plans. SWAs are required to submit their three-year strategic grant plans 30 calendar days from the issuance of this TEGL or subsequent guidance. The plan must reflect foreign labor program activities to be performed between October 1, 2024, and September 30, 2027. While the Department strongly encourages states to spend the entirety of their allocated funds within the fiscal year they are allocated, the Department understands that unforeseen circumstances may affect fund expenditure and will allow states up to two years to expend all funds allocated for a fiscal year.

B. Grant Procedures, Requirements, and Timeline

In an effort to achieve greater efficiency and as part of ETA's on-going efforts to streamline the grant award process, grantees are required to submit the application through www.grants.gov.

1. Grant Application. The SWA grant application must be developed in accordance with the instructions contained in this TEGL. The grant application package must be submitted via the www.grants.gov portal and must consist of the following documents:

- Three-Year Strategic Grant Plan, Expiration Date 07/31/2025, Office of Management and Budget (OMB) Control No. 1225-0086.
- SF-424: Application for Federal Assistance, Expiration date 11/30/2025, OMB Control No. 4040-0004.
- SF-424A: Budget Information, Non-Construction Programs, Expiration Date 02/28/2025, OMB Control No. 4040-0006.
- Budget Narrative to explain the projected costs reflected in each line item of the SF-424A, demonstrating how grant funds will be used. See Attachment VII for instructions on completing the budget narrative, including justification and supporting documentation for any proposed equipment purchases of \$10,000 or more. To purchase capital assets (including equipment), the award recipient must submit a request and receive **prior written approval** from the Grant Officer as defined in the Uniform Guidance at 2 CFR 200.1 and 200.439. A request to purchase capital assets (equipment) will be reviewed and approved in an amendment to the award. See 2 CFR 200.1 for the definitions of capital expenditures, equipment, special purpose equipment, general purpose equipment, and capital assets.
- Indirect Cost Rate Agreement (if applicable): SWAs requesting indirect costs must submit a current copy of the Negotiated Indirect Cost Rate Agreement (NICRA) or Cost Allocation Plan (CAP) supplied by the Federal Cognizant Agency (FCA) on file as part of this application.

Note: For any grantee that chooses to include estimated indirect costs in its budget and that either does not have a NICRA/CAP or has a pending NICRA/CAP, the Grant Officer will release funds in the amount of 15 percent of Modified Total Direct Costs (MTDC) to support indirect costs at the time of the award. Within 90 days of award, the grantee must submit a NICRA or CAP proposal to the Federal Cognizant Agency (FCA). If the FCA for indirect costs is DOL, these documents should be submitted to the DOL's Cost and Price Determination Division (CPDD). In addition, the recipient must notify the Federal Project Officer (FPO) that the documents have been submitted to the appropriate FCA.

Important Reminders:

- An electronically submitted SF-424, *Application for Federal Assistance* through www.grants.gov constitutes the official signed document and must reflect the total amount requested in item #18, *Estimated Funding*. Item #11 must include the *Catalog of Federal Domestic Assistance Number* (CFDA), 17.273. The application/budget must be based on the projected state/territory needs for the fiscal year. Please use Attachment IV of this TEGL or subsequent guidance for the fiscal year's funding level.

2. Grant Submission. A completed grant application package must be submitted by the SWA to ETA using the www.grants.gov portal no later than **30 calendar days** from the date of this TEGL's issuance or subsequent guidance. The SF-424 must be electronically signed, and the completed package must be submitted through www.grants.gov for the Funding Opportunity Number described in the guidance (in the format ETA-TEGL-12-25). SWAs may find it helpful to review their prior grant application package submissions and revisions to prepare their annual grant application packages.

To submit the required documents, applicants must follow the "Apply for Grants" link on www.grants.gov/applicants and search for the TEGL number or CFDA number to access the grant application workspace. If applicants encounter a problem with www.grants.gov and do not find an answer in any of the other resources, please call 1-800- 518-4726 (U.S.) or 606-545-5035 (International) to speak to a Customer Support Representative or email support@grants.gov.

3. Grant Approval. Within 30 calendar days of receipt, OFLC will review the grant application package and inform the SWA, in writing, of any concerns or deficiencies that may prevent the grant application package from being approved. After verifying that a SWA's grant application package meets the established criteria in the attachments to this TEGL, the OFLC Administrator will recommend approval to the ETA Grants Officer. After reviewing the SWA grant application package recommended for approval by the OFLC Administrator, the ETA Grant Officer will issue the grant award, including the approved grant application package and a Notice of Award (NOA), to the SWA.

4. Use of Fiscal Year funds. The funding received from the OFLC in response to a SWA's three-year strategic grant application package is a cost reimbursable grant provided to the SWAs for the period of October 1 through September 30 of the applicable FY.

5. Grant Signatures. The SWA's authorized representative must sign the SF-424: Application for Federal Assistance. If that individual has changed from the prior year, the SWA must provide an official letter, on state letterhead, with the grant application package identifying the new authorized representative.
6. Grant Modifications. The grantee, at the recommendation of the OFLC Administrator and with approval from the ETA Grant Officer, may modify the SWA three-year strategic plan to include negotiated changes in program activities (e.g., review of job orders, wage or prevailing practice surveys, etc.) and any necessary budget realignments during the grant period of performance. A grant plan amendment request must include a transmittal letter on agency letterhead, signed by the Authorized Representative for the grant, with a written narrative of the proposed modification(s), as well as a revised SF424A (if a budget realignment is necessary). In the event that the Secretary is required by future legislation, regulatory action, or court order to carry out responsibilities related to the administration of foreign labor certification programs not currently anticipated, the OFLC Administrator will notify the SWAs and request that they submit appropriate modifications to their approved grant plans directly to the ETA Grant Officer in order to fully carry out their responsibilities based on their existing foreign labor certification grant allocations.
7. High-Quality Award Descriptions. High-quality award descriptions include specificity regarding the purpose of the award, activities to be performed, deliverables and expected outcomes, intended beneficiaries, subrecipient activities, plain language, and any other pertinent information needed to ensure stakeholders understand the intended outcomes of the award. For foreign labor program activities, the following award description will be used:
 - **Purpose:** To ensure that U.S. workers are notified of available job opportunities, that U.S. employers can meet their labor needs when qualified U.S. workers are not available, and that foreign workers and workers in corresponding employment are provided fair wages, working conditions, and that adequate and safe housing for agricultural workers is available.
 - **Activities to be performed:** SWAs will review and post job orders to recruit U.S. workers for available positions for which employers intend to file applications for H-2A or H-2B labor certification, ensure that agricultural workers are provided with safe and adequate housing by conducting pre-occupancy inspections and, to the extent resources are available, protect workers' wages and working conditions by conducting agricultural surveys to determine prevailing wages and practice standards.
 - **Deliverables and Expected Outcomes:** Adequate and safe housing is provided to all H-2A workers and, as applicable, workers in corresponding employment as required by 20 CFR 655.122(d)(1)(i) and (ii), and 20 CFR 655.122(d)(2). Timely review and posting of job orders. Referral of qualified and available U.S. workers to job opportunities.
 - **Intended Beneficiaries:** U.S. and foreign workers. U.S. employers.
 - **Subrecipient Activities:** Grantee may or may not have subawards.

8. Grant Monitoring. OFLC reserves the right to conduct onsite and/or remote monitoring visits. The primary objective of a monitoring visit is to evaluate the management and administration of the grant, the quality of the program and/or services, and the performance of the grant to determine if the program is operating in compliance with the grant agreement and in a manner that ensures achievement of its goals and outcomes. If your grant is selected for a monitoring visit, the FPO will reach out at least 60 days prior to the anticipated visit for SWA confirmation. The FPO will provide guidance and work closely with SWA staff to help ensure a productive visit.
9. Grant Use. The expenditure period for FY 2025 FLC State Grants is October 1, 2024, to September 30, 2027. The three-year strategic grant plan must reflect foreign labor program activities to be performed over the full three-year period covered by this TEGL. States will, however, continue to receive annual allocations contingent on future appropriations for FLC activities. While the Department strongly encourages states to spend the entirety of their allocated funds within the fiscal year that the funds are received, the Department understands that unforeseen circumstances may affect fund expenditure and will allow states up to two additional years to expend all allocated funds. However, remaining balances from prior year grants may impact future funding allocations.

Important Reminder – Discontinuation of Form ETA-9127: On February 20, 2025, ETA received approval OMB to discontinue OMB Control Number 1205-0457 which covered Form ETA-9127, *Foreign Labor Certification Activity Report*, and accompanying instructions, *Foreign Labor Certification Activity Report, Instructions for Completing the Form ETA-9127*. The Form ETA-9127 was used by SWAs to report foreign labor certification grant activities on a quarterly basis. OFLC uses the information that was formerly provided on the Form ETA-9127 to monitor and assess SWA grant performance in the temporary labor certification programs on a quarterly basis, as required under grant agreements, including compliance with statutory and regulatory timeframes. OFLC is now able to collect the information that was formerly collected through Form ETA-9127 using other instruments and mechanisms of reporting, so the form was discontinued to avoid redundant collection of information and eliminate an unnecessary burden on the SWAs. SWAs are no longer required to complete Form ETA-9127 and OFLC will no longer accept submission of the form.

The discontinuation of the use of the Form ETA-9127 to provide the required information does not eliminate SWAs' responsibilities. SWAs are still required to carry out their grant activities and perform their work using OFLC's national FLAG system (e.g., Form ETA-9142B, *H-2B Application for Temporary Employment Certification*, and related appendices; Form ETA-790A, *Agricultural Clearance Order*; Form ETA-9142A, *H-2A Application for Temporary Employment Certification*, and related appendices; Form ETA-232, *Domestic Agricultural In-Season Wage Report*), as that – in combination with the activities contained in grant plans (e.g., schedule of surveys) and information obtained during site visits and technical assistance outreach – now fulfills the information needed by OFLC to continue to monitor grant performance. SWA staff should direct all grant questions to the OFLC National Office at FLC.Grant@dol.gov.

FY 2025 Grant Allotments

The funding authorized for foreign labor certification state grants in the Full-Year Continuing Appropriations and Extensions Act, 2025 was allocated to the SWAs as described below:

1. **Base Allocation:** With limited exceptions, a base allocation was allocated to each SWA commensurate with its base allocation for the previous fiscal year and the level of obligations made under its active foreign labor certification grants. The exceptions are comprised of SWAs meeting each of the following criteria:
 - a. the SWA processed an annual average of less than five clearance orders attached to H-2A applications during the three most recently completed fiscal years (FY 2022-2024);
 - b. the SWA processed an annual average of less than five H-2B job orders during the three most recently completed fiscal years; and,
 - c. an annual average of less than five housing units were identified on clearance orders attached to H-2A applications processed by the SWA during the three most recently completed fiscal years.

In circumstances where a SWA's workload met all three of these aforementioned factors, the SWA was allocated \$5,000 to support the costs associated with processing this minimal level of foreign labor certification workload. The SWAs meeting these criteria were Guam and the Virgin Islands.

2. **Ongoing Workload Allocation:** In addition to its base allocation, each SWA, except those meeting the criteria described above, was allocated an additional ongoing amount based on its share of the national foreign labor certification workload. Each SWA's additional workload allocation was determined in the following manner:
 - a. One-third of the additional allocation was based on each SWA's proportion of the estimated national H-2A housing inspection workload. This was defined as the total number of housing units identified on clearance orders attached to H-2A applications processed during the three most recently completed fiscal years (FY 2022-2024) and located in the jurisdiction of the SWA divided by the total number of housing units identified on clearance orders attached to H-2A applications processed by all SWAs during the three most recently completed fiscal years.
 - b. Two-thirds of the additional allocation was based on each SWA's share of the national workload associated with reviewing and posting H-2A and H-2B job orders during the three most recently completed fiscal years (FY 2022-2024).

- Seventy percent of this two-thirds amount was allocated based on each SWA's share of the total clearance orders attached to H-2A applications processed during the three most recently completed fiscal years (FY 2022-2024). For example, if SWA 1 processed five percent of total nationwide clearance orders attached to H-2A applications processed during the three most recently completed fiscal years, then SWA 1 would receive five percent of the funding allocated on this basis. Because SWA reviews of clearance orders attached to H-2A applications have significantly more complex regulatory requirements than SWA reviews of H-2B job orders, a higher percentage of the available resources were allocated on the basis of clearance orders attached to H-2A applications than on H-2B job orders.
 - The remaining thirty percent of the two-thirds amount was allocated based on each SWA's share of the total H-2B job orders processed during the three most recently completed fiscal years (FY 2022-2024). For example, if SWA 1 processed five percent of the total nationwide H-2B job orders processed during the three most recent fiscal years, then SWA 1 would receive five percent of the funding allocated based on H-2B job orders.
3. Total Grant Allocation: The combined total of each SWA's base allocation and ongoing workload allocation comprises the SWA's total FY 2025 grant award. The SWA's grant allocation may be reduced if substantial balances from prior years' grants remain available for use.
 4. Data Sources: The data sources used to support the funding allocations are available in the OFLC disclosure data published at www.dol.gov/agencies/eta/foreign-labor/performance. Housing unit data was derived from Form ETA-790A, Addendum B. Data from the three most recently completed fiscal years was used for the workload factors to more accurately reflect long-term trends.

FY 2025 Funding Level: \$23,282,000

The funding amount below **must be indicated on the SF-424 and SF-424A for FY 2025*

	Total FY 2025 Grant:
Total	\$23,282,000
Alabama	\$208,146
Alaska	\$95,103
Arizona	\$367,988
Arkansas	\$392,997
California	\$2,221,084
CNMI	\$33,961
Colorado	\$491,106
Connecticut	\$256,987
Delaware	\$70,575
District of Columbia	\$5,899
Florida	\$1,183,449
Georgia	\$757,934
Hawaii	\$73,205
Idaho	\$392,141
Illinois	\$485,877
Indiana	\$218,425
Iowa	\$408,178
Kansas	\$272,443
Kentucky	\$515,592
Louisiana	\$706,893
Maine	\$395,510
Maryland	\$514,503
Massachusetts	\$368,967
Michigan	\$642,500
Minnesota	\$303,894
Mississippi	\$370,521
Missouri	\$287,327
Montana	\$477,997
Nebraska	\$264,932
Nevada	\$229,696
New Hampshire	\$94,251
New Jersey	\$520,936
New Mexico	\$126,948
New York	\$1,773,400

	Total FY 2025 Grant:
North Carolina	\$973,548
North Dakota	\$520,502
Ohio	\$469,507
Oklahoma	\$185,963
Oregon	\$420,781
Pennsylvania	\$585,206
Puerto Rico	\$53,169
Rhode Island	\$89,262
South Carolina	\$390,030
South Dakota	\$282,178
Tennessee	\$443,923
Texas	\$1,089,103
Utah	\$304,793
Vermont	\$183,887
Virgin Islands	\$5,000
Virginia	\$579,789
Washington	\$704,973
West Virginia	\$65,876
Wisconsin	\$237,235
Wyoming	\$167,910

FY 2025-2027 Instructions for Three-Year Strategic Grant Plan

The SWA grant application must be developed in accordance with the instructions contained in this TEGL. The grant application package must be submitted via the www.grants.gov portal and include an updated Fiscal Year three-year strategic grant plan.

Important Reminder: The SWA must submit a completed grant application package to ETA using the www.grants.gov portal no later than **30 calendar days** from the date of this guidance. The grant application package must consist of the following documents:

- Fiscal Year Three-year Strategic Plan, Expiration Date 07/31/2025, Office of Management and Budget (OMB) Control No. 1225-0086;
- A three-year strategic plan certification in accordance with and provided in Attachment IV of this guidance;
- An SF-424: Application for Federal Assistance, Expiration date 11/30/2025, OMB Control No. 4040-0004
- An SF-424A: Budget Information, Non-Construction Programs, Expiration Date 02/28/2025, OMB Control No. 4040-0006;
- A Negotiated Indirect Cost Rate Agreement (if applicable).

FISCAL YEAR (FY) 2025 - 2027 STRATEGIC GRANT PLAN

(Please complete all highlighted fields)

Insert Official Name of SWA – not that of an individual

Hereafter referred to as the “SWA or state agency,” [INSERT NAME OF STATE WORKFORCE AGENCY] has prepared the following plan and statement of assurances for delivering services during the indicated three FYs (October 1 through September 30) to support the administration of foreign labor certification programs in accordance with all applicable statutes, regulations, policies, procedures, handbooks, manuals, and other directives. Additionally, pursuant to 8 United States Code 1184 and Department of Homeland Security regulations at 8 CFR 214.2(h)(6)(iv)(C), temporary labor certifications filed under section 101(a)(15)(H)(ii)(b) of the Act for employment in the United States Virgin Islands may be approved only for entertainers and athletes and only for periods not to exceed 45 days.

A. Stakeholder Education and Outreach Activities

As part of a comprehensive education and outreach plan, the SWA agrees to make available in a conspicuous location on the state agency website or through its American Job Center Network the following resources covering the H-2A and H-2B programs, such as:

- Information on how employers can participate in the H-2A and H-2B programs, including easy-to-understand instructions and links to appropriate resources on how to prepare and submit a job order; guidance on how to request a pre-occupancy inspection of housing for farmworkers (*if applicable*); and current contact information within the SWA for employers to request technical assistance;
- Information on worker rights developed by the DOL Wage and Hour Division and available at <https://www.dol.gov/agencies/whd>;
- Information about *Title VII of the Civil Rights Act of 1964*, which makes it illegal to discriminate against someone or harass someone on the basis of race, color, religion, national origin or sex, and makes employers accountable for providing a work environment that is free from harassment and other kinds of discrimination developed by the U.S. Equal Employment Opportunity Commission available at <https://www.eeoc.gov>;
- Information about the anti-discrimination provision under the Immigration and Nationality Act (INA) 8 U.S.C. § 1324b, which prohibits citizenship status and national origin discrimination in hiring, firing, or recruitment or referral for a fee; unfair documentary practices during the employment eligibility verification process (generally, Form I-9 and E-Verify); and retaliation or intimidation developed by the Department of Justice’s Immigrant and Employee Rights Section available at <https://www.justice.gov/crt/immigrant-and-employee-rights-section>;
- Information about how to contact the National Human Trafficking Center Hotline when anyone believes or suspects someone may be the victim of human trafficking, which occurs when a trafficker uses force, fraud or coercion to control another person for the purpose of engaging in commercial sex acts or soliciting labor or services against his/her will, available at <https://humantraffickinghotline.org>; and

Where more than 100 job orders are received in either the H-2A or H-2B programs during the most recent completed federal fiscal year, the SWA agrees to electronically disseminate to employers helpful tips or best practices on preparing high quality job orders, information on any relevant state-specific requirements (e.g., current prevailing practices or normal and accepted job requirements), and local employment-related laws, including health and safety laws and requirements impacting the material terms or conditions of employer job orders, and the most current version of the state agency's job order form and instructions.

And finally, where requested and funds permitting, the SWA agrees to participate in local or state employer roundtables, conferences or other stakeholder forums to present and/or disseminate information related to the H-2A or H-2B programs.

B. H-2B Temporary Nonagricultural Program Activities

Section 214(c)(1) of the Immigration and Nationality Act, 8 U.S.C. 1184(c)(1) requires the Secretary of Homeland Security to make H-2B visa determinations in specific cases "after consultation with appropriate agencies of the Government, upon petition of the importing employer." Under Department of Homeland Security (DHS) regulations at 8 CFR 214.2(h)(6)(iii)(C), an H-2B petition for temporary employment must be accompanied by an approved temporary labor certification from DOL, which serves as DOL's advice to DHS regarding whether a qualified U.S. worker is available to fill the petitioning H-2B employer's job opportunity and whether a foreign worker's employment in the job opportunity will adversely affect the wages or working conditions of similarly employed U.S. workers. In accordance with regulations at 20 CFR part 655, Subpart A, the SWA agrees to carry out the following state activities to support DOL's review and processing of job orders and applications seeking temporary labor certification under the H-2B program:

1. **Placement of Clearance Orders Attached to H-2B Applications:** Except for the CNMI, the SWA administers a public labor exchange system funded under the Wagner-Peyser Act (29 U.S.C. 49 *et seq.*) that facilitates the placement of employer job orders into clearance and referral of prospective U.S. applicants to current and future job opportunities. To the extent resources are available, the costs associated with posting job orders connected to H-2B applications may also be charged to the FLC grant.

The SWA's labor exchange system is accessible to employers required to place a job order in connection with a concurrently filed H-2B *Application for Temporary Employment Certification* with DOL, pursuant to 20 CFR 655.16 and all applicable laws and regulations. The information collected on the job order from employers who seek temporary labor certification to employ H-2B workers is identical or substantially similar to the information collected from all other employers using the SWA labor exchange system. The SWA's labor exchange system permits employers to place job orders for review in the following manner:

Please check all that apply:

- ☐ Self-services by accessing the SWA's labor exchange system at:
[Insert state labor exchange system website link here]
 - ☐ Staff-assisted job order services by submitting a draft job order at:
[Insert SWA contact information including email address where employers can submit H-2B job orders]
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The SWA's labor exchange system, whether through self-service or staff-assisted job order services, provides employers with an ability to identify that the job order is being placed in connection with a future *H-2B Application for Temporary Employment Certification*, as required by regulation at 20 CFR 655.16(a)(1).

2. **Processing of Clearance Orders Attached to H-2B Applications:** Upon receipt, the SWA will review the job order submitted by the employer for compliance with the regulatory criteria under 20 CFR 655.18,¹ as well as any state-specific requirements. In circumstances where a waiver of the required time period for filing an *H-2B Application for Temporary Labor Certification* is granted under 20 CFR 655.17, the DOL Certifying Officer (CO) will forward the Notice of Acceptance (NOA) and the approved job order to the SWA.

a. Compliance Review of Job Orders

- The SWA agrees to use the Foreign Labor Application Gateway (FLAG) system to notify the DOL CO of any deficiencies within six (6) business days of the date the employer's job order was received and, for each deficiency identified, state the reason(s) why the job order fails to meet the criteria under 20 CFR 655.18, provide the applicable state or federal statutory or regulatory citation(s) and explain the modification(s) needed for the DOL CO to issue a NOA; and
- In circumstances where a timely review of the job order cannot be performed due to workload or other compelling reasons, the SWA understands that the DOL CO has the regulatory authority to issue a Notice of Deficiency (20 CFR 655.31) or a Notice of Acceptance (20 CFR 655.33) within seven (7) business days of receipt.

¹ *The Full-Year Continuing Appropriations and Extensions Act, 2025 prohibits DOL from using FY 2025 appropriations to enforce the definition of corresponding employment found in 20 CFR 655.5 or the three-fourths guarantee rule definition found in 20 CFR 655.20, or any reference thereto (Pub. L. No. 119-4, Div. A, Title I, § 1101(a)(8), extending Pub. L. No. 118-47, Div. D, Title I, § 111). To comply with this limitation, the state agency will not use any funds provided under this grant to implement these provisions in any manner. The state agency understands that the appropriation riders did not vacate these regulatory provisions, and they remain in effect, thus imposing a legal duty on H-2B employers, even though the DOL is currently prohibited from using funds to enforce them.*

b. Processing of Approved Job Orders

Upon receipt of a NOA under 20 CFR 655.33, the SWA will perform the following actions when instructed by the DOL CO:

- Promptly make, on behalf of the employer, any necessary modifications to the job order under 20 CFR 655.32 or amendments granted by the DOL CO under 20 CFR 655.35 and upload a copy of the modified job order in the FLAG system;
- Promptly place on its active file the job order approved by the DOL CO, as well as job orders received from the DOL CO or other SWAs pursuant to 20 CFR 655.16(c), for intrastate clearance until the end of the recruitment period, as specified by the DOL CO (i.e., 21 days before the start date of need set forth in 20 CFR 655.40(c)); and
- Based on the SWA's determination that the employer's job opportunity covers an occupation or industry that is traditionally or customarily unionized, promptly circulate a copy of the approved job order to the central office of the State Federation of Labor and any local union office(s) representing employees in the same or substantially equivalent job classification in the area(s) in which work will be performed under the approved job order.

c. Referral of Qualified and Available U.S. Workers

Except for the CNMI, the SWA administers a public labor exchange system funded under the Wagner-Peyser Act (29 U.S.C. 49 *et seq.*) that appraises prospective U.S. workers of all the material terms and conditions of the employer's job opportunity prior to referral, as required by 20 CFR 655.47. The SWA agrees to use its existing public labor exchange services (i.e., self-service job bank system and/or American Job Center Network) to facilitate, track and maintain referrals of all qualified U.S. workers who apply for the employer's job opportunity or on whose behalf a job application is made. The SWA agrees that the costs associated with these program activities will not be covered by FLC grant funds.

To the extent resources are available and upon request by the DOL CO, the SWA may use FLC grant funds to make available records of U.S. workers referred through an approved job order to assist the DOL CO in making a final determination on the employer's *Application for Temporary Employment Certification*, as specified in 20 CFR 655.50, using the FLAG system.

C. H-2A Temporary Agricultural Program Activities

Section 218(a)(1) of the INA, 8 U.S.C. 1188(a)(1), authorizes the Secretary of Homeland Security to permit employers to employ foreign workers to perform agricultural labor or services of a temporary or seasonal nature where the DOL CO certifies that there are not sufficient qualified U.S. workers available to fill the petitioning employer's job opportunity and a foreign worker's employment in the job opportunity will not adversely affect the wages or working conditions of workers in the United States similarly employed. Due to statutory and regulatory requirements at 20 CFR 655 Subpart B, the SWA agrees to allocate sufficient funds and carry out the following grants activities **as high-priority services** to support DOL CO's time-sensitive review and processing of job orders and applications seeking temporary labor certification under the H-2A program:

1. **Placement of Clearance Orders Attached to H-2A Applications:** Except for the CNMI, the SWA administers a public labor exchange system funded under the Wagner-Peyser Act (29 U.S.C. 49 *et seq.*) that facilitates the placement of employer job orders approved by the SWA and/or DOL CO into intrastate and interstate clearance and referral of prospective U.S. applicants to current and future job opportunities. To the extent resources are available, the costs associated with posting job orders connected to H-2A applications may also be charged to the FLC grant. The employers' placement and assignment of its job order through the FLAG system satisfies the Department's requirement for the employer to identify that the job order is being placed in connection with a future *H-2A Application for Temporary Employment Certification*, as described in 20 CFR 655.121(a).
2. **Processing of Clearance Orders Attached to H-2A Applications:** The SWA agrees to process all *H-2A Agriculture Clearance Orders* (Form ETA-790/790A) that are submitted by employers and assigned to the SWA through the FLAG system, pursuant to 20 CFR 655.121. In circumstances where a waiver of the required time period for filing an H-2A application is granted under 20 CFR 655.134 for emergency situations, the SWA will review the proposed or draft clearance order for compliance with the requirements set forth in 20 CFR part 653, subpart F, and 20 CFR part 655, subpart B, upon request by the DOL CO, and made available using the FLAG system.
 - a. **Compliance Review and Processing of Clearance Orders with Deficiencies**
 - The SWA agrees to notify the employer of any deficiencies within seven (7) calendar days of the date the employer's job order was received in the following manner: (1) for each deficiency identified, state the reason(s) why the job order fails to meet requirements, provide the applicable state or federal statutory or regulatory citation(s); (2) explain the modification(s) needed for the SWA to accept the job order; (3) offer the employer an opportunity to respond to the deficiencies within five (5) calendar days after receipt of the SWA's written notification; and (4) record the decision and upload a copy of the notification(s) into the FLAG system;

- The SWA agrees to respond within three (3) calendar days after receipt of the employer's response to the deficiencies and, upon review, record the decision and upload a copy of the employer response into the FLAG system; and
- In circumstances where a timely review of the job order cannot be performed due to workload or other compelling reasons, the SWA understands that the employer is permitted to use the emergency filing procedures for filing an H-2A application set forth in 20 CFR 655.134.

b. Processing of Approved Clearance Orders:

Upon determining the clearance order meets regulatory requirements, whether by the SWA or the DOL CO in the NOA under 20 CFR 655.143, the SWA agrees to promptly record the decision on the job order using the FLAG system and take the following actions:

- In accordance with 20 CFR 653.501(a) and based on its knowledge and experience with the local labor market either (1) place the approved job order with the nearest local ES office serving the area of intended employment to initially determine whether qualified local workers are available for the job opportunity, or (2) make a determination anticipating a shortage of qualified local workers for the job opportunity and place the approved job order for intrastate clearance per 20 CFR 655.121(f), and commence recruitment of U.S. workers;
- Retain the approved clearance order on its active file until the end of the recruitment period (i.e., 50 percent of the period of employment), as set forth in 20 CFR 655.135(d);
- Where the approved clearance order includes worksites in an area of intended employment that fall within the jurisdiction of more than one SWA, the order-holding SWA agrees to forward a copy of the approved interstate clearance order to other SWAs serving the area of intended employment with instructions to place a copy of the approved clearance order on its active file until the end of the recruitment period; and
- In the case of emergency situations, promptly place on its active file the clearance order approved by the DOL CO, as well as clearance orders received from other SWAs, for clearance per 20 CFR 655.121(f) until the end of the recruitment period, as set forth in 20 CFR 655.135(d); and
- Circulate a copy of the approved job order to any organization(s) that provide employment and training services to workers likely to apply for the job and/or to place written notice of the job opportunity in other physical locations where such workers are likely to gather, as described in 20 CFR 655.143(b)(6).

c. Referral of Qualified and Available U.S. Workers

Except for the CNMI, the SWA administers a public labor exchange system funded under the Wagner-Peyser Act (29 U.S.C. 49 *et seq.*) that appraises prospective U.S. workers of all the material terms and conditions of the employer's job opportunity prior to referral, as required by 20 CFR 655.155. The SWA agrees to use its existing public labor exchange services to facilitate, track and maintain referrals of all qualified U.S. workers who apply for the employer's job opportunity or on whose behalf a job application is made until 50 percent of the contract period calculated from the first date indicated in Section A.3 of Form ETA-790A. The SWA agrees that the costs associated with these program activities will not be covered by FLC grant funds.

To the extent resources are available and upon request by the DOL CO, the SWA may use FLC grant funds to make available records of U.S. workers referred through an approved job order to assist the DOL CO in making a final determination on the employer's *Application for Temporary Employment Certification*, as specified in 20 CFR 655.160, using the FLAG system.

3. Conducting Prevailing Wage, Prevailing Practice, and Normal/Accepted Job

Requirements Surveys: This section of the grant plan identifies the schedule of the agricultural prevailing wage, prevailing practice, and normal and accepted job requirements surveys (including logging activities) the SWA plans to conduct during the performance period for the grant years. Except for the CNMI, the SWA agrees to leverage existing funds available to the extent such resources are available. For example, funds made available under the FLC grant may be used to support the costs associated with conducting surveys in the major crops or other agricultural activities or distinct work task(s) where seasonal H-2A workers are regularly employed.

- The SWA or other State agency will consider the available resources to conduct the surveys, the size of the agricultural population covered by the surveys, and any different wage structures in the crop or agricultural activity within the State in selecting an appropriate geographic area to conduct the surveys. *See* 20 CFR 655.120(c)(1)(vi);
- For the prevailing wage surveys, the SWA agrees to submit all completed and signed Form ETA-232 prevailing wage survey findings via email to the DOL OFLC National Office at agwage.surveys@dol.gov, in accordance with instructions contained in this TEGL and the regulations at 20 CFR 655.120(c);
- For the prevailing practice and normal and accepted job requirements surveys, the SWA agrees to submit all completed survey results via email to the DOL OFLC National Office at flc.programs@dol.gov, in accordance with instructions contained in this TEGL and ETA Handbook Number 398; and

- The SWA must provide an explanation for not scheduling any prevailing wage, prevailing practice, and normal and accepted job requirements surveys, or for reducing the anticipated number of wage surveys from the previous grant year, here:

[Insert explanation, if applicable]

[Complete the table below to identify the SWA schedule of surveys and insert additional rows, where necessary]

Crops/Agricultural Activities & Work Task(s), if applicable	Estimated Survey Area (e.g., statewide, regional)	Estimated Survey Timeframes (MM/YY – MM/YY)	Type of Survey Conducted (select one or both)	Grant Year(s) (select one or more)
Click or tap here to enter text.	Click or tap here to enter text.	Click or tap here to enter text.	<input type="radio"/> Prevailing Wage <input type="radio"/> Prevailing/Normal Practices	<input type="radio"/> FY 2025 <input type="radio"/> FY 2026 <input type="radio"/> FY 2027
Click or tap here to enter text.	Click or tap here to enter text.	Click or tap here to enter text.	<input type="radio"/> Prevailing Wage <input type="radio"/> Prevailing/Normal Practices	<input type="radio"/> FY 2025 <input type="radio"/> FY 2026 <input type="radio"/> FY 2027
Click or tap here to enter text.	Click or tap here to enter text.	Click or tap here to enter text.	<input type="radio"/> Prevailing Wage <input type="radio"/> Prevailing/Normal Practices	<input type="radio"/> FY 2025 <input type="radio"/> FY 2026 <input type="radio"/> FY 2027
Click or tap here to enter text.	Click or tap here to enter text.	Click or tap here to enter text.	<input type="radio"/> Prevailing Wage <input type="radio"/> Prevailing/Normal Practices	<input type="radio"/> FY 2025 <input type="radio"/> FY 2026 <input type="radio"/> FY 2027

- 4. Scheduling and Conducting Housing Inspections:** The SWA agrees to use the FLAG system to provide timely notification to the DOL CO concerning the disposition(s) of all housing inspections conducted, including any changes in employer-provided housing and use of other substitute housing, and conduct grant activities in the following manner:

a. Standards for All Housing Inspections.

- Develop and maintain a plan to schedule housing inspections prior to the filing of clearance orders from employers who regularly use the H-2A program and, to the extent practicable, actively encourage employers to have housing ready for inspection at the time of filing the clearance order or earlier.
- Conduct housing inspections in accordance with applicable local, state or Federal standards and provide notification to the employer of any deficiencies, request correction in five calendar days, and re-inspect to determine compliance.
- Conduct housing inspections in accordance with either Federal regulations at 20 CFR Parts 654 and 655 (ETA standards) or 29 CFR 1910.142 (OSHA standards) for housing units that were built prior to April 3rd, 1980, unless the housing has undergone a major renovation. In this circumstance and for all housing built on April 3rd, 1980, or later, the Occupational Safety and Health Administration standards set forth at 29 CFR 1910.142 (OSHA standards) must apply.

- Provide a copy of the approved housing inspection or other official certification document to the employer and, if applicable, to the employer's authorized representative.

b. Employer-Provided Housing.

- In accordance with 20 CFR 655.122(d)(1)(i), schedule and conduct pre-occupancy inspections of housing to be furnished to H-2A workers and non-H-2A workers in corresponding employment who are not reasonably able to return to their place of residence the same day.
- Employer-provided housing must meet the full set of DOL Occupational Safety and Health Administration standards set forth at 29 CFR 1910.142, or the full set of standards at 20 CFR 654.404 through 654.417, whichever are applicable under 20 CFR 654.401. Special requirements for range housing are provided below.

c. Rental and/or Public Accommodations (select one).

- ☐ The SWA **DOES NOT** have jurisdiction to inspect rental and/or public accommodation housing.
- ☐ The SWA **DOES** have jurisdiction under a state or local law/regulation to perform an inspection of rental and/or public accommodation housing.

[Insert citation of state or local law/regulation and the criteria under which the inspections of rental or public accommodation housing will be performed]

d. Range or Mobile Housing.

- Schedule and conduct inspections of range and mobile housing and certify that such housing used is sufficient to accommodate the number of certified workers and meets the requirements under 20 CFR 655.230 and all applicable standards contained in 20 CFR 655.235 and 655.304.
- Except in limited circumstances, schedule and complete the required housing inspection and submit notifications to the DOL CO no later than 30 days before the start date of work regarding whether housing is approved or not approved using the FLAG system; and

e. Alternative Housing Inspection Arrangements (select all that apply).

- ☐ The SWA **DOES NOT** use alternative arrangements with other agency(ies)/organization(s) for conducting pre-occupancy housing inspections. The SWA is solely responsible for scheduling and conducting pre-occupancy housing inspections.

- ☐ The SWA **DOES** use alternative arrangements with the below named agency(ies)/organization(s) to assist in conducting pre-occupancy housing inspections, and has submitted with this grant plan a copy of an executed memorandum of understanding or other contractual arrangement demonstrating that pre-occupancy housing inspections will be scheduled and conducted in a manner that meets applicable regulatory standards and timeframes:

[Insert name of state or local housing authority or other entity assisting the SWA in conducting housing inspections]

- ☐ **FOR EMERGENCY SITUATIONS ONLY** - Where physical housing inspections cannot reasonably be performed, such as during Federal Emergency Management Agency-declared emergencies due to Acts of God or other pandemic health emergencies, the SWA maintains written procedures on alternative methods that may be employed, on a temporary basis, to verify that housing meets all applicable standards. The SWA agrees to retain all documentation and records demonstrating compliance and will promptly make such information available to the DOL CO upon request.

D. Additional Program Support Services

To support the integrity of FLC program activities, the SWA agrees to provide support services to the DOL CO in the following manner:

- In accordance with 20 CFR 655.57 and 655.166 and upon request by the DOL CO, provide information concerning the availability of U.S. workers to replace some or all the qualified U.S. workers who were initially deemed available in support of a partial certification or denial determination on the employer's *Application for Temporary Employment Certification* using the FLAG system.
- Utilize the existing Employment Service (ES) and Employment-Related Law Complaint System, as described in 20 CFR part 658, subpart E, and as required by 20 CFR 655.185, when FLC program staff identify complaints and apparent violations involving the H-2A or ES regulations.
- Refer any complaints and/or apparent violations arising under the H-2A regulations, which are not informally resolved as described at 20 CFR 658.411, and the H-2B regulations, including matters involving allegations of fraud or misrepresentation, to the DOL CO at H2ASWA.Chicago@dol.gov (H-2A Program) or H2BSWA.Chicago@dol.gov (H-2B Program) for appropriate handling and referral to law enforcement agencies.

- Refer complaints and apparent violations alleging that an employer discouraged an eligible U.S. worker from applying, failed to hire, discharged, or otherwise discriminated against an eligible U.S. worker, or discovered violations involving the same, to the U.S. Department of Justice, Civil Rights Division, Immigrant and Employee Rights section in addition to any activity, investigation, and/or enforcement action taken by the state agency, and provide a copy of such referral to the DOL CO using appropriate H-2ASWA or H-2BSWA email address listed above.
- Refer to the appropriate office of the Wage and Hour Division any complaint, report, or apparent violation by any person of the obligations imposed by 8 U.S.C. 1184(c) and 1188, 20 CFR part 655, Subparts A and B, or 29 CFR parts 501 and 503, to the appropriate office of the Wage and Hour Division and provide a copy of such referral to the DOL CO using appropriate H-2ASWA or H-2BSWA email address listed above.
- To the extent resources are available under this FLC grant, conduct or cooperate with and assist Wagner-Peyser formula grant activities (except the CNMI) that support employer compliance with Agricultural Clearance Order requirements at 20 CFR Parts 653 and 655, and approved H-2B job orders and certified *H-2B Applications for Temporary Employment Certification* under 20 CFR 655. This means that FLC grant funds may be used to conduct compliance site visits and support SWA processing of Complaints and Apparent Violations through the Employment Service and Employment-Related Law Complaint System described at 20 CFR 658 Subpart E, including field checks as described at 20 CFR 653 Subpart F (except the CNMI) or other authorized inspections. The SWA agrees that other costs associated with the processing of complaints under 20 CFR 658, Subpart E, will not be covered by FLC grant funds.
- Except for the CNMI, all activities funded through the FLC grant will be fully documented, as required by 20 CFR 653, 655, and 658, Subpart E, and all related records and findings will be available to the DOL CO for other appropriate action under 20 CFR 655, Subparts A and B. The SWA may also provide any findings or related records to the State Monitor Advocate, Wage and Hour Division, Occupational Safety and Health Administration, or any other appropriate government enforcement agencies.
- The SWA agrees to cooperate and make available all appropriate records and information upon request from any employee or agent of the DOL or Federal official(s) assigned to perform an investigation, inspection, or law enforcement function pursuant to 8 U.S.C. 1184(c) and 1188, or described in 29 CFR 503.25 and 501.7, 20 CFR 655.70 through 655.73, and 20 CFR 655.180 through 655.184.

E. Permanent Labor Certification Program

- The SWA's labor exchange system is accessible to employers who are required to place a job order in connection with an *Application for Permanent Employment Certification*, as set forth in 20 CFR part 656, and facilitates the referral of qualified and available U.S. workers for consideration; and
- Except the CNMI, the SWA understands that these labor exchange services are already covered by existing Wagner-Peyser formula grants, The SWA agrees that the costs associated with these program activities will not be covered by FLC grant funds.

F. CW-1 Temporary Program Activities (CNMI ONLY)

- ☐ The CNMI-DOL has attached Appendix A to this grant plan.

G. Grantee Contact Information

H-2A Program Point-of-Contact

Last name Click or tap here to enter text.	First name Click or tap here to enter text.	
Job title Click or tap here to enter text.		
Address Click or tap here to enter text.		
City Click or tap here to enter text.	State Click or tap here to enter text.	Postal code Click or tap here to enter text.
Telephone number (including extension) Click or tap here to enter text.	Fax number Click or tap here to enter text.	
E-mail address Click or tap here to enter text.		

H-2B Program Point-of-Contact (if different than the contact listed above)

Last name Click or tap here to enter text.	First name Click or tap here to enter text.	
Job title Click or tap here to enter text.		
Address Click or tap here to enter text.		
City Click or tap here to enter text.	State Click or tap here to enter text.	Postal code Click or tap here to enter text.
Telephone number (including extension) Click or tap here to enter text.	Fax number Click or tap here to enter text.	
E-mail address Click or tap here to enter text.		

CW-1 Program Point-of-Contact (CNMI ONLY and if different than the contact listed above)

Last name Click or tap here to enter text.	First name Click or tap here to enter text.	
Job title Click or tap here to enter text.		
Address Click or tap here to enter text.		
City Click or tap here to enter text.	State Click or tap here to enter text.	Postal code Click or tap here to enter text.
Telephone number (including extension) Click or tap here to enter text.	Fax number Click or tap here to enter text.	
E-mail address Click or tap here to enter text.		

Fiscal Point-of-Contact (if different than the contact listed above)

Last name Click or tap here to enter text.	First name Click or tap here to enter text.	
Job title Click or tap here to enter text.		
Address Click or tap here to enter text.		
City Click or tap here to enter text.	State Click or tap here to enter text.	Postal code Click or tap here to enter text.
Telephone number (including extension) Click or tap here to enter text.	Fax number Click or tap here to enter text.	
E-mail address Click or tap here to enter text.		

SECTION F, APPENDIX A

Commonwealth of the Northern Mariana Islands (CNMI)

CW-1 Program Grant Activities

Statutory and Regulatory Authority

Title VII of the Consolidated Natural Resources Act of 2008 provided the Secretary of the Department of Homeland Security (DHS) authority to administer and enforce a system of allocating and determining the terms and conditions of visas to be issued to nonimmigrant workers performing services or labor for an employer in the CNMI. DHS regulations established the Commonwealth-Only Transitional Worker (CW-1) visa classification to provide for an orderly transition from the CNMI permit system to the U.S. Federal immigration system for certain foreign nationals. Accordingly, DHS promulgated corresponding regulations to provide that a CW-1 petition for temporary employment in the CNMI must be accompanied by an approved temporary labor certification from the DOL. A temporary labor certification granted by DOL serves as confirmation to DHS that: (1) there are not sufficient U.S. workers in the CNMI who are able, willing, qualified, and available to fill the petitioning CW-1 employer's job opportunity; and (2) a foreign worker's employment in the job opportunity will not adversely affect the wages or working conditions of similarly employed U.S. workers.

The CNMI Department of Labor (CNMI-DOL) is the government agency responsible for providing employment and training services and maintains an electronic system for registered and approved employers to post job vacancy announcements and receive referrals of qualified U.S. workers in the CNMI. In accordance with DOL regulations at 20 CFR part 655, Subpart E, the CNMI-DOL agrees to carry out the following state activities to support the DOL CO's review and processing of job orders and applications seeking temporary labor certification under the CW-1 program:

F.1 Stakeholder Education and Outreach Activities:

- The CNMI-DOL agrees to conduct education and stakeholder outreach activities and make available in a conspicuous location on the CNMI-DOL website, or through its American Job Center Network, the information and resources identified under Section A of this grant plan, as applicable to employment on the CNMI, for employers seeking to employ temporary nonimmigrant worker under the CW-1 visa classification.
- Where requested and funds permitting, the CNMI-DOL agrees to participate in local or state employer roundtables, conferences or other stakeholder forums to present and/or disseminate information related to the CW-1 program.

F.2 Placement of CW-1 Job Advertisements and Referral of Qualified U.S. Workers:

- The CNMI-DOL administers a labor exchange system through its website at <https://labor.cnmi.gov> that is accessible to employers who are required to place a job advertisement following approval of the *CW-1 Application for Temporary Employment Certification* by the DOL CO, pursuant to 20 CFR 655.433 and 655.442, and facilitates the referral of qualified and available U.S. workers for consideration.
- The CNMI-DOL's labor exchange system collects information from employers who seek temporary labor certification to employ CW-1 workers in a manner that is identical or substantially similar to the information collected from all other employers using the CNMI-DOL labor exchange system, satisfies the required content for advertisements described in 20 CFR 655.441, and provides the ability for such job advertisements to be active for a period of at least 21 consecutive calendar days. To the extent resources are available, the costs associated with providing staff assistance to employers seeking to post job advertisements on the CNMI-DOL labor exchange system may also be charged to the FLC grant.
- The CNMI-DOL agrees to use its labor exchange system to facilitate, track and maintain referrals of all qualified U.S. workers who apply for the employer's job opportunity or on whose behalf a job application is made. The CNMI-DOL agrees that the costs associated with these program activities will not be covered by FLC grant funds. However, to the extent resources are available and upon request by the DOL CO, the CNMI-DOL may use FLC grant funds to make available records of U.S. workers referred through an approved job advertisement to assist the DOL CO in making a final determination on the employer's *CW-1 Application for Temporary Employment Certification*, as specified in 20 CFR 655.450, using the FLAG system.

F.3 CNMI Governor's Prevailing Wage Study Report for the CW-1 Program: To help ensure fair and competitive wages for foreign and domestic workers, the CNMI-DOL may use funds available under this grant, not to exceed 25%, to assist the Department of Commerce in conducting the annual occupational wage survey for the CNMI Governor, as permitted by the Northern Mariana Islands U.S. Workforce Act of 2018.

GRANT PLAN CERTIFICATION

(Insert Official Name of SWA—not that of an individual)

certifies that it will carry out all activities outlined in the Fiscal Year 2025 Three-Year Strategic Grant Plan to support the Secretary of Labor’s responsibilities under the Immigration and Nationality Act as well as all other standard certifications and assurances as a condition of receiving the Federal grant funds. Per 2 CFR 200.333, file documentation of grant activities and accomplishments will be available for examination by the Employment and Training Administration or other authorized Federal representatives.

Authorized Representative’s Signature

Date

Authorized Representative’s Job Title

Authorized Representative’s Printed Name

OMB Paperwork Reduction Act (OMB Control Number 1225-0086)

Persons are not required to respond to this collection of information unless it displays a currently valid OMB control number. This information is being collected for purposes of awarding a grant. Your response is required to obtain or retain a benefit. (*See* Wagner-Peyser Act section 9 (29 U.S.C. 49(i)). Public reporting burden for this collection of information is estimated to average approximately 4 (four) hours per response, including the time for reviewing instructions, searching existing data sources, gathering and maintaining the data needed, and completing and reviewing the collection of information. Send comments regarding this burden estimate to the U.S. Department of Labor-OASAM, • Office of The Chief Information Officer • Room N1301 • 200 Constitution Ave., NW, • Washington, DC 20210.

Instructions for Completing the Budget Narrative

For all grantees, use the following guidance below when writing the budget narrative:

IMPORTANT: If a total amount for each line item listed below is included in the narrative, please be sure the amount in the narrative matches the corresponding line items on the SF-424A, *Application for Federal Assistance*.

Personnel: List all staff positions by title (current and proposed). Provide the annual salary of each position, percentage of each position's time devoted to the project, the amount of each position's salary funded by the grant, and the total personnel cost for the program year.

Fringe Benefits: Provide a breakdown of the amounts and percentages that comprise fringe benefit costs, such as health insurance, FICA, retirement, etc.

Travel: Specify the purpose, mileage, per diem, estimated number of in-state and out-of-state trips, and other costs for each type of travel.

Equipment: Identify each item of equipment to be purchased which has an estimated acquisition cost of \$10,000 or more per unit and a useful life of more than one year (*see* 2 CFR 200.1 for the definition of equipment). List the quantity and unit cost per item. Items with a unit cost of less than \$10,000 are considered supplies.

Supplies: Supplies include all tangible personal property other than "equipment" (*see* 2 CFR 200.1 for the definition of supplies). List the quantity and unit cost per item.

Contractual: Identify each proposed contract with specific purpose and estimated cost. If applicable, identify any sub-recipient agreements, including specific purpose and estimated costs.

Construction: Construction costs are not allowed, so this line must be zero.

Other: List each item in sufficient detail that it can be determined whether the costs are reasonable or allowable. List any item, such as stipends or incentives, not covered elsewhere.

Indirect Charges: The following link contains specific DOL information regarding indirect charges: <https://www.dol.gov/agencies/oasam/centers-offices/office-of-the-senior-procurement-executive/cost-price-determination-division>.

Organizational Chart: Grantees must provide an organizational chart indicating all individuals who are conducting FLC activities. This chart must show reporting hierarchy and list the names and position/title of each individual involved with FLC activities.

Budget Realignment: Grantees must work with their OFLC FPO to determine if they must amend their grant's statement of work and/or budget before using Federal funds for items of cost not specifically listed in this TEGL or included in the approved statement of work, in order to ensure that the costs are allowable as direct charges. See 2 CFR 200.308 and 200.407.

All requests should be submitted to your assigned FPO via email at least 30 days prior to the effective date of the requested action. A grant amendment may be required for revisions of cost items within established grant plans that exceeds 10% of the total of the total amount of the award.

Prior Approval for Equipment: Grantees must obtain prior written approval from the Grant Officer as defined at 2 CFR 200.1 and 200.439 for the purchase of capital assets (equipment). Grantees must work with their OFLC FPO to request prior written approval that will be provided in an amendment to the grant award.