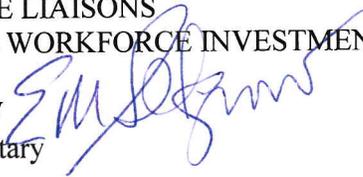


EMPLOYMENT AND TRAINING ADMINISTRATION ADVISORY SYSTEM U.S. DEPARTMENT OF LABOR Washington, D.C. 20210	CLASSIFICATION OWI
	CORRESPONDENCE SYMBOL MSFW
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ADVISORY: TRAINING AND EMPLOYMENT GUIDANCE LETTER NO. 13-13

TO: STATE WORKFORCE AGENCIES
STATE WORKFORCE ADMINISTRATORS
STATE WORKFORCE LIAISONS
STATE AND LOCAL WORKFORCE INVESTMENT BOARDS

FROM: ERIC M. SELEZNOW
Acting Assistant Secretary



SUBJECT: Instructions and Planning Guidance for the Agricultural Outreach Plans (AOP) for Program Year (PY) 2014; the Designation of Significant Migrant and Seasonal Farm Worker (MSFW) States; and the Designation of Significant MSFW and Bilingual Local Offices

1. **Purpose.** The purpose of this Training and Employment Guidance Letter (TEGL) is to transmit guidelines to State Workforce Agencies (SWAs) on the preparation and submission of the AOP, and to designate the significant MSFW states, the significant MSFW local offices, and the bilingual local offices for PY 2014.

2. **References.**

- Wagner-Peyser (W-P) Act, as amended (29 U.S.C. 49, *et seq.*);
- Workforce Investment Act of 1998 (WIA), as amended (29 U.S.C. 2801, *et seq.*);
- W-P regulations, 20 CFR 653.107 and 651.10;
- TEGL No. 21-11, *Requirements for 2012 State Workforce Plans*; and
- OMB control number 1205-0398, *Planning Guidance and Instructions for Submission of Strategic State Plan and Plan Modifications for Title I of the Workforce Investment Act and Wagner Peyser Act.*

3. **Background.** States have a responsibility under W-P regulations to provide services to MSFWs on a basis that is qualitatively equivalent and quantitatively proportionate to services provided to non-MSFWs. As required in W-P regulations at 20 CFR 653.107, each SWA develops an annual outreach plan, describing its strategies on how to contact MSFWs who are not being reached by the normal intake activities conducted by the local offices. The AOP also describes the activities planned for providing the full range of employment and training services to the agricultural community, both MSFWs and agricultural employers, through the American Job Center (AJC) network (formerly referred to as the One-Stop Career Center system).

RESCISSIONS None	EXPIRATION DATE June 30, 2015
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The AOP is required annually; therefore, SWAs must submit the AOP to the Employment and Training Administration (ETA) each year as a modification to their WIA Title I and W-P Integrated or Unified Workforce Plan (State Plan). This TEGL provides guidance to SWAs to develop and submit a new AOP as a modification to the State Plan.

Federal regulations at 20 CFR 651.10 require ETA to annually designate “significant” MSFW states, which are the 20 states with the highest number of MSFW applicants. Attachment B of this TEGL provides the list of the 20 significant MSFW states for PY 2014.

In addition, Federal regulations at 20 CFR 651.10 require ETA to annually designate “significant” MSFW local offices, which are those MSFW local offices that account for 10 percent or more of annual MSFW participants in the W-P program. These regulations also require ETA to designate annually as “significant bilingual” those MSFW local offices where an estimated 10 percent or more of MSFW participants require service provision in Spanish (or other languages). SWAs or the Administrator of ETA’s Office of Workforce Investment (OWI Administrator) may designate additional local offices as significant MSFW local/bilingual local offices due to special circumstances, such as an estimated large number of MSFWs in the local office service area. Attachment C of this TEGL provides the list of bilingual and significant local offices for PY 2014.

4. **State Plan Requirements.** In accordance with the Paperwork Reduction Act, the Office of Management and Budget (OMB) approved the *State Integrated Workforce Plan Requirements for Workforce Investment Act Title I/Wagner-Peyser Act and Department of Labor Workforce Programs* (Integrated Workforce Plan) and *Planning Guidance for State Unified Plans and Unified Plan Modifications Submitted under Section 501 of the Workforce Investment Act (WIA)* under OMB control number 1205-0398. The Integrated Workforce Plan requirements are available on ETA’s Web site at: <http://www.doleta.gov/usworkforce/wia-planning/docs/integrated-planning-guidance.pdf>. The Unified Plan requirements are available at: <http://www.doleta.gov/usworkforce/wia-planning/docs/unified-planning-guidance.pdf>.

Once submitted as a separate plan, the AOP is now an integral component of the State Plan.

5. **Agricultural Outreach Plans.** SWAs are required to develop an annual AOP that sets numerical goals, policies, and objectives. Federal regulations at 20 CFR 653.107 require that the outreach plan include the following elements:
 - Assessment of need
 - Proposed outreach activities
 - Services provided to agricultural employers and MSFWs through the AJC network
 - Numerical goals
 - Data analysis

Attachment A of this TEGL provides further details of the data elements and information required in the AOP.

6. **Significant MSFW State Designation.** Significant MSFW states are the 20 states with the highest number of MSFW applicants. ETA bases the designation of the significant states on the total number of MSFW participants in the W-P program, as reported in the Labor Exchange Reporting System (LERS) 9002A report. The significant MSFW states must make maximum efforts to hire outreach staff with MSFW experience for year-round positions and must assign outreach staff to work full-time during the period of the highest MSFW activity. These outreach staff must be bilingual if warranted by the characteristics of the MSFW population in the state, and must spend a majority of their time in the field.

ETA also identifies the five states with the highest estimated year-round MSFW activity. The factors used to establish these top five states are W-P activities performed on behalf of MSFWs seeking assistance (e.g., applicant registrations, referrals to employment, referrals to supportive services, career guidance, job search activities, and referrals to WIA services) as reported in the LERS 9002A report. In accordance with state merit staff requirements in W-P regulations at 20 CFR 653.107(i), these five states must assign full-time, year-round staff to outreach duties.

Attachment B provides the updated list of the significant MSFW states and the list of the five states with the highest estimated year-round MSFW activity for PY 2014. The five states with the highest estimated year-round activity (California, Florida, Texas, Washington, and Michigan) correspond with the top five significant MSFW states.

7. **Significant MSFW and Bilingual Local Office Designation.**

Significant MSFW local offices are those local offices where MSFWs account for 10 percent or more of annual applicants and any additional local offices that the OWI Administrator or SWA determines should be included due to special circumstances, such as an estimated large number of MSFWs in the local office service area.

Significant bilingual MSFW local offices are those significant MSFW offices where an estimated 10 percent or more of MSFW applicants require service provisions in Spanish and any additional local offices that the OWI Administrator or SWA determines should be included due to special circumstances.

The following is a list of responsibilities associated with AJCs designated as significant MSFW/bilingual local offices:

- Each significant MSFW local office must provide adequate staff assistance to each MSFW participant in order for MSFWs to effectively obtain specific and general information on where and how to find employment.
- Those offices designated as significant MSFW bilingual offices must explain the services available through the local office to the MSFW in Spanish (or other language). SWAs or the OWI Administrator may designate local offices as significant MSFW bilingual offices due to special circumstances, such as an increase in MSFW applications or an increase in agricultural job order activity.

- Significant MSFW local offices must conduct especially vigorous outreach in their service areas, which may include thorough and extensive outreach efforts so that a large number of MSFWs in the area are aware of the full range of the employment and training services offered through the AJCs.
- SWAs must ensure that, once a year, state staff visit those significant MSFW local offices that have not received an onsite review by Federal staff, to the extent possible. Also, if necessary, state staff should review those local offices in which significant problems are revealed by required reports, management information, the Job Service complaint system or otherwise as soon as possible
- When SWAs conduct reviews of significant local offices, SWAs must submit to the appropriate ETA regional office a copy of the local office formal monitoring review report and any corrective action plans requested of local offices as a result of these reviews.

Attachment C of this TEGl contains the list of AJCs designated by ETA as significant MSFW/bilingual local offices. Designations for PY 2014 remain the same as for PY 2013. ETA is continuing these designations because there were minimal changes in the data from PY 2013 to PY 2014, and in recognition of the time it takes to implement the requirements associated with significant MSFW/bilingual local office designation.

8. Performance Indicators. ETA has established program performance indicators for SWAs that measure minimum W-P service levels to MSFWs and the equity of services provided to MSFWs in comparison to participants that are not MSFWs.

The five equity indicators include: 1) MSFWs referred to jobs; 2) MSFWs that received staff-assisted services; 3) MSFWs referred to supportive services; 4) MSFWs provided career guidance; and 5) MSFWs provided job development contacts. All states are required to meet at least four of the five equity indicators. **Achieving equity occurs when the ratio of the services provided to MSFWs over the services provided to non-MSFWs is greater than or equal to one.**

Table 1 illustrates the seven minimum service level indicators and their corresponding compliance levels that address other W-P services to MSFWs.

1) MSFWs placed in a job	42.5%
2) MSFWs placed in a job with a wage exceeding the Federal minimum wage by at least 50 cents/hour	14%
3) MSFWs placed long-term (150 days or more) in a non-agricultural job	3%
4) Reviews of significant MSFW local offices	100%
5) Field checks conducted on agricultural clearance orders	25%
6) Outreach contacts per staff day	5 contacts per staff day
7) Timely processing of complaints	90%

All significant MSFW states are required to meet at least four of the seven minimum service level indicators, while the other (non-significant) states should make maximum efforts to meet these same levels.

9. **Action – Submission of the AOP.** SWAs must develop the annual AOPs for PY 2014 as a modification to their approved State Plan and submit the AOPs to the appropriate ETA Regional Administrator by May 15, 2014, preferably in an electronic format for approval. Please send a copy to the National Monitor Advocate, at nma@dol.gov.

As mentioned in Section 3 of this TEGL, the submission of the AOP is a modification to the State Plan, and therefore states must follow the provisions for modifications established at 20 CFR 661.230. Further, SWAs should handle the AOP consistent with the state's procedures for State Plan modifications, and may include the involvement by the State Workforce Investment Board.

10. **Importance of Participation and Public Comment.** In developing the AOP, the SWAs must solicit information and suggestions from WIA Section 167 National Farmworker Jobs Program (NFJP) grantees, other appropriate MSFW groups, public agencies, agricultural employer organizations, and other interested organizations. In addition, at least 45 days before submitting the final outreach plans to the ETA Regional Administrators, the SWAs must provide the proposed plans to NFJP grantees, public agencies, agricultural employer organizations, and other organizations expressing an interest and allow at least 30 days for review and comment. The plan must include a list of the organizations that the state solicited for information and suggestions on the AOP, any comments received, and the state's responses to those comments. The SWAs must also provide the State Monitor Advocates an opportunity to review and comment on the AOP.

11. **Inquiries.** Please direct questions regarding this notice and instructions to the appropriate Regional Monitor Advocate (RMAs). The list of RMAs can be located in the National MSFW Monitor Advocate Directory located at <http://www.doleta.gov/programs/msfw.cfm>.

12. **Attachments.**

- Attachment A: Summary of Annual Agricultural Outreach Plan Requirements
- Attachment B: List of Significant MSFW States and the Five States with the Highest Estimated Year Round MSFW Activity
- Attachment C: Nationwide List of Significant MSFW/Bilingual Local Offices

Summary of Annual Agricultural Outreach Plan Requirements

The Agricultural Outreach Plan (AOP) portion of the State Plan must describe plans for providing services to the agricultural community, both for agricultural employers and Migrant and Seasonal Farmworkers (MSFWs), as described in Wagner-Peyser (W-P) regulations at 20 CFR 653.107, the Workforce Investment Act (WIA) Title I final regulations at 20 CFR 652.107(b)(1), the WIA/W-P Act Integrated Workforce Planning Guidance, and the Unified Planning Guidance. This attachment provides detail of states that must be included in the AOP section of the State Plan.

A. Assessment of Need. The assessment of need must include:

(i) A review of the previous year's agricultural activity in the state.

- ✓ Identify each major labor-intensive crop activity in the previous year, indicating the months of heavy activity and the geographic area of prime activity.

(ii) A review of the previous year's MSFW activity in the state.

- ✓ Estimate the agricultural labor employed in each of the crops identified in item (i) above. Estimate the number of MSFWs involved in each, and indicate crop areas that experienced labor shortages.

(iii) A projected level of agricultural activity in the state for the coming year.

- ✓ Identify any changes from last year's crop activities as described in item (ii) above.

(iv) A projected number of MSFWs in the state for the coming year, which must take into account data supplied by WIA Section 167 National Farmworker Jobs Program (NFJP) grantees, other MSFW organizations, employer organizations and federal and/or state agency data sources such as the U.S. Department of Agriculture and the Employment and Training Administration.

B. Outreach Activities. The local offices outreach activities must be designed to meet the needs of MSFWs in the state and to locate and contact MSFWs who are not being reached through normal intake activities.

The plan for the proposed outreach activities must include:

(i) The goals for the number of MSFWs who will be contacted during the program year by W-P staff. The plan should also include the number of MSFWs who will be contacted during the year by other agencies under cooperative arrangements. These numerical goals must be based on the number of MSFWs estimated to be in the state in the coming year, taking into account the varying concentration of MSFWs during the seasons in each geographic area, the range of

services needed in each area and the number of W-P and/or cooperating agency staff who will conduct outreach.¹

(ii) An assessment of the resources available for outreach that includes:

1. The number of SWA staff positions the state will assign to outreach activities. The assessment must indicate the full-time equivalent positions for each local office to which staff must be assigned, and the number of staff assigned to the state office for this purpose.
2. Where the number of SWA staff positions assigned to outreach activities is less than in the prior year, please provide an explanation for the reduction and the expected effect of the reduction on direct outreach activities, as indicated in 20 CFR 653.107(h)(3)(i).
3. The resources to be made available through existing cooperative agreements with public and private community service agencies and MSFW groups. (States are encouraged to initiate cooperative agreements with WIA Section 167 NFJP grantees for outreach position.)

(iii) The tools which will be used to conduct outreach contacts, including personal contact, printed matter, videotapes, slides, and/or cassette recordings.

C. Services Provided to MSFWs through the American Job Center (AJC) Network. The plan must provide specific information on how core, intensive, and training services required under WIA Title I will be provided to MSFWs through the AJC network (previously referred to as the One-Stop Career Center system). States should provide information on how MSFWs will be provided staff-assisted services and how MSFWs will be served in an electronic environment in the AJCs and/or affiliate sites. States should consider how they will enable these AJC customers to advance their skills and be competitive in a local, regional and global economy.

D. Services Provided to Agricultural Employers through the AJC Network. The plan must describe efforts that will be taken to provide services to agricultural employers in states with an adequate supply of U.S. workers and in those states where a shortage of workers is anticipated. The services provided to agricultural employers can be incorporated into the section of the WIA/W-P plan on serving employers in general.

E. Data Analysis.

(i) Previous year's history (based on Program Year (PY) 2011 data):

Number of agricultural job orders and openings received,
Number of agricultural job orders filled,
Percent to be filled,
Number of interstate clearance orders received, and

¹ The numerical goals that must be included in the agricultural outreach plan are in reference only to the proposed outreach activities and are not negotiated performance targets.

Number of interstate clearance orders initiated.

(ii) Plan for upcoming year (based on estimated data):

Number of agricultural job orders expected to be received,
Number of agricultural job orders projected to be filled,
Percent to be filled,
Estimated number of interstate clearance orders the state will receive, and
Estimated number of interstate clearance orders the state will initiate.

F. Other Requirements.

(i) *State Monitor Advocate.* The plan must contain a statement that indicates that the State Monitor Advocate has been afforded the opportunity to review and comment on the PY 2014 AOP.

(ii) *Review and Public Comment.* The plan must provide information indicating that WIA Section 167 NFJP grantees, other appropriate MSFW groups, public agencies, agricultural employer organizations and other interested employer organizations, have been given an opportunity to comment on the state AOP. Include the list of organizations from which information and suggestions were solicited, any comments received, and state responses to those comments.

LIST OF SIGNIFICANT MSFW STATES FOR PY 2014

	STATE	MSFW Applicants ¹
1	CALIFORNIA	50,863
2	FLORIDA	19,251
3	WASHINGTON	15,632
4	TEXAS	9,537
5	OREGON	9,325
6	MICHIGAN	8,409
7	NORTH CAROLINA	6,649
8	GEORGIA	5,127
9	IOWA	2,730
10	ARIZONA	2,507
11	OHIO	2,457
12	IDAHO	2,387
13	SOUTH CAROLINA	1,907
14	UTAH	1,755
15	ILLINOIS	1,703
16	PUERTO RICO	1,477
17	WISCONSIN	1,354
18	NEW MEXICO	1,339
19	PENNSYLVANIA	1,278
20	VIRGINIA	978

STATES WITH HIGHEST ESTIMATED MSFW ACTIVITY FOR PY 2014²

California
Florida
Washington
Texas
Oregon

1 Data used to designate significant MSFW states was obtained from ETA Report 9002A for PY 2012, except for the states of PA and TX. The data for these two states was obtained from the Standardized Quarterly Performance Report, ETA Report 9132 for PY 2012.

2 Data used to identify the five states with the highest estimated MSFW activity is based on data on services provided to MSFWs through the Wagner-Peyser program as reported on the ETA 9002A report for PY 2012.

List of significant MSFW/Bilingual Local Offices for Program Year 2014		
* = Bilingual Offices ** = Special Circumstance Offices		
Arizona	Casa Grande *	**
Arizona	Douglas *	**
Arizona	Phoenix Southwest *	**
Arizona	San Luis *	**
Arizona	Yuma *	**
California	Salinas *	
California	Gilroy *	**
California	Watsonville *	**
California	Hollister *	**
California	Napa *	**
California	Santa Rosa *	**
California	Ukiah *	**
California	Sacramento *	**
California	Lakeport *	**
California	Marysville *	**
California	Oroville *	**
California	Merced *	**
California	Los Banos *	**
California	Modesto *	**
California	Turlock *	**
California	Stockton *	**
California	Manteca *	**
California	Oxnard *	**
California	Fresno *	**
California	Mendota *	
California	Hanford *	
California	Santa Maria *	**
California	Porterville *	
California	Visalia *	
California	San Luis Obispo *	**
California	Bakersfield *	
California	Delano *	
California	Indio *	**
California	Blythe *	
California	Oceanside *	**
California	Chula Vista *	**
California	Calexico *	
California	El Centro *	
Colorado	Brighton AJC (Adams Local Workforce Investment Area) *	**
Colorado	Delta AJC (Western Local Workforce Investment Area) *	**
Colorado	Greeley AJC (Weld Local Workforce Investment Area) *	**

List of significant MSFW/Bilingual Local Offices for Program Year 2014		
* = Bilingual Offices ** = Special Circumstance Offices		
Colorado	Monte Vista AJC (South Central Local Workforce Investment Area) *	**
Colorado	Rocky Ford AJC (Southeast Local Workforce Investment Area) *	**
Colorado	Lamar AJC (Southeast Local Workforce Investment Area) *	**
Delaware	Dover *	
Florida	Plant City *	
Florida	Wauchula *	
Florida	Belle Glade *	
Florida	Homestead *	
Florida	Clewiston *	
Florida	Immokalee *	
Florida	Quincy *	**
Florida	Winter Haven *	**
Florida	Bradenton *	**
Florida	Sebring *	**
Florida	Port Saint Lucie *	**
Georgia	Americus	**
Georgia	Bainbridge	**
Georgia	Cordele	**
Georgia	Douglas	**
Georgia	Dublin	**
Georgia	Moultrie	**
Georgia	Tifton	**
Georgia	Vidalia	**
Georgia	Waycross	**
Idaho	Canyon County *	
Idaho	Rexburg *	
Idaho	Blackfoot *	
Idaho	Pocatello *	
Idaho	Mini-Cassia *	
Idaho	Mountain Home	**
Idaho	Idaho Falls	**
Idaho	Magic Valley	**
Idaho	Payette	**
Idaho	Bonnars Ferry	**
Illinois	Champaign *	
Illinois	Peoria *	
Iowa	Iowa City *	
Iowa	Burlington	
Iowa	Waterloo	

List of significant MSFW/Bilingual Local Offices for Program Year 2014		
* = Bilingual Offices ** = Special Circumstance Offices		
Iowa	Marshalltown *	
Iowa	Council Bluffs	**
Michigan	Sparta *	
Michigan	Shelby *	
Michigan	Holland *	
Michigan	Mason	
Michigan	Dowagiac	
Minnesota	Faribault *	
Minnesota	Mankato *	
Minnesota	Rochester *	
Minnesota	Wilmar *	
Montana	Dillon AJC	
Montana	Glasgow AJC	
New Jersey	Vineland	**
New Jersey	Hammonton	**
New Mexico	Deming AJC (Southwestern Local Workforce Investment Area) *	
New Mexico	Sunland Park AJC (Southwestern Local Workforce Investment Area) *	
New Mexico	Las Cruces AJC (Southwestern Local Workforce Investment Area) *	**
New York	Pine Island: Satellite to Middletown (Orange County)	
New York	Albion (Orleans County)*	**
New York	Rochester/Lyons (Wayne County)*	**
New York	Riverhead/Spanish Apostolate: Satellite to Patchogue (Suffolk County)*	**
New York	Dunkirk (Chautauqua County)*	**
New York	Plattsburgh (Clinton County)*	**
New York	Hudson (Columbia County)*	**
New York	Kingston (Ulster County)*	**
New York	Lockport (Niagara County)*	**
New York	Syracuse (Onondaga County)*	
North Carolina	Clinton *	
North Carolina	Edenton *	
North Carolina	Kenansville *	
North Carolina	Lincolnton *	
North Carolina	Lumberton *	
North Carolina	Rocky Mount *	
Oregon	Ontario *	
Oregon	Hermiston *	
Oregon	The Dalles *	
Oregon	Woodburn *	

List of significant MSFW/Bilingual Local Offices for Program Year 2014		
* = Bilingual Offices ** = Special Circumstance Offices		
Oregon	Salem *	**
Oregon	Hillsboro/Beaverton *	**
Oregon	Medford *	**
Pennsylvania	Gettysburg *	
Puerto Rico	Humacao	
Puerto Rico	Ponce	
Puerto Rico	Mayagüez	
Puerto Rico	San German	
Puerto Rico	Arecibo	
Puerto Rico	Guayama	
South Carolina	Beaufort *	
South Carolina	Charleston *	
South Carolina	Greenwood *	
South Carolina	Spartanburg *	
South Carolina	Sumter *	
Texas	Mission AJC (Lower Rio Grande Workforce Development Area) *	
Texas	Edinburg AJC (Lower Rio Grande Workforce Development Area) *	
Texas	Weslaco AJC (Lower Rio Grande Workforce Development Area) *	
Texas	Raymondville AJC (Lower Rio Grande Workforce Development Area)	
Texas	Eagle Pass AJC (Middle Rio Grande Workforce Development Area)	
Texas	Floydada/Plainview AJC (South Plains Workforce Development Area)	
Texas	Muleshoe AJC (South Plains Workforce Development Area)	
Texas	Fabens AJC (Upper Rio Grande Workforce Development Area)	
Virginia	Onley *	
Virginia	Winchester	**
Washington	WorkSource Sunnyside *	
Washington	WorkSource Central Basin *	
Washington	WorkSource Okanogan – Omak *	
Washington	Wenatchee WorkSource Affiliate *	
Washington	WorkSource Walla Walla *	
Washington	WorkSource Columbia Gorge *	
Washington	WorkSource Columbia Basin *	
Washington	WorkSource Yakima *	
Washington	WorkSource Skagit *	**
West Virginia	Martinsburg	
Wisconsin	Beaver Dam *	
Wisconsin	Wautoma *	