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| EMPLOYMENT AND TRAINING ADMINISTRATION ADVISORY SYSTEM U.S. DEPARTMENT OF LABOR Washington, D.C. 20210 | CLASSIFICATION NFJP |
| | CORRESPONDENCE SYMBOL OWI-DNPTTA |
| | DATE July 3, 2018 |

ADVISORY: TRAINING AND EMPLOYMENT GUIDANCE LETTER NO. 1-18

TO: ALL NATIONAL FARMWORKER JOBS PROGRAM GRANTEES

**FROM: ROSEMARY LAHASKY /s/
Deputy Assistant Secretary**

SUBJECT: Program Year 2018 Planning Guidance for National Farmworker Jobs Program Career Services and Training Grantees and Housing Grantees

1. **Purpose.** To provide Program Year (PY) 2018 preparation and submission instructions, establish PY 2018 performance goals, and convey PY 2018 grant allotments.
2. **References.**
 - a. Consolidated Appropriations Act, 2018 Public Law 115-141, enacted March 23, 2018.
 - b. Section 167 of the Workforce Innovation and Opportunity Act (WIOA).
 - c. 20 CFR, Part 685, WIOA Final Rule.
 - d. Training and Employment Guidance Letter (TEGL) 18-16: Program Eligibility and Enrollment Guidance for the National Farmworker Jobs Program (NFJP).
 - e. Federal Register Notice - Employment and Training Administration (ETA) PY 2018 WIOA 167, NFJP Proposed Modifications To Allotment Formula, 83 FR 23937 (May 23, 2018).
3. **Background.** In accordance with WIOA, new four-year NFJP grants went into effect on July 1, 2016. ETA is issuing the attached PY 2018 grant allocations for NFJP grantee planning purposes to submit program plans for PY 2018. Grantees must submit the requested program plan and budget documents and receive approval from ETA to receive PY 2018 funding. This TEGL provides preparation and submission instructions to current NFJP grantees for PY 2018.

For NFJP, the Consolidated Appropriations Act, 2018, Public Law 115-141, enacted March 23, 2018 (from this point forward, referred to as “the Act”), provides \$81,447,000 for formula grants and another \$5,922,000 for migrant and seasonal farmworker housing. The Act, Division H, Title I, sec. 106(b), allows the Secretary to set aside a percentage of each discretionary appropriation for activities related to program integrity. This reduced the amount available for career services and training grants to \$81,203,000 and housing grants to \$5,904,000.

Grantees must expend PY 2018 funding no later than September 30, 2019.

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| RESCISSIONS None | EXPIRATION DATE Continuing |
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4. **NFJP Formula Development.** The PY 2018 allotment formula incorporates the most recent data available, as described in the May 23, 2018 *Federal Register* Notice. Additionally, ETA applied two modifications to the allotment formula for PY 2018 to provide more accurate estimates of each State service area's relative share of persons eligible for the program. The two modifications are "back-out" adjustments to the Census of Agriculture hired labor expenditures to remove the amounts spent on Unemployment Insurance payroll tax payments made on behalf of farm workers and to remove expenditures on H-2A workers. ETA proposed to apply a third modification to align the allotment formula with the definition of "dependent" under WIOA sec. 167(i)(2)(B) and (3)(B), to account for dependents of migrant and seasonal farmworkers in each State's share of the total population. However, after consideration of the comments received on this proposed modification, ETA has decided not to implement this modification. ETA will respond to the public comments received and publish the final allotments and allocations in a second *Federal Register* Notice.

5. **Required Documents for PY 2018 Funding.** To receive PY 2018 funding, NFJP grantees must submit all requested documents (as applicable to their grant) detailed in subsections *a* through *e* below through Grants.gov. Once ETA approves the grantee's submission, the documents will be incorporated into the grant agreement. If corrections are necessary, the grantee's Federal Project Officer will notify the grantee and provide assistance with resubmitting documents as necessary. If grantees fail to submit documents by the submission deadline, individual grant awards will be delayed. As noted directly above, NFJP grantees require the following documentation:
 - a. SF-424, Application for Federal Assistance. The SF-424 must clearly identify the grantee organization and state and must be signed by an individual with authority to enter into a grant agreement and include the grantee's Data Universal Numbering System (DUNS) Number.
 - b. SF-424A, Budget Information Form.
 - c. Budget Narrative. Instructions for completing the Budget Narrative are provided in Attachment I.
 - d. Negotiated Indirect Cost Rate Agreement (NICRA). Grantees that use a NICRA or Cost Allocation Plan (CAP) must submit a current or recent copy of the NICRA or CAP as part of this application. Note: If a grantee includes indirect charges on line 6.j of the SF-424A, the grantee must submit a NICRA or CAP unless the grantee elects to charge a de minimis rate. If a grantee elects not to charge indirect costs, they do not need to include a NICRA or CAP.
 - e. Program Plan. If there are any changes from the grantees' PY 2017 approved plan, grantees must submit a revised program plan that notes any changes. If there are no changes for the program plan, grantees must resubmit the previously approved plan for PY 2018.

6. **Grantee Performance Goals.** On July 1, 2016, new performance indicators became effective under the WIOA. For PY 2016, ETA negotiated performance targets with each grantee, and these targets remained the same in PY 2017. These negotiated performance targets will continue in PY 2018. Grantees may request to renegotiate PY 2018 goals by

providing compelling data and adequate narrative justification to NFJP@dol.gov, no later than 30 calendar days from the issue date of this TEGL.

7. **Use of PY 2017 Funds.** Although the period of performance for current PY 2017 NFJP grants ends on September 30, 2018, ETA will continue to measure performance on a 12-month program year. The extra quarter in the period of performance will allow the grantees the flexibility to absorb minor fluctuations in spending within the four-year cycle without the need to request extensions from year to year. Grantees must continue to file a Federal Financial Report, ETA Form 9130, each quarter for PY 2017 funds until those funds are fully expended or the end of the grant's period of performance is reached.
8. **Paperwork Reduction Act (PRA) Statement.** The Department notes that a Federal agency may not conduct or sponsor a collection of information, nor is the public required to respond to a collection of information, unless the Office of Management and Budget (OMB), under the PRA, approves it, and it displays a currently valid OMB Control Number (44 U.S.C. 3507). Also, notwithstanding any other provision of law, no person shall be subject to penalty for failing to comply with a collection of information if the collection of information does not display a currently valid OMB Control Number (44 U.S.C. 3512). The currently valid OMB Control Numbers for this collection are:
 - OMB 4040-0004, which expires October 31, 2019; and
 - OMB 4040-0006, which expires January 31, 2019.
9. **Timing of Funds.** ETA will distribute executed NFJP Notices of Award as close to the beginning of July as possible, so that funds are available to support continued operations of the program. However, ETA generally does not expect PY 2018 funds to be available to grantees until approximately mid-July. ETA recognizes that this delay can create operational challenges for some grantees.

To partially alleviate this issue, ETA specified last year in TEGL 29-16 that, moving forward, NFJP grantees' periods of performance would be 15 months, allowing for one quarter of overlapping funds to allow for the flexibility to absorb minor fluctuations in spending during a four-year grant cycle. Accordingly, NFJP grantees' periods of performance for PY 2017 funds end on September 30, 2018.

In general, ETA expects that the September 30, 2018 end date for PY 2017 funds, as well as additional restored funds awarded through TEGL 29-16, Change 1, will allow grantees to continue operations in July of 2018 without interruption while waiting for PY 2018 grant awards to be executed. However, ETA also recognizes that some grantees may have expended all or most of their funds by July 1, 2018, and that these grantees may be impacted in early July before PY 2018 grants are executed.

To minimize the impact on grantees with little to no remaining PY 2017 funds, ETA will allow for expedited processing of grant awards in these exceptional circumstances, as described in the "Action Requested" section below.

10. Action Requested. For grantees with funds estimated to be sufficient to continue operations approximately through the end of July, please submit all requested documents (as applicable to the grant) detailed in Section 5 to Grants.gov as soon as possible but no later than 30 calendar days from the publication date of this TEGL.

For grantees with funds estimated to be insufficient to continue operations through approximately the end of July, ETA recommends submitting the completed and signed SF-424 to Grants.gov immediately to enable expedited processing of the award and then submitting the remaining documents to Grants.gov as soon as possible but no later than 30 calendar days from the publication date of this TEGL. The additional documents will be incorporated into the grant agreement via modification.

11. Inquiries. Please address questions regarding this guidance to your regional Federal Project Officer.

12. Attachment(s).

- a. Attachment I. Instructions for Completing the Budget Narrative
- b. Attachment II. Instructions for Submitting Budget Documents via Grants.gov
- c. Attachment III. PY 2018 NFJP Career Services and Training Grant Allocations
- d. Attachment IV. PY 2018 NFJP Housing Grant Allocations