

Attachment 5: Monitor Advocate System

I. Introduction

This appendix describes the program specific details of the performance accountability guidance for the Monitor Advocate System. States have a responsibility under the Wagner-Peyser Act regulations to provide employment services, benefits, and protections to migrant and seasonal farmworkers (MSFWs) on a basis that is qualitatively equivalent and quantitatively proportionate to services provided to non-MSFWs. The Monitor Advocate System is the method by which the Department, by monitoring established service level indicators, ensures the equitable provision of employment services (career services) to these two populations (MSFWs and non-MSFWs) of participants in the Workforce Innovation and Opportunity Act (WIOA) title III Wagner Peyser Act Employment Service (ES) program.¹ In particular, ETA both tracks the career services provided to MSFWs in comparison to those provided to non-MSFWs in the title III ES program, and also compares the outcomes for MSFWs receiving services through the title III ES program to the outcomes for non-MSFWs receiving services through the title III ES program. The Department, in Training and Employment Guidance Letter (TEGL) 20-16, *Designation of Significant Migrant and Seasonal Farm Worker (MSFW) States, Significant MSFW One-stop Centers, and Significant Multilingual MSFW One-stop Centers* (https://wdr.doleta.gov/directives/corr_doc.cfm?DOCN=4160), aligned certain service level indicators with the primary indicators of performance under WIOA section 116 by adopting outcomes on particular WIOA indicators as a proxy for certain minimum service level indicators. These two indicators are explained in greater detail in Section III below.

II. Differences from Shared Guidance

1. Primary Indicators of Performance

- A. Employment Rate – 2nd Quarter After Exit: The percentage of program participants who are in unsubsidized employment during the second quarter after exit from the program.

This primary indicator of performance under WIOA section 116(b)(2)(A) applies to the title III Employment Service program. The Monitor Advocate System will be using outcomes on “Employment Rate –2nd Quarter After Exit,” as defined in Appendix I, as a proxy to calculate the minimum service level indicator of individuals placed in a job. The Monitor Advocate System will also be using outcomes on “Employment Rate –2nd Quarter After Exit” as a data point necessary for calculating the proxy for the minimum service level indicator of individuals placed long term in non-agricultural jobs.

¹ Although this program is authorized under the Wagner-Peyser Act, it was amended by title III of WIOA and is a “core program” of WIOA, as defined at WIOA section 3(12). Throughout this guidance, it is referred to as the “title III Employment Service.”

- B. Employment Rate – 4th Quarter After Exit:** The percentage of program participants who are in unsubsidized employment during the second quarter after exit from the program.

This primary indicator of performance under WIOA section 116(b)(2)(A) applies to the title III Employment Service program. The Monitor Advocate System will be using outcomes on “Employment Rate –4th Quarter After Exit,” as defined in Appendix I, as a data point necessary for calculating the proxy for the minimum service level indicator of individuals placed long term in non-agricultural jobs.

- C. Median Earnings – 2nd Quarter After Exit:** The median earnings of participants who are in unsubsidized employment during the second quarter after exit from the program.

This primary indicator of performance under WIOA section 116(b)(2)(A) applies to the title III Employment Service program. The Monitor Advocate System will be using outcomes on “Median Earnings –2nd Quarter After Exit,” as defined in Appendix I, as a proxy to calculate the minimum service level indicator of median earnings of individuals in unsubsidized employment.

- D. Credential Attainment**

This indicator does not apply to the title III Employment Service program, or to the Monitor Advocate System.

- E. Measurable Skill Gains**

This indicator does not apply to the title III Employment Service program, or to the Monitor Advocate System.

- F. Effectiveness in Serving Employers Measure for Non-Core Programs**

This indicator applies generally to the title III Employment Service program, but does not apply specifically to the Monitor Advocate System. However, as a proxy for a minimum service level measure, MSFW retention with the same employer in the 2nd and 4th quarters will be applied.

2. Categories of Enrollment: Reportable Individual, Participant & Date of Program Exit

- A. Reportable Individual**

The definition of reportable individual at 20 CFR 677.150(b), which is explained in TEGL 10-16, Change 1 (https://wdr.doleta.gov/directives/corr_doc.cfm?DOCN=3255), and restated in this guidance, applies to all individuals, whether MSFW or non-MSFW, in the title III Employment Service program. However, the service level indicators employed by the Monitor Advocate System do not apply to reportable individuals.

B. Participant

The definition of participant at 20 CFR 677.150(a), which is explained in TEGL 10-16, Change 1, and restated in this guidance, applies to all individuals, whether MSFW, as defined at 20 CFR 651.10, or non-MSFW, in the title III Employment Service program.

C. Exit

The definition of exit at 20 CFR 677.150(c), which is explained in TEGL 10-16, Change 1, and restated in this guidance, applies to all participants, whether MSFW or non-MSFW, in the title III Employment Service program.²

D. Common Exit for DOL–Administered Programs Only

As stated in 20 CFR 677.150(c)(3)(i), and further explained in TEGL 10-16, Change 1, as well as in this guidance, a State may adopt a common exit policy for DOL-administered programs, including the DOL-administered core programs. Therefore, in any State that has adopted a common exit policy that includes the title III Employment Service program, the policy applies to participants, both MSFW and non-MSFWs, in the title III Employment Service program.

3. Self-Service and Information–Only Activities

The definitions of self-service and information-only activities, as stated in TEGL 10-16, Change 1, and restated in this guidance apply to all participants, both MSFW and non-MSFW, in the title III Employment Service program.

4. Period of Participation

The definition of period of participation, as stated in TEGL 10-16, Change 1, and restated in this guidance, applies to participants, whether MSFW or non-MSFW, in the title III Employment Service program.

Reporting Unique Participants

The title III Employment Service program tracks a count of unique participants; consequently, the Monitor Advocate System will also track a count of unique participants. The title III Employment Service program reports on the PIRL using participant records, which are aggregated in WIPS to count the number of unique participants reported.

² Note that the Wagner-Peyser Act Employment Service does not provide follow up services. The provision regarding follow up services not extending exit is still applicable in the scenario where a participant in a State that has a common exit policy that includes the title III ES program is co-enrolled in a program that does provide follow up services.

5. Workforce Integrated Performance System (WIPS) and How to Functionally Report

The Monitor Advocate System will track the minimum service level indicators and equity ratio indicators using the data in the title III Employment Service WIPS submissions as described in this TEGL at Section III, in tables 1 and 2. Other aggregate data will be reported through the ETA Form 5148 into the Labor Exchange Agricultural Reporting System (LEARS). ETA is in the process of updating the ETA-5148 at this time and anticipates providing additional guidance on submitting that form in LEARS when those updates are complete.

6. State Annual Report Narratives

The Monitor Advocate System requires that states submit an annual narrative report through the LEARS on services provided to MSFWs, as described at 20 CFR 653.108(s).

7. Eligible Training Provider (ETP) Performance Reporting

This section does not apply to the Monitor Advocate System.

8. Pay-for-Performance Reporting

This section does not apply to the Monitor Advocate System.

9. Quarterly Narrative Reports for Discretionary Programs

The Monitor Advocate System requires the State Monitor Advocates to submit a quarterly narrative report through the LEARS.

10. Use of Social Security Numbers for Performance Reporting

Under 20 CFR 677.175, states are authorized to use social security numbers (SSNs) from participants in the title III ES program as is necessary for performance reporting through quarterly wage record information. However, program services cannot be withheld if an individual is unwilling or unable to disclose a SSN, and program eligibility is not contingent on the provision of a SSN for any of the core programs, including the title III Employment Service program. The Department reiterates that SSNs may not be used as a form of unique identifier for participants in the title III Employment Service program, and may not be submitted to the Department via individual records in the DOL-only PIRL for participants in the title III Employment Service program.

11. Supplemental Wage Information

The Monitor Advocate System performance data will be reported as a subset of the title III Employment Service program data, and therefore will follow the guidance described in Section 16 of this guidance.

III. Unique Features of the Monitor Advocate System

The guidance ETA provided in TEGL 20-16 (https://wdr.doleta.gov/directives/corr_doc.cfm?DOCN=4160) for the minimum service level indicators and equity ratio indicators is as follows:

Minimum Service Level Indicators:

The Department has established the following compliance levels for the minimum service level indicators, as set forth in Table 1. In order to provide for comparison of services provided for MSFW participants with services provided for ES participants who are not MSFWs, the minimum service indicator for number of individuals placed in a job shall be measured by the proxy of the employment rate in the second and fourth quarters after exit, the minimum service indicator for the number of placements according to wage rate shall be measured by the proxy of median wage in the second quarter, and the minimum service indicator for the number of placement retentions in non-agricultural jobs according to duration shall be measured by the proxy of retention with the same non-agricultural employer in the second and the fourth quarter. State Workforce Agencies (SWAs) in all MSFW Significant States are required to meet at least four out of the seven minimum service level indicators listed below, in Table 1. Non-significant states are encouraged to meet these same indicators to ensure MSFWs are being provided equitable services.

Table 1: Minimum Service Level Indicators		
Minimum Service Level Indicators	Performance Outcome for Measuring the Indicator	Compliance Levels
Individuals placed in a job	The percentage of program participants who are in unsubsidized employment during the second quarter after exit from the program (as defined in “Employed—2 nd Quarter After Exit”). Applicable PIRL data element: 1602	Parity with the actual results for the W-P program in each state.
Median earnings of individuals in unsubsidized employment	The median earnings of program participants who are in unsubsidized employment during the second quarter after exit from the program (as defined in “Median Earnings—2 nd Quarter After Exit”). Applicable PIRL data element: 1704	Parity with the actual results for the W-P program in each state.

Table 1: Minimum Service Level Indicators		
Minimum Service Level Indicators	Performance Outcome for Measuring the Indicator	Compliance Levels
Individuals placed long term in non-agricultural jobs	The percentage of program participants who retain unsubsidized employment with the same employer in a non-agricultural job in the second and fourth quarter after program exit (as defined in “Employment Rate—4 th Quarter After Exit”). Applicable PIRL data element: 1618 along with 1615 and/or 1617 <i>Note:</i> This is only measured with respect to individuals for whom a non-agricultural occupational code is recorded.	Parity with the actual results for the W-P program in each state.
Reviews of Significant MSFW one-stop centers	Reviews of significant MSFW one-stop centers	100%
Field checks conducted when 10 or more job orders have been placed through the Agricultural Recruitment System	Field checks conducted when 10 or more job orders have been placed through the Agricultural Recruitment System	25%
Field checks conducted when 9 or fewer job orders have been placed through the Agricultural Recruitment System	Field checks conducted when 9 or fewer job orders have been placed through the Agricultural Recruitment System	100%
Outreach contacts per week	Outreach contacts	40 contacts per week
Processing of complaints	Timely processing of ES complaints	100%

Equity Ratio Indicators:

All SWAs must provide MSFWs the full range of services of the workforce development system on a basis which is qualitatively equivalent and quantitatively proportionate to services provided to non-MSFWs. In order for states to be in compliance with these requirements, all states are required to meet the equity indicators that address provision of ES services, including individuals referred to a job, receiving job development, and referred to supportive services or career development. The data collection and performance

accountability measures that apply to all SWAs are set forth in 20 C.F.R. 653.109(a)-(g). Pursuant to 20 C.F.R. 653.109(g), the Department has established equity indicators, applicable to all SWAs that measure the outcomes of providing ES services. These equity indicators are listed in Table 2 below.

Table 2: Equity Ratio Indicators	
Indicator Name	PIRL element number
1. Most Recent Date Received Basic Career Services (Staff-Assisted)	1002
2. Most Recent Date Received Staff-Assisted Career Guidance Services	1102
3. Most Recent Date Received Staff-Assisted Job Search Activities	1104
4. Most Recent Date Referred to Employment	1105
5. Most Recent Date Received Unemployment Insurance (UI) Claim Assistance	1112
6. Most Recent Date Referred to Federal Training	1106
7. Most Recent Date Referred to Other Federal /State Assistance	1113
8. Most Recent Date Received Individualized Career Service	1201

To determine if states are in compliance with the equity service level indicators, ETA will track the services provided to MSFWs versus non-MSFWs through the ETA-established reporting of WIOA career services provided to all participants and as reported in the ES program on the PIRL in WIPS.

To meet the equity performance standards, the percentage of services provided to MSFWs must be equal to or greater than the percentage of services offered to non-MSFWs. For example, if 100 non-MSFWs and 50 MSFWs registered for services in the local ES office and 50 of the non-MSFW participants receive basic career services, the local office must provide basic career services to at least 25 of the MSFWs (50%) in order for that office to meet this equity ratio indicator.