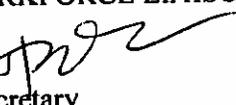


TRAINING AND EMPLOYMENT NOTICE	NO. 8-15
	DATE September 1, 2015

TO: STATE WORKFORCE AGENCIES
STATE WORKFORCE ADMINISTRATORS
STATE WORKFORCE LIAISONS

FROM: PORTIA WU 
Assistant Secretary

SUBJECT: 2015 Monitor Advocate and State Workforce Agencies (SWAs) Foreign Labor Certification National Training

1. **Purpose.** To inform SWAs, State Monitor Advocates (SMAs), and Foreign Labor Certification State Coordinators (FLCs) of the 2015 “Monitor Advocate and SWA Foreign Labor Certification Training,” sponsored by the Employment and Training Administration (ETA). The training will be held at the National Conference Center in Leesburg, Virginia, September 15-17, 2015. (See attachment for meeting agenda.)
2. **Background.** Wagner-Peyser Act regulations at 20 CFR 653.108(e) stipulate that all SMAs are required to attend training sessions conducted by ETA’s National and/or Regional Monitor Advocates. Regulations at 20 CFR 653.108(k) also require Monitor Advocates to establish ongoing liaison with other organizations serving farmworkers, and to meet frequently to better coordinate on improving the delivery of employment and training services to migrant and seasonal farmworkers (MSFWs) through the American Job Center network. Further, ETA Regional Monitor Advocates are required to meet with SMAs to discuss the states’ capabilities for providing services to MSFWs during the upcoming harvest season, as outlined at regulations at 20 CFR 658.603(f)(10). ETA’s Office of Foreign Labor Certification administers Foreign Labor Certification programs with the assistance of SWAs.
3. **Monitor Advocate and SWA Foreign Labor Certification Training.** This event will provide training and technical assistance to SMAs and FLCs at SWAs to better fulfill their responsibilities regarding services to MSFWs and to employers who intend to hire and bring foreign workers to the United States to perform labor or services of a temporary or seasonal nature under H-2A and H-2B programs. Specific objectives of the training sessions are to: 1) provide best practices to SMAs and FLCs to improve services and performance; 2) better integrate public workforce system services to MSFWs and agricultural employers; 3) better coordinate the enforcement of farmworker rights and protections; 4) facilitate the exchange of resources and strategies across states and agencies for serving MSFWs; and 5) provide technical tools to SMAs and FLCs that will help with processing of the job orders and referrals. The success of the Monitor Advocate network relies on ETA providing on-going training and technical assistance to SMAs that are on the front line in working with farmworkers. This training directly supports the Department of Labor’s mission to increase

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U.S. DEPARTMENT OF LABOR
WASHINGTON, D.C. 20210**

employment opportunities and provide critical support and protections for MSFWs. Additionally, there is a critical need to train SWA staff for a successful implementation of the new H-2B regulations, published on April 29, 2015, beginning with October 1 applications. Specifically, this training will provide important technical assistance sessions for both the H-2A and H-2B programs that will address SWA increased responsibilities in processing of the H-2B job orders and enhanced recruitment activities of U.S. workers.

4. **Arrangements.** The “Monitor Advocate and SWA Foreign Labor Certification Training” will begin Tuesday, September 15, 2015, at 8:00 AM a.m. (Eastern) and will continue until 5:00 pm (Eastern) on Thursday, September 17, 2015, at 5:00 pm. The training will be held at the National Conference Center at 18980 Upper Belmont Place, Leesburg, VA 20176. Information on registration, the agenda, and hotel reservations will be provided by e-mail when available.
5. **Action Requested.** To comply with regulations set forth at 20 CFR 653.108(e), State Workforce Administrators are requested to allow SMAs, FLCs and other staff involved with farmworker-related services to attend the “Monitor Advocate and SWA Foreign Labor Certification Training.”
6. **Inquiries.** Please direct inquiries concerning this notice either to the ETA Regional Monitor Advocate serving your state or to the ETA National Monitor Advocate at NMA@dol.gov. For a list of ETA Regional Monitor Advocates and the states they serve, see attachment.

Attachments

- A. Meeting Agenda
- B. ETA Regional Monitor Advocates Listing

**MSFW Monitor Advocate and FLC Coordinator
Annual Conference
September 15 – 17, 2015**

Agenda

Tuesday, September 15 – Foreign Labor Certification Focused

Plenary Sessions	
8:00am – 8:15am	Welcome & Opening Ceremony
8:15am – 9:15am	The State of OFLC H-2A/H-2B Programs: Recent Trends and New Developments
9:15am – 10:30am	H-2A/H-2B Programs: Overview of Regulatory Requirements & Adjudication Process
10:30am – 10:45am	Break
Breakout Sessions	
	<i>H-2A Program Track</i>
	<i>H-2B Program Track</i>
10:45am – 12:00pm	Conducting Prevailing Wage & Practice Surveys
	Determining Prevailing Wages Under the 2015 Wage Final Rule
12:00pm – 1:00pm	Lunch
1:00pm – 3:00pm	Agricultural Clearance Order Requirements, Positive Recruitment, & Referrals of U.S. Workers
	New Requirements for Advertising & Recruiting U.S. Workers Under the 2015 IFR
3:00pm – 3:15pm	Break
3:15pm – 4:30pm	SWA Practices & Lessons Learned from 2015 Filing Season
	SWA Practices & Lessons Learned from 2015 Filing Season
Plenary Sessions	
4:30pm – 5:00pm	Day 1: Major Takeaways & Open Question Forum

Wednesday, September 16 – Foreign Labor Certification and Monitor Advocate Focused

Plenary Sessions	
8:00am – 8:30am	Welcome & Opening Remarks
8:30am – 10:00am	H-2A/H-2B Audit Examinations: Overview of Adjudication Process & Outcomes
10:00am – 10:15am	Break
10:15am – 12:00pm	Wage Hour Enforcement: Investigations Process, FLC/MSPA Requirements, & Surety Bonds
12:00pm – 1:00pm	Lunch
1:15pm – 2:15pm	OSHA Workshop
2:15pm – 3:15pm	Trafficking in Persons Panel (EEOC, ETA, and DOJ)
3:15pm – 3:20pm	Break
3:20pm – 4:45pm	Acceptance and Processing of Agricultural Job Orders

**MSFW Monitor Advocate and FLC Coordinator
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	(ARS and H2 Programs) including Assurances and Contents of Job Offer
4:45pm – 5:00pm	Open Dialogue/ Reflection

Thursday, September 17 – Monitor Advocate Focus

Plenary Sessions	
8:00am – 9:30am	Outreach: MSFWs and Agricultural Employers
9:30am – 9:45am	<i>Break</i>
9:45am – 11:00am	Pre-Occupancy Housing Inspections
11:00am – 11:05am	<i>Break</i>
11:05am – 12:15pm	Field Checks (Small Panel Presented by WHD and SMA)
12:15pm – 1:15pm	<i>Lunch</i>
1:15pm – 2:45pm	State Monitor Advocate Onsite Reviews
2:45pm – 3:00pm	<i>Break</i>
3:00pm – 4:30pm	Complaint System and Apparent Violations
4:30pm – 4:50pm	Open Dialogue/ Reflection
4:50pm – 5:00pm	Closing Remarks

National and Regional Monitor Advocates

National Office

U.S. Department of Labor/Employment and Training Administration (U.S. DOL/ETA)
National Office
200 Constitution Ave., NW
Francis Perkins Building
Washington, DC 20210
<http://www.doleta.gov/farmworker/>

JUAN M. REGALADO
National Monitor Advocate
Tel: (415) 625-7904
Fax: (415) 625-7923
NMA@dol.gov

LIANNA SHANNON
Program and Policy Specialist
Tel: (415) 625-7927
Fax: (415) 625-7923
Shannon.Lianna@dol.gov

Region 1 (Boston)

U.S. DOL/ETA
JFK Federal Bldg., Rm. E-350
Boston, MA 02203

JEREMY DONDLINGER
Regional Monitor Advocate
Tel: (617) 788-0377
Fax: (617) 788-0125
Dondlinger.Jeremy@dol.gov

Region 2 (Philadelphia)

U.S. DOL/ETA
170 S. Independence Mall West,
Suite 825 E.
Philadelphia, PA 19106

NICOLE DUCHMAN
Regional Monitor Advocate
Tel.: (215) 861-5217
Fax: (215) 861-5262
Duchman.Nicole@dol.gov

JAKE BLANCH
Federal Program Officer
Tel: (215) 861-5208
Fax: (215) 861-5262
Blanch.Joseph.j@dol.gov

Region 3 (Atlanta)

U.S. DOL/ETA
Atlanta Federal Center, Rm. 6M12
61 Forsyth Street, S.W.
Atlanta, GA 30303

CONYERS GARRETT
Regional Monitor Advocate
Tel: (404) 302-5377
Fax: (404) 302-5386
Garrett.Conyers@dol.gov

Region 4 (Dallas)

U.S. DOL/ETA
525 Griffin Square, Rm. 317
Dallas, TX 75202

BERNARDA CUTTER
Regional Monitor Advocate
Tel: (972) 850-4618
Fax: (972) 850-4620
cutter.bernarda@dol.gov

EVA DRINKWINE
MFSW Team
Tel: (972) 850-4631
Fax: (972) 850-4620
Drinkwine.eva.m@dol.gov

Region 5 (Chicago)

U.S. DOL/ETA
230 S. Dearborn Street, 6th Floor
Chicago, IL 60604

CARL STAHLHEBER
Regional Monitor Advocate/ Federal Program Officer
Tel: (312)-596-5415
Fax: (312) 596-5401
Stahlheber.Carl@dol.gov

Region 6 (San Francisco)

U.S. DOL/ETA
90 7TH Street, Suite 17300
San Francisco, CA 94103

KRISTER ENGDAHL
Regional Monitor Advocate/ Federal Project Officer
Tel: (415) 625-7960
Fax: (415) 625-7903
Engdahl.Krister@dol.gov