
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.	☐ Prevailing Wage ☐ Prevailing/Normal Practices	☐ FY 2025 ☐ FY 2026 ☐ FY 2027
Click or tap here to enter text.	Click or tap here to enter text.	Click or tap here to enter text.	☐ Prevailing Wage ☐ Prevailing/Normal Practices	☐ FY 2025 ☐ FY 2026 ☐ FY 2027
Click or tap here to enter text.	Click or tap here to enter text.	Click or tap here to enter text.	☐ Prevailing Wage ☐ Prevailing/Normal Practices	☐ FY 2025 ☐ FY 2026 ☐ FY 2027
Click or tap here to enter text.	Click or tap here to enter text.	Click or tap here to enter text.	☐ Prevailing Wage ☐ Prevailing/Normal Practices	☐ FY 2025 ☐ FY 2026 ☐ 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.