

EMPLOYMENT AND TRAINING ADMINISTRATION ADVISORY SYSTEM U.S. DEPARTMENT OF LABOR Washington, D.C. 20210	CLASSIFICATION WIOA – MA System and NFJP
	CORRESPONDENCE SYMBOL OWI - DNPTTA
	DATE February 14, 2018

ADVISORY: TRAINING AND EMPLOYMENT GUIDANCE LETTER NO. 8-17

TO: STATE WORKFORCE AGENCIES
NATIONAL FARMWORKER JOBS PROGRAM GRANTEES
STATE MONITOR ADVOCATES

FROM: ROSEMARY LAHASKY
Deputy Assistant Secretary



SUBJECT: Guidance on the Requirement for a Memorandum of Understanding (MOU) Between State Monitor Advocates (SMA) and National Farmworker Jobs Program (NFJP) Grantees

1. **Purpose.** To provide guidance on identifying the respective relationships, roles, and responsibilities of SMAs and NFJP grantees as they pertain to the MOU.
2. **References.**
 - 20 CFR 653.108
 - Training and Employment Guidance Letter No. 18-16
3. **Background.** Migrant and seasonal farmworkers (MSFWs) often face multiple language and cultural barriers to employment. To address these barriers and serve farmworkers as effectively as possible, it is important that SMAs, NFJP grantees, and the workforce system collaborate closely to improve the career and training options for these customers. In order to better deliver services to MSFWs, the Workforce Innovation and Opportunity Act (WIOA) regulations call for collaboration between the SMAs and the NFJP grantees. Specifically, the SMAs must establish an MOU with the NFJP grantees and may establish MOUs with other organizations serving farmworkers as appropriate. The SMAs and NFJP grantees, including Career Services and Training grantees (previously known as Employment and Training grantees) and Housing grantees, play an instrumental role in ensuring MSFWs have access to career pathways, job training, and other supportive services offered through the workforce development system to improve their livelihoods. Working together facilitates outreach worker contacts, job referrals, and provision of services between American Job Centers and NFJP grantees, and ultimately, helps ensure MSFWs have meaningful access to services in a way that meets their unique needs.
4. **Requirements.**
The Wagner-Peyser Employment Service regulations on services to MSFWs include the following requirements:

RESCISSIONS None	EXPIRATION DATE Continuing
----------------------------	--------------------------------------

- 20 CFR 653.108(k): The SMA must establish an ongoing liaison with WIOA sec. 167 NFJP grantees and other organizations serving farmworkers, employers, and employer organizations in the State.
- 20 CFR 653.108(l): The SMA must meet (either in person or by alternative means), at minimum, quarterly, with representatives of the organizations pursuant to paragraph (k) of this section, to: receive complaints; assist in referrals of alleged violations to enforcement agencies; and receive input on improving coordination with Employment Service (ES) offices or improving the coordination of services to MSFWs. To foster such collaboration, the SMAs must establish MOUs with the NFJP grantees and may establish MOUs with other organizations serving farm workers as appropriate.

5. MOU Components: Based on the above requirements pursuant to 20 CFR 653.108(l), the MOU *must* include the following:

- a. Meeting Frequency: At minimum, the SMA and NFJP must meet at least quarterly; however, the MOU can include language whereby both parties agree to meet more frequently.
- b. Meeting Format: Describe whether meetings will take place in person or by alternative means, i.e., via teleconference or via video conference, and include information on meeting logistics as applicable. The Department recommends that an in-person meeting should be conducted at least annually.
- c. Required Attendees: Participants must include, at minimum: 1) the SMA or, if the SMA is unavailable, an individual designated by the SMA; and 2) NFJP grantee representative(s).
- d. Complaints and/or Violations: Procedure for NFJP grantee to refer complaints and/or apparent violations to the State Workforce Agency (SWA).¹
- e. Enhance Coordination: On-going process for SMA to receive input on improving coordination with One-Stop Centers or improving the coordination of services to MSFWs in areas such as, outreach, referrals, complaints, etc., as described in Section 3 above.
- f. Signatures: The MOU must be signed by an authorized signatory of the NFJP grantee, the SMA, an authorized signatory of the SWA, and any other signatory deemed necessary.

Further, the Department *recommends* that SMAs and NFJP grantees consider including the following when developing the MOU:

- Purpose: Both parties should agree upon and state a purpose for the MOU.
- Non-financial Agreement: A statement that the MOU is a non-financial agreement.
- Confidentiality Agreement: An agreement to maintain confidentiality on all appropriate information consistent with all applicable laws and regulations.

¹ See information on the Complaint System at 20 CFR 658 Subpart E.

- **Duration:** The duration of the MOU and procedures for amending and/or terminating in the event that a different organization receives the NFJP award.
- **MOU Renewal:** Assurances that the MOU will be reviewed, and if substantial changes have occurred, revised and renewed no less than once every 4-year period to stay current with NFJP grant award cycles.
- **Collaboration:** A statement of collaboration intentions in which both SMAs and NFJP grantees describe their plans to work together to realize the program goals of the Monitor Advocate System and NFJP, and to avoid duplication of services. Examples include sharing information on how the SWA and the NFJP grantee: 1) will collaborate and how they may improve collaboration to provide services to MSFWs, including those who are English Language Learners; 2) will share information packets and outreach materials that are available in multiple languages; and 3) will each provide the language assistance necessary to afford MSFWs meaningful access to the programs, services, and information offered by the One-stop centers.
- **Sharing Data:** Procedure for sharing data on MSFW-related information, specifically outreach information needed by the SWA for reporting purposes.
- **Professional Development:** Commitment to cross-training staff and nourishing staff development. For example, the SWA can train NFJP grantees on employment services and vice versa; the SMA could also help train NFJP staff and outreach workers to identify and refer possible incidents of sexual harassment and human trafficking.
- **Complaint System Education and Outreach:** An agreement to work together to train on NFJP services and the complaint system. For example, SMAs and NFJP grantees can work together to educate workforce system partners on the complaint system and NFJP services. Also, NFJP grantees can agree to post Complaint System posters in their offices.
- **Complaints and/or Violations:** An agreement that all complaints and/or apparent violations that fall within the scope of the Complaint System (described at 20 CFR 658 Subpart E) will be referred from the NFJP grantee to the SWA/local One-Stop for logging and processing. For example, NFJP grantee will provide the Complaint Form to prospective complainants when requested. In return, the SMA will provide the NFJP grantee with any information on resolutions.
- **Emergency Assistance:** Short-term MSFW emergency assistance procedures, including, but not limited to, basic necessities such as clothing, food, and transportation, should be addressed. For additional consideration of emergency assistance, refer to TEGl 18-16 Section 8.
- **Meeting Documentation:** Develop agendas, list of attendees, notes and/or minutes, which may be shared with Regional Monitor Advocates (RMA) and NFJP Federal Project Officers (FPO) upon request.

Note: If there are multiple NFJP grantees within a state, it is permissible for the SMA to develop an umbrella MOU that will cover all of the NFJP grantees within that state, so long as the MOU covers each of the NFJP grantees' responsibilities within their respective service areas in the state, and the authorized representatives from each NFJP service area are signatories on the MOU.

As ETA observes the practices of developing the MOUs over time, ETA will work with the RMAs to identify best practices and provide additional technical assistance as needed to support this effort.

6. **Action Requested.** SMAs must collaborate with NFJP grantees, including Career Services and Training grantees and Housing grantees, to establish an MOU no later than one year from the date the TEGP is issued. The SMAs and NFJP grantees can reach out to their RMAs and NFJP FPOs, respectively, to help facilitate this process and ensure that MOUs are aligned with the regulations.
7. **Inquiries.** Please contact the appropriate RMA who can be found in this directory: https://doleta.gov/programs/MSFW/pdf/NATIONAL_MSFW_MONITOR_ADVOCATE_DIRECTORY.pdf.