

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

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

TO: STATE WORKFORCE AGENCY ADMINISTRATORS

FROM: EMILY STOVER DeROCCO
 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

RESCISSIONS	EXPIRATION DATE December 14, 2007
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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.**

FY 2008 Alien Labor Certification Grant Allocations
Under Continuing Budget Resolution in Effect November 17 - December 14, 2007

State Workforce Agency	FY 2008 -- 2nd CR Distribution
Alabama	4,723
Alaska	4,318
Arizona	16,176
Arkansas	4,993
California	147,484
Colorado	14,061
Connecticut	15,753
Delaware	5,993
Florida	35,570
Georgia	33,092
Guam	4,048
Hawaii	4,048
Idaho	12,859
Illinois	25,687
Indiana	4,318
Iowa	4,858
Kansas	7,266
Kentucky	19,885
Louisiana	9,872
Maine	17,682
Maryland	30,866
Massachusetts	46,809
Michigan	17,938
Minnesota	6,117
Mississippi	5,668
Missouri	7,549
Montana	4,588
Nebraska	6,364
Nevada	4,880
New Hampshire	5,289
New Jersey	36,604
New Mexico	4,993
New York	83,324
North Carolina	12,303
North Dakota	5,525
Ohio	12,392
Oklahoma	4,723
Oregon	5,251
Pennsylvania	34,066
Puerto Rico	4,048
Rhode Island	4,318
South Carolina	5,438
South Dakota	4,858
Tennessee	10,129
Texas	57,178
Utah	5,997
Vermont	6,173
Virgin Islands	4,048
Virginia	51,454
Washington	12,673
Washington DC	7,127
West Virginia	4,453
Wisconsin	7,748
Wyoming	4,453
Total	918,033