

EMPLOYMENT AND TRAINING ADMINISTRATION ADVISORY SYSTEM U.S. DEPARTMENT OF LABOR Washington, D.C. 20210	CLASSIFICATION Monitor Advocate
	CORRESPONDENCE SYMBOL OWI-DNPTTA
	DATE March 11, 2013

ADVISORY: TRAINING AND EMPLOYMENT GUIDANCE LETTER NO. 17-12

TO: ALL STATE WORKFORCE AGENCIES
ALL STATE WORKFORCE ADMINISTRATORS
ALL STATE WORKFORCE LIAISONS

FROM: JANE OATES /s/
Assistant Secretary

SUBJECT: Responsibility of State Workforce Agency Administrators and State Monitor Advocates in Providing Services to Migrant and Seasonal Farm Workers

1. **Purpose.** To provide guidance to State Workforce Agencies (SWAs) on the responsibilities of serving migrant and seasonal farm workers (MSFWs) through the American Job Center (also known as One-Stop Career Center) network and on the responsibilities of the State Monitor Advocates (SMAs).
2. **Reference.** Wagner-Peyser Act of 1933 as amended by the Workforce Investment Act (WIA) of 1998; 20 CFR (Code of Federal Regulations) Parts 651, 653, and 658; 65 FR 49294, Aug. 11, 2000.
3. **Background.** The Monitor Advocate system and state requirements for services to MSFWs originated from a court ruling in the 1970s (NAACP, Western Region, et al., v. Brennan). Following a Court Order approving a settlement agreement, the Department published Federal regulations at 20 CFR Parts 651, 653 and 658 on June 10, 1980, to establish standards to ensure that state agencies do not discriminate against MSFWs in providing employment services. These regulations remain in effect today. These regulations also established a Monitor Advocate system, with Monitor Advocates at the national, regional, and state levels, who monitor and review state agencies for compliance with Wagner-Peyser regulations affecting MSFWs on a continuing basis. Through the American Job Center network, SMAs also advocate on behalf of MSFWs to assure that MSFWs can access and use training programs and services offered by local Workforce Investment Boards, community colleges, and other training providers.
4. **Services to MSFWs.** Under 20 CFR 653.100, state agencies must ensure that MSFWs are provided the full range of employment and training services on a basis that is qualitatively

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equivalent and quantitatively proportionate to services provided to non-MSFWs. The services available from the WIA Adult and Dislocated Worker programs, the WIA Youth program, the Wagner-Peyser Act Employment Service (or Job Service) program, and from all other Department of Labor-funded public workforce system partners in the state must be available to farm workers in an equitable fashion, appropriate to their needs as job seekers as well as to their needs as farm workers.

- 5. Role of SWA Administrators.** SWA Administrators of the Wagner-Peyser program are responsible for establishing a comprehensive program designed to assure compliance with regulatory requirements concerning services provided to MSFWs. They are also responsible for the operation of an outreach program in order to locate and contact MSFWs who are not being reached by the normal intake activities conducted by the local offices.

The Attachment to this TEGL provides a partial list of the SWAs' responsibilities; Federal regulations at 20 CFR Parts 653 and 658 provide the full details of such responsibilities.

- 6. The Role of State Monitor Advocates.** The SMAs' role focuses on three primary functions: monitoring, advocacy, and field duties.

Monitoring activities may include: the day-to-day review of service delivery by state agencies and local offices and of the protections afforded by Federal regulations to MSFWs; the submission of timely reports to the SWA Administrator on status of services to MSFWs; and the resolution of local and statewide complaints submitted by MSFWs.

Advocacy activities may include: recommending improvements to the SWA Administrator on improving services to MSFWs through the American Job Center network and maintaining regular and personal contacts with National Farmworker Jobs Program (NFJP) WIA section 167 organizations, and various other farm worker and agricultural employer groups, including attendance at conferences and meetings.

Field visit activities may include: conducting frequent field visits to working and living areas of MSFWs to offer the full range of employment and training services and to verify referrals made on job orders; collaborating with state and Federal enforcement agencies in conducting field checks; and meeting frequently with farm worker groups and agricultural employers to promote use of the American Job Center network.

The Attachment to this TEGL provides additional duties and responsibilities of the SMAs.

- 7. Action Required.** SWA administrators are required to comply with the procedures outlined in this TEGL and the regulations set forth at 20 CFR Parts 651, 653, and 658. Administrators should ensure that SMAs and all other appropriate staff are familiar with the requirements in this TEGL.
- 8. Inquiries.** Any questions concerning this TEGL should be directed to the ETA Regional Monitor Advocate for your state, or the National Monitor Advocate:

Region 1 – George J. Kincannon, at kincannon.george.j@dol.gov or (617) 788-0135

Region 2 – Nicole Duchman, at duchman.nicole@dol.gov or (215) 861-5208

Region 3 – Toni Buxton, at buxton.toni@dol.gov or (404) 302-5367

Region 4 – Jesus Morales, at morales.jesus@dol.gov or (972) 850-4616
Region 5 – Eric Hernandez, at hernandez.eric@dol.gov or (312) 596-5419
Region 6 – Diane Walton, at walton.diane@dol.gov or (415) 625-7924
National Monitor Advocate – Juan M. Regalado, at nma@dol.gov or (415) 625-7904

9. Attachment. State Workforce Agency and State Monitor Advocate Responsibilities