

## **Attachment 7: National Farmworker Jobs Program**

### **I. Introduction**

This attachment describes the program specific details of the performance accountability guidance for the National Farmworker Jobs Program (NFJP). Please note that under the Workforce Innovation and Opportunity Act (WIOA), the Department of Labor (Department, or DOL) has made a concerted effort to align the performance accountability guidance of its various workforce programs. In particular, WIOA section 167(c)(3) requires NFJP grantees providing career services and training to use the primary indicators of performance described in WIOA section 116(b)(2)(A) for the purposes of both reporting and reaching agreement on adjusted levels of performance. This attachment describes the convergence of the NFJP's performance accountability measures with the WIOA measures, and highlights areas where NFJP career services and training measures and NFJP housing measures differ from the shared DOL performance guidance described in the main body and appendices of this Training and Employment Guidance Letter (TEGL). Note that references in this attachment to section numbers of this guidance refers to the body of the TEGL.

As set forth in WIOA regulations, different indicators of performance apply to NFJP grantees providing career services and training, outlined under 20 CFR 685.400(a)-(b). For grantees providing career services and training services, the Department will use the six primary indicators of performance, described in Section II.1 below. For grantees providing housing services, the Department will use other indicators of performance, which are specific to NFJP housing grantees, as described in Section III below.

### **II. Differences from Shared Guidance – Career Services and Training Grantees**

#### **1. Primary Indicators of Performance**

WIOA section 116(b)(2)(A) establishes six primary indicators of performance, which are further described in Appendix I and in TEGL 10-16, Change 1. The NFJP Career Services and Training grantees (*i.e.*, NFJP grantees providing career services and training services) will report on those six performance indicators, with program-specific clarifications set forth below.

Note that the two employment rate indicators (employment status in the second and fourth quarters after exit) differ between adults and youth, consistent with WIOA section 116(b)(2)(A).

The WIOA Adult indicators apply only to NFJP participants enrolled as eligible seasonal farmworker adults, eligible migrant farmworker adults, or dependent adults of an eligible Migrant and Seasonal Farmworker (MSFW).

Unlike the WIOA Youth program, NFJP does not distinguish between in-school and out-of-school youth for participation and reporting purposes. The WIOA Youth indicators apply only to NFJP participants enrolled as eligible MSFW youth or dependent youth of an eligible MSFW. NFJP youth participants include individuals aged 14-24 who are either an eligible MSFW youth who is individually eligible or a dependent youth of an eligible MSFW. As stated in TEGL 18-16, *Program Eligibility and Enrollment Guidance for the National*

*Farmworker Jobs Program* ([https://wdr.doleta.gov/directives/corr\\_doc.cfm?DOCN=3435](https://wdr.doleta.gov/directives/corr_doc.cfm?DOCN=3435)), grantees may enroll eligible migrant and seasonal farmworker (MSFW) participants aged 18-24 as either a MSFW adult or a MSFW youth, but not in both categories. Eligible MSFW youth aged 14-17 may only be enrolled as a MSFW youth. Grantees that do have a youth component as described in 20 CFR 685.370, must report on these MSFW youth according to Youth performance indicators.

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

For adult participants, NFJP applies this indicator as it is described in Appendix I to this guidance, with the operating parameters and methodology described therein.

- A-1. Youth Education and Employment Rate – 2nd Quarter After Exit:** The percentage of participants in education or training activities, or in unsubsidized employment during the second quarter after exit.

For youth participants, NFJP applies this indicator as it is described in Appendix I to this guidance, with the operating parameters and methodology described therein.

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

For adult participants, NFJP applies this indicator as it is described in Appendix I to this guidance, with the operating parameters and methodology described therein.

- B-1. Youth Education and Employment Rate – 4th Quarter After Exit:** The percentage of participants in education or training activities, or in unsubsidized employment during the fourth quarter after exit.

For youth participants, NFJP applies this indicator as it is described in Appendix I to this guidance, with the operating parameters and methodology described therein.

- 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.

NFJP applies this indicator as it is described in Appendix I to this guidance, with the operating parameters and methodology described therein.

- D. Credential Attainment:** The percentage of those participants enrolled in an education or training program (excluding those in on-the-job training (OJT) and customized training) who attain a recognized postsecondary credential or a secondary school diploma, or its recognized equivalent, during participation in or within one year after exit from the program. A participant who has attained a secondary school diploma or its recognized equivalent is included in the percentage of participants who have attained a secondary school diploma or its recognized equivalent only if the participant also is employed or is enrolled in an education or training program leading to a recognized postsecondary credential within one year after exit from the program.

Training activities must encourage the attainment of recognized postsecondary credentials as defined in WIOA section 3(52) as well as 20 CFR 685.350 and 685.370 when appropriate for an eligible MSFW. A recognized postsecondary credential is an industry-recognized certificate or certification, a certificate of completion of an apprenticeship, a license recognized by the state involved or federal government, or an associate or baccalaureate degree. See WIOA sections 167(d) and 134(c)(3)(d) for a full list of training activities.

Eligible MSFWs are not required to receive career services prior to receiving training services. However, training services must be directly linked to an in-demand industry sector or occupation in the service area, or in another geographical area to which an eligible MSFW receiving such services is willing to relocate. NFJP grantees may determine that a sector or occupation is in-demand by the location of the grantee operating the NFJP program. This may be at the state, regional, or local service area level.

All adult and youth program participants who received education or training that was not OJT or Customized Training are included in the credential attainment indicator for NFJP.

NFJP participants who enroll in a secondary school at or above the 9<sup>th</sup> grade, or enroll in a post-secondary school, will be counted in this measure. See TEGL 10-16, Change 1, *Performance Accountability Guidance for Workforce Innovation and Opportunity Act (WIOA) Title I, Title II, Title III, and Title IV Core Programs* ([https://wdr.doleta.gov/directives/corr\\_doc.cfm?DOCN=3255](https://wdr.doleta.gov/directives/corr_doc.cfm?DOCN=3255)) for additional information on the methodology.

- E. **Measurable Skill Gains**: The percentage of program participants who, during a program year, are in an education or training program that leads to a recognized postsecondary credential or employment and who are achieving measurable skill gains, defined as documented academic, technical, occupational, or other forms of progress, towards such a credential or employment.

NFJP participants meeting the definition for being in education or training in the credential attainment section above, as well as participants in OJT and customized training, are included in this measure.

- F. **Effectiveness in Serving Employers**: The percentage of program participants who exit and are employed with the same employer in the second and fourth quarters after exit.

NFJP applies this indicator as described in Appendix I to this guidance, with the operating parameters and methodology described therein.

## **2. Categories of Enrollment: Participant and Date of Program Exit –**

- A. **Reportable Individual**: NFJP applies a program-specific definition of reportable individual, and does not follow the definition applied to the core programs.

As stated in TEGL 18-16 (see link above), an individual who receives only related assistance services that (1) does not require significant involvement of grantee staff time; and (2) does not require a career assessment by grantee staff of an individual's skills, education, or career

objectives (including all emergency assistance services) will be considered a “reportable individual” for NFJP. Such individuals are not included in performance calculations as program participants. For example, the Department does not consider pesticide and worker safety training (neither of which require significant involvement of grantee staff time, nor career assessments) to be the type of related assistance that requires the individual to be included in the performance calculations. In this case, the individual would be counted as a reportable individual.

Emergency assistance, a form of short-term related assistance, may be provided to eligible MSFWs and their dependents as defined in 20 CFR 685.110 to address these farmworker’s immediate needs. Emergency assistance may include, but is not limited to, the provision of necessary items such as clothing, food, and transportation vouchers. When an individual receives emergency assistance only (and no other NFJP services), an applicant’s self-certification is accepted as sufficient documentation of eligibility. Any individual receiving only emergency services is counted as a reportable individual.

**B. Participant:** NFJP applies a program-specific definition of participant, and does not follow the definition applied to the core programs.<sup>1</sup>

As stated in TEGL 18-16, an NFJP participant, an individual must complete the following requirements: eligibility determination, career assessment, and receipt of at least one of the five program elements (e.g. career services, training services, housing services, youth services, and/or certain related assistance services). These individuals will be considered program participants and included in performance calculations. Note for the purposes of determining eligibility, grantees do not need to demonstrate that an individual is either chronically unemployed or underemployed.

Individuals who are enrolled in certain related assistance activities that require significant involvement of grantee staff are also considered participants. Specifically, “certain related assistance” activities that trigger inclusion in participation are those that require an eligibility determination and a career assessment, and are directly related to education, training, career, and/or employment outcomes. These activities may include, but are not limited to:

- School dropout prevention and recovery activities;
- Self-employment and related business or micro-enterprise development or education; and
- Occupational career and technical education.

For assistance in determining whether an individual is a reportable individual or a participant, see the chart in Appendix III, Table C, which lists types of services an NFJP participant may receive. This table also identifies those services as basic career services, individualized career services, or training; and states whether each type of service triggers inclusion in participation for the NFJP program.

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<sup>1</sup>Note the Participant Individual Record Layout (PIRL) data element 808 Eligible Migrant and Seasonal Farmworker Status (WIOA section 167) is only to be used for participants, who are enrolled or co-enrolled in NFJP. For Employment Service performance reporting purposes, Wagner-Peyser partners should use PIRL data element 413 for Migrant and Seasonal Farmworker Designation as defined in 20 CFR 651.10.

C. **Exit:** The NFJP program applies the definition and criteria of exit stated in Section 7 of this guidance. The date of exit from the program is the last date of any service listed above. Specifically:

- The date of exit cannot be determined until 90 days have elapsed since the participant last received any services. Furthermore, there must be no future, planned services scheduled. At that point the date of exit is applied retroactively to the last date of service.
- In determining whether 90 days have elapsed since the participant last received services, do not include receipt by the participant of any supportive services as these services do not delay, postpone, or affect the date of exit. Because the date of exit is retroactive to the last date of service, follow-up services may begin immediately following the last date of service if it is expected that the participant will not receive any future services other than follow-up services. Provision of follow-up services does not extend the date of exit.<sup>2</sup>
- PIRL data element 901 (Date of Program Exit) is used to collect and report the date of exit. For exit-based performance measures, the quarter for collecting follow-up data is determined by the quarter in which the date of exit occurs. For example, if the date of exit is between January 1st and March 31st, the first quarter after exit would be April 1st through June 30th.

**Period of Reportable Individual Activity:** The NFJP program applies the concept of a period of reportable individual activity consistent with WIOA title I Adult and Dislocated Worker programs found in Section 7 of this guidance, using **Appendix III, Table C** as a reference for determining reportable individual or participant level services.

A period of reportable individual activity refers to the period of time that begins either (a) when a person first takes part in a qualifying reportable individual activity or (b) 91 days after the date of exit of a preceding period of participation. A period of reportable individual activity ends when either (a) no services have been received for more than 90 days or (b) 90 days prior to the start of a subsequent period of participation.

A new period of reportable individual activity should be recorded when more than 90 consecutive days have elapsed since that reportable individual last engaged with the program via self-service or an information-only service or activity. This “end of the period of reportable individual activity” is needed in order to prevent reportable individuals who have stopped receiving services from staying in the system indefinitely.

In cases where a person has a period of reportable individual activity lasting more than 90 days, prior to becoming a participant, two records must be reported. The first record represents the period of reportable individual activity and must end 91 days before the date of program entry for the subsequent period of participation. The second record represents the period of participation and will include any reportable individual services or activities occurring within 90 days prior to the date of program entry.

In cases where a person has a period of reportable individual activity lasting fewer than 90 days, prior to becoming a participant, only one record must be reported. The record

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<sup>2</sup> Note that for NFJP grants, follow up services may begin after a participant is placed in employment rather than after exit. This does not change the fact that follow up services do not extend the date of exit.

represents a period of participation and will include any reportable individual services or activities occurring within 90 days prior to the date of program entry.

The same logic applies to periods of reportable individual activity occurring after a period of participation. Any reportable individual activities occurring within 90 days after the date of program exit will be reported as part of the period of participation. Reportable individual activities occurring more than 90 days after the date of program exit will not be included in the record for the period of participation. A second record representing a period of reportable individual activity beginning more than 90 days after the date of program exit must be reported.

**D. Common Exit:** As stated in Section 7 of this guidance, while the Department encourages states that implement common exit policies to include DOL-administered non-core programs as within the scope of the state's common exit policy, the Department also recognizes that the decision of whether to retain or develop a common exit policy is ultimately left to the States, as well as which (if any) DOL-administered non-core programs to include within the scope of the policy. This is subject to the requirements for common exit stated in Section 7 of this guidance. Grantees should be aware that co-enrollment without common exit may result in multiple exit dates, based on the individual programs' service end dates. If the state has a common exit policy that includes NFJP, then an NFJP participant will not exit until the last date of service in any of the programs included in the common exit policy.

### **3. Self-Service and Information-Only Activities**

This section does not apply to NFJP.

### **4. Period of Participation and Reporting Unique Participants**

The NFJP program adopts the definition of period of participation as stated in Section 9 of this guidance.

#### **Reporting Unique Participants**

The NFJP grant program does not require a count of unique participants as described in Section 9 of this guidance. Instead, the NFJP program only required that grantees report on each period of participation. However, should the need arise to calculate a unique count of participants the PIRL records submitted in WIPS can be aggregated into counts of unique participants, using unique individual identifiers assigned by grantees to each participant and reported on the PIRL.

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

See Training and Employment Notice (TEN) 8-16 ([https://wdr.doleta.gov/directives/corr\\_doc.cfm?DOCN=5317](https://wdr.doleta.gov/directives/corr_doc.cfm?DOCN=5317)). All NFJP Career Services and Training grants awarded with a start date of July 1, 2016 or later will use the new data elements in the Participant Individual Record Layout (PIRL) that are specified in the approved reporting requirements. In accordance with the statute, NFJP began implementing the new WIOA measures as of July 1, 2016 for grantees providing career services and training. In the future, Housing grantees (see Section III) will also utilize the PIRL submitted in WIPS.

Each grantee is required to upload a comma separated values (.csv) file with its required data elements as defined in the DOL-only PIRL into WIPS within 45 days of the end of the quarter.

Although not all PIRL data elements are part of outcome calculations, and thus not listed in Appendix IV, NFJP grantees must ensure they capture all elements listed under the NFJP PIRL schema (<https://doleta.gov/performance/wips/>).

## **6. State Annual Report Narratives**

This section does not apply to NFJP.

## **7. Eligible Training Provider (ETP) Performance Reporting**

This section does not apply to NFJP.

## **8. Pay-for-Performance Reporting**

This section does not apply to NFJP.

## **9. Quarterly Narrative Reports for Discretionary Programs**

All NFJP grantees are required to use the “*Joint Quarterly Narrative Report Template*” (ETA-9179) for quarterly performance narrative reporting. This form was approved for use by the Office of Management and Budget (OMB) under OMB control no. 1205-0448. Additional instructions for completing this form and submitting it to the Department are included in separate guidance.

## **10. Use of Social Security Numbers and Direct Wage Match for Performance Reporting**

In accordance with Section 15 of this guidance, NFJP grantees are directed to request participants’ Social Security numbers (SSNs). Though NFJP grantees are required to request participants’ SSNs, participants cannot be denied services if they choose to not disclose their SSN.

For NFJP Career Services and Training grantees, the Department, as described in Section 15 of this guidance, will facilitate the acquisition of aggregate quarterly employment and earnings results for NFJP participants, and provide those aggregate results to the relevant grantee. The Department will match quarterly UI wage records on behalf of grantees in order to capture exit-based outcomes (each of which has an employment related component) for participants who have exited the program for following indicators only:

- A. Employment Rate – 2nd Quarter After Exit;
- B. Employment Rate – 4th Quarter After Exit;
- C. Median Earnings – 2nd Quarter After Exit;
- D. Credential Attainment; and

- E. Effectiveness in Serving Employers – 2<sup>nd</sup> and 4<sup>th</sup> Quarter After Exit Retention with the Same Employer.

The Department will calculate these specific employment-based outcomes on behalf of grantees.

## **11. Supplemental Wage Information**

As described in Section 16 and Appendix VI of this guidance, NFJP grantees may collect and document supplemental wage information to calculate the exit-based primary indicators of performance. Supplemental wage information is the only means for grantees to report exit-based outcomes for those participants who do not provide SSNs, and frequently the only means to report such outcomes for participants for whom wage record data is predicted to be unavailable. Additional details regarding circumstances for collecting supplemental wage information, are provided in Appendix VI of this guidance.

## **III. Unique Features of NFJP**

### **Primary Indicators of Performance – Housing Grantees.**

For NFJP, Housing grantees that provide permanent housing services will report on four (4) indicators of performance, while Housing grantees that provide temporary housing services will report on two (2) indicators of performance, as specified in 20 CFR 685.400. Housing assistance is defined in 20 CFR 685.110, while types of housing services, including qualifying permanent and temporary housing services and assistance, are described in 20 CFR 685.360(c). Permanent housing developed with NFJP funds must be promoted and made widely available to eligible MSFWs, but occupancy is not restricted to eligible MSFWs. Temporary housing services must only be provided to eligible MSFWs as defined in 20 CFR 685.360.

For the purpose of reporting housing assistance indicators, “family” is defined in 20 CFR 685.110 as the eligible MSFW(s) and all the individuals identified under the definition of “dependent” who are living together in one physical residence.

The following are the indicators of performance for NFJP Housing grantees.

#### **Permanent Housing:**

##### **1. Total number of eligible Migrant and Seasonal Farmworkers (MSFWs) served:**

The total number of eligible MSFWs that benefit from the permanent housing activities provided within the program year.

##### **2. Total number of eligible MSFW families served:**

The total number of eligible MSFW families that benefit from the permanent housing activities provided within the program year.

**3. Total number of individuals served:**

The total number of individuals that benefit from the permanent housing activities provided within the program year.

**4. Total number of families served:**

The total number of families that benefit from the permanent housing activities provided within the program year.

**Temporary Housing:**

**5. Total number of eligible MSFWs served:**

The total number of eligible MSFWs that benefit from the temporary housing activities provided within the program year.

**6. Total number of eligible MSFW families served:**

The total number of eligible MSFW families that benefit from the temporary housing activities provided within the program year.