

TRAINING AND EMPLOYMENT NOTICE	NO.
	47-11
	DATE
	May 16, 2012

TO: ALL STATE WORKFORCE AGENCIES
ALL STATE WORKFORCE LIAISONS

FROM: JANE OATES /s/
Assistant Secretary

SUBJECT: Services to Migrant and Seasonal Farmworkers Report, ETA Form 5148 without revisions, and One-Stop Career Center (OSCC) Complaint/Referral Record, ETA Form 8429 with revisions; OMB No. 1205-0039

1. **Purpose.** To transmit the updated Services to Migrant and Seasonal Farmworkers Report, ETA Form 5148 without revisions; and the One-Stop Career Center (OSCC) Complaint/Referral Record, ETA Form 8429 with revisions.
2. **References.** Wagner-Peyser Act as amended, Section 3; 29 USC 49 et seq. and 20 CFR Parts 653 and 658.

Background. Employment and Training Administration (ETA) regulations at 20 CFR 651, 653, and 658 under the Wagner-Peyser Act, as amended by the Workforce Investment Act of 1998, set forth requirements to ensure that Migrant and Seasonal Farmworkers (MSFWs) receive services that are qualitatively equivalent and quantitatively proportionate to the services provided to non-MSFWs. In compliance with 20 CFR 653.109, ETA established record keeping requirements to allow for the efficient and effective monitoring of State Workforce Agencies' (SWAs) regulatory compliance. The ETA Form 5148, "Services to Migrant and Seasonal Farm Workers Report," without changes, is used to collect data that are primarily used to monitor and measure the extent and effectiveness of SWA services delivery to MSFWs. The states submit the information on the 5148 form via the Web-based "Labor Exchange Agricultural Reporting System (LEARS.) The ETA Form 8429, "One-Stop Career Center (OSCC) Compliant/Referral Record," is used to collect and document Job Service (JS) related complaints filed against an employer about the specific job to which the applicant was referred by the JS involving violations of the terms and conditions of the job order or employment-related law (employer-related complaints). ETA Form 8429 is also used for complaints about JS actions or omissions under JS regulations (agency-related complaints) filed by MSFWs and non-MSFWs regarding the receipt of services. The changes incorporated into ETA

Form 8429 include the following: (1) In Part I, of item 8, increased the space provided for description of complaint, (2) in Part II, of items 2 and 3, added the term "Job Service," and (3) Part II, item 9 at the bottom added "Complaint resolved? Yes / No – If "No," explain."

3. **Action Required.** States are required to start using the attached version of the Services to Migrant and Seasonal Farmworkers Report, ETA Form 5148; and the One-Stop Career Center (OSCC) Complaint/Referral Record, ETA Form 8429. This reporting requirement is approved under the Paperwork Reduction Act of 1995, OMB Control No. 1205-0039, with an expiration date of April 30, 2015.

4. **Inquiries.** Inquiries concerning this Training and Employment Notice should be directed to the Regional Monitor Advocate in the states' respective Region:

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

Region 2 - Michael Toops, at Toops.Michael@dol.gov or (215) 861-5217

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

5. **Attachments.**

- Services to Migrant and Seasonal Farmworkers Report, ETA Form 5148
- One-Stop Career Center (OSCC) Complaint/Referral Record, ETA Form 8429