

EMPLOYMENT AND TRAINING ADMINISTRATION ADVISORY SYSTEM U.S. DEPARTMENT OF LABOR Washington, D.C. 20210	CLASSIFICATION OWI
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ADVISORY: TRAINING AND EMPLOYMENT GUIDANCE LETTER NO. 23-12

TO: STATE WORKFORCE AGENCIES
STATE WORKFORCE ADMINISTRATORS

FROM: JANE OATES /s/
Assistant Secretary

SUBJECT: Instructions and Planning Guidance for the Agricultural Outreach Plans (AOP) for Program Year 2013 and the Designation of Significant Migrant and Seasonal Farm Worker (MSFW) States

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 for Program Year (PY) 2013.
2. **References.**
 - a. Wagner-Peyser (W-P) Act, as amended (29 U.S.C. 49 et seq.);
 - b. Workforce Investment Act of 1998 (WIA), as amended (29 U.S.C. 2801, et seq.);
 - c. Wagner-Peyser regulations, 20 CFR 653.107 and 651.10;
 - d. TEGL No. 21-11, *Requirements for 2012 State Workforce Plans*; and TEGL No. 21-11 Change 1, *Inclusion of the American Job Center Brand in 2012 State Workforce Plans*;
 - e. *State Integrated Workforce Plan Requirements for Workforce Investment Act Title I/Wagner-Peyser Act and Department of Labor Workforce Programs (OMB No. 1205-0398)*; and
 - f. *Planning Guidance for State Unified Plans and Unified Plan Modifications Submitted under Section 501 of the Workforce Investment Act (WIA) (OMB No. 1205-0398)*.
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 must develop 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 (also referred to as the One-Stop Career Center system).

RESCISSIONS None	EXPIRATION DATE June 30, 2014
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The AOP is an annual requirement that previously had been submitted as a separate plan and now is an integral component of the state's Strategic WIA Title I and W-P Integrated or Unified Workforce Plan (State Workforce Plan). Since the development of an AOP is required annually, states must submit the AOP to ETA each year as a modification to their State Workforce Plan. This TEGL provides guidance to SWAs to develop and submit a new AOP as a modification to the State Workforce Plan.

States with approved AOPs as part of their State Workforce Plan must submit the AOP for PY 2013 in accordance with guidance provided in this TEGL. A small number of states received an extension of their State Workforce Plans through June 30, 2013, including an extension to the PY 2011 AOPs. States that are required to submit a full State Workforce Plan must also include the updated AOPs for PY 2013 in their submission, in accordance with guidance provided in TEGL No. 21-11.

The Employment and Training Administration (ETA) is required to designate the 20 states with the highest number of MSFW applicants which are considered the significant MSFW states. This TEGL provides the list of significant MSFW states for PY 2013, and the requirements for those states.

4. **Planning 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>. The detailed requirements for the AOP are found in Attachment A of this TEGL.
5. **Agricultural Outreach Plans.** As outlined in W-P regulations at 20 CFR 653.107, each SWA is required to operate an outreach program in order to locate and to contact MSFWs who are not being reached by the normal intake activities conducted by the local offices. To this end, each state agency must develop an annual AOP, setting forth numerical goals, policies, and objectives. Regulations at 20 CFR 653.107 require that the outreach plan comply with planning instructions and resource guidance issued by ETA. In order to be approved, the outreach plan must include the following elements:
 - Assessment of need
 - Assessment of available resources
 - 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 which are required in the AOP.

6. **Significant State Designation.** Significant MSFW states are those states designated annually by ETA and include the 20 states with the highest number of MSFW applicants. The designation of the significant states is based 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 shall assign outreach staff to work full-time during the period of the highest MSFW activity. Such outreach staff shall 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 5 states with the highest estimated year-round MSFW activity. The factors used to establish these top 5 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. These 5 states must assign, in accordance with state merit staff requirements in W-P regulations at 20 CFR 653.107(i), full-time, year-round staff to outreach duties.

The 5 states with the highest estimated year-round activity (California, Florida, Texas, Washington, and Michigan) correspond with the top 5 significant MSFW states. Attachment B provides the full list of these significant MSFW states and the list of the 5 states with the highest estimated year-round MSFW activity.

7. **Performance Outcomes.** ETA has established program performance indicators for SWAs reflecting equity indicators and indicators measuring minimum levels of service to MSFWs.

The 5 equity indicators address W-P services and 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 4 of the 5 equity ratio 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.

The 7 minimum service level indicators address other W-P services to MSFWs and include: 1) MSFWs placed in a job; 2) MSFWs placed in a job with a wage exceeding the Federal minimum wage by at least 50 cents/hour; 3) MSFWs placed long-term (150 days or more) in a non-agricultural job; 4) the review of significant MSFW local offices; 5) field checks on agricultural clearance orders; 6) outreach contacts per staff day; and 7) processing of complaints. All significant MSFW states are required to meet at least 4 of the 7 minimum service level indicators, while the other (non-significant) states should make maximum efforts to meet these same levels.

8. **Action Required for Submission of the AOP.** The SWAs must develop the annual AOPs for PY 2013 as a modification to their five year WIA Title I and W-P Integrated or Unified Workforce Plans and submit the AOPs to the appropriate ETA Regional Administrator within 90 days of issuance of this TEGL, preferably in an electronic format for approval. A copy should also be sent to the National Monitor Advocate, at nma@dol.gov.
9. **Importance of Cooperative Agencies' Participation and Public Comment.** In developing the AOP, and in accordance with 20 CFR 653.107 (d), the SWAs must solicit information and suggestions from WIA 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 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 SWAs must also provide the State Monitor Advocates an opportunity to review and comment on the AOP. The plan must include the list of organizations from which information and suggestions were solicited, any comments received, and State responses to those comments.
10. **Inquiries.** Please direct questions regarding this notice and instructions to the appropriate Regional Monitor Advocate.
11. **Attachments.**
 - Attachment A: Summary of Annual Agricultural Outreach Plan Requirements
 - Attachment B: List of significant MSFW states and the 5 states with the highest estimated year-round MSFW activity