

PLANNING GUIDANCE FOR PY 2002 WAGNER-PEYSER ACT AGRICULTURAL SERVICES SUBMISSION

I. Summary of Submission Requirements. Each State Workforce Agency, in its Agricultural Services Submission, must describe the activities planned for providing services to the agricultural community, both agricultural employers and MSFWs, as described in 653.107. The document must contain the following:

A. Assessment of Need. (See Part II)

All states must prepare a comprehensive assessment of need in accordance with Federal requirements at 20 CFR Part 653.107.

B. Outreach Activities. (See Part III)

All states shall prepare a comprehensive plan for outreach in accordance with Federal requirements at 20 CFR 653.107.

C. Wagner-Peyser Act Services Provided to MSFWs through the One-Stop Delivery System. (See Part IV)

States must provide specific information on how Wagner-Peyser Act services will be provided to MSFWs through the One-Stop delivery system and how these services will be coordinated with the core, intensive, and training services provided under WIA Title I. In addition, states should provide information on how MSFWs will be served in an electronic environment. WIA did not revise requirements at CFR 20 653 or 685; therefore, states must continue to provide services to MSFWs and collect data as required by 20 CFR 653.109.

All states must meet the minimum requirements for providing services to MSFWs and must meet four of the five equity indicators. Additionally, significant MSFW states must meet four of the seven minimum service level indicators. States that expect to have difficulty in meeting the MSFW performance indicators must describe the nature of the problem and the steps planned to meet the performance indicators.

D. Wagner-Peyser Act Services Provided to Agricultural Employers through the One-Stop Delivery System. (See Part V)

All states must describe efforts that will be taken to provide Wagner-Peyser Act services to agricultural employers in both those states with an adequate supply of U.S. workers and those where the supply appears to be inadequate.

E. Other Requirements.

1. Status of Monitor Advocate. States must appoint a full-time Monitor Advocate as stated in 20 CFR 653.108 (b). If a State Monitor Advocate is working less than full-time, justification for the part-time status of the State Monitor Advocate must be provided to and approved by the United States of Department of Labor (USDOL). Provisions at 20 CFR 653.108(d)(1) require a full-time status for the Monitor Advocate, but do allow the USDOL to approve a less than full-time (i.e., part-time) Monitor Advocate based on agricultural conditions, the level of MSFW activity and an adequate justification provided by the state.
2. State Monitor Advocate Approval/Comments. All states must provide a statement that indicates that the State Monitor Advocate has been afforded the opportunity to approve and/or comment on the PY 2002 Agricultural Services Submission as stated in 20 CFR 653.111.
3. Consideration of Previous Year's Annual MSFW Monitor Advocate Report. All states must provide a statement which indicates that the state considered the State Monitor Advocate's recommendations as presented in the annual MSFW summary developed under 20 CFR 653.109(t).
4. MSFW Affirmative Action Review/Comments. All states must provide a statement which indicates that, as per 20 CFR 653.111(4)(h), the State Monitor Advocate has been afforded the opportunity to review and comment on the state's MSFW Affirmative Action Plan, which should be submitted by the State Workforce Agency (SWA) as part of the State PY 2002 submission.
5. States with designated significant Affirmative Action local offices are required to submit an Affirmative Action Plan to USDOL in accordance with 20 CFR 653.111.
6. Review and Comment by WIA Section 167 Grantees. All states must provide information indicating that WIA Section 167 grantees, other appropriate MSFW groups, public agencies, agricultural employer organizations and other interested employer organizations, have been given the opportunity to comment on the State Agricultural Services Submission, including any required significant MSFW local office Affirmative Action Plans. States must submit a list of organizations from whom information and suggestions were solicited; any comments received and agency responses are to be submitted in the annual plan as indicated in 20 CFR 653.107 (d).

II. Assessment of Need. Under 20 CFR 653.111 (d) all states must submit an assessment of need. This assessment of need must take into account data supplied by WIA Section 167 grantees, MSFW organizations, employer organizations, Federal/State agencies, Migrant Education Agency, etc. This assessment of need must include:

- A. A review of the previous year's agricultural activity in the state.
 - ✓ Identify each major labor intensive crop activity in the previous year, indicating the months of heavy activity and the geographic area of prime activity.
- B. A review of the previous year's MSFW activity in the state.
 - ✓ Estimate the agricultural labor employed in each of the crops identified in item II.A. Estimate the number of MSFWs involved in each, and indicate crop areas that experienced labor shortages.
- C. Projected level of agricultural activity expected in the state in the coming year.
 - ✓ Identify any changes from last year's crop activities as described in item II.A.
- D. A projected number of MSFWs in the state in the coming year.
 - ✓ Identify any changes in the numbers of MSFWs involved in each crop activity as described in item II.A.

III. Outreach Activities. Each state must prepare a comprehensive outreach plan in accordance with Federal requirements at 20 CFR Part 653.107. The outreach plan must be based on the actual conditions which exist in the particular state, taking into account the State Workforce Agency's (SWAs) history of providing outreach services, the estimated number of MSFWs in the state, and the need for outreach services in the state.

The five states with the highest estimated year-round MSFW activities must assign full-time, year-round staff to outreach activities. These states are designated each year by the Employment and Training Administration (ETA). The five states designated for PY 2000 are provided in Table 5. The remainder of the top twenty significant MSFW states, indicated in Table 1, 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 highest activity.

ETA will base its approval on whether the state outreach plan adequately addresses the following:

A. Assessment of Available Resources. The assessment of the resources available for outreach shall include:

1. The number of SWA staff positions the state will assign to outreach activities. The assessment must indicate the full-time equivalent positions for each local office to which staff must be assigned, and the number of staff assigned to the state office for this purpose. The significant MSFW local offices listed in Table 4 should assign full-time staff for outreach duties during the peak seasons, as indicated in 20 CFR 653.107(h)(3)(i).
2. Where the number of SWA staff positions assigned to outreach activities is less than in the prior year, please provide an explanation for the reduction and the expected effect of the reduction on direct outreach activities, as indicated in 20 CFR 653.107(h)(3)(i).
3. Identify resources to be made available through existing cooperative agreements with public and private community service agencies and MSFW groups. (States are encouraged to initiate cooperative agreements with WIA Section 167 grantees for outreach position).

B. Numerical Goals. The anticipated results of these outreach effort are provided in item A. These goals shall include:

1. The number of MSFWs to be contacted by employment service staff during the program year, listed by local office where outreach staff is assigned, as well as the state office, as indicated in 20 CFR 653.107(c)(3).
2. The number of staff days (based on 8-hour days) to be utilized for outreach, listed by local office where outreach staff is assigned, as well as the state office.
3. The number of MSFWs contacted by other agencies under cooperative arrangements.

C. Proposed Outreach Activities. States must describe the outreach efforts to be provided by their Employment Service (ES) staff. These efforts must include those described in 20 CFR 653.107 C (i-p). Also, describe any coordinated activities with other agencies where a possible surplus of workers may exist.

IV. Wagner-Peyser Act Services Provided to MSFWs through the One-Stop Delivery System.

A. Planning Data for the Upcoming Year

If a state's estimated planning data for the current year indicate difficulty in meeting equity indicators, minimum services levels, or planned levels of activity, ETA will request the state submit a narrative regarding the difficulty. The following items must be included in a narrative:

1. A description of the problems;
2. Specific steps planned to meet minimum service levels; and
3. Specific steps planned to meet equity level of services.

Federal regulations at 20 CFR 653.112 require the establishment of performance indicators reflecting equity and the measurement of minimum levels of service. The indicators established by ETA include the seven minimum service level indicators and the five SWA-controlled indicators to measure equity of service. All states are required to meet at least four of the five equity indicators. Additionally, significant MSFW states are required to meet at least four of the seven minimum service level indicators.

The seven minimum service level indicators are listed in Table 3. These standards are set to encourage appropriate service to MSFWs and to assure the continuation of such services. The minimum service levels are established annually. The standards are set at a level high enough to encourage low performing states to improve their performance, but not so high as to make achievement extraordinarily difficult.

The five equity indicators for all states are:

Ratio of non-MSFWs to MSFWs referred to jobs,
Ratio of non-MSFWs to MSFWs for whom service is provided,
Ratio of non-MSFWs to MSFWs referred to supportive services,
Ratio of non-MSFWs to MSFWs counseled, and
Ratio of non-MSFWs to MSFWs for whom a job development contact was made.

B. Significant MSFW Local Office Affirmative Action Plans

The Department of Labor designated significant MSFW local offices, for which an Affirmative Action Plan must be developed and submitted, under 20 CFR 653.111. The designations for PY 2000 of Affirmative Action Plan local offices are provided in Table 2.

The Affirmative Action Plan (20 CFR 653.111-1(b)) must include a comparison of the racial and ethnic composition of the workforce and that of the local office staff. When the comparison shows an under-representation of a racial or

ethnic group in the local office, the plan must establish a reasonable timetable with goals to remedy the imbalance.

V. Wagner-Peyser Act Services Provided to Agricultural Employers through the One-Stop Delivery System.

A. Data Analysis.

1. Previous year's history (based on PY 2000 data):

Number of agricultural job orders and openings received,
Number of agricultural job orders filled,
Percent to be filled,
Number of interstate clearance orders received, and
Number of interstate clearance orders initiated

2. Plan for upcoming year (based on estimated data):

Number of agricultural job orders expected to be received,
Number of agricultural job orders projected to be filled,
Percent to be filled,
Estimated number of interstate clearance orders the state will receive, and
Estimated number of interstate clearance orders the state will initiate

B. Narrative Description.

All states must provide a description to ETA of their efforts to provide WIA/Wagner-Peyser Act services to their agricultural employers regardless of whether or not the employers have an adequate labor supply of U.S. workers. These efforts should include:

- ✓ A description of how the SWA plans to provide labor exchange services to agricultural employers.
- ✓ A description of the process used to identify agricultural employers that are expected to utilize MSFWs.
- ✓ A description of the process for linking available workers with the employers, including the cooperation with or the creation of coordinating bodies to assure programs are coordinated and to insure programs respond to local needs. These coordinating groups may consist of organizations such as the SWA WIA Section 167 grantees, agricultural employers, migrant education groups, and migrant health groups.
- ✓ Describe how the state will promote labor exchange services to agricultural employers, e.g., participate in employer conferences, develop marketing tools, and provide labor exchange information to employers, recruit U.S. workers.
- ✓ Where an H-2A program operated in the state in the previous year, explain efforts to increase U.S. worker participation.

VI. Enclosures to State Planning Guidelines for Agricultural Services.

Table 1. Significant MSFW States for PY 2000

Table 2. Affirmative Action Plan Significant MSFW Local Offices

Table 3. Minimum Service Level Indicators for PY 2000

Table 4. Significant MSFW Local Offices and Bilingual Offices for PY 2000

Table 5. States with Highest Estimated MSFW Activity

Table 1

SIGNIFICANT MSFW STATES FOR PY 2000

<u>State</u>	<u>MSFW Applicants</u>
1. California	45,240
2. Texas	24,530
3. Florida	16,996
4. Washington	22,236
5. North Carolina	14,267
6. Arizona	5,187
7. Georgia	4,786
8. Michigan	9,217
9. Puerto Rico	6,500
10. South Carolina	3,542
11. Virginia	3,163
12. Oregon	3,070
13. New Mexico	2,001
14. Ohio	1,970
15. Illinois	1,734
16. Idaho	1,705
17. Wisconsin	1,230
18. Minnesota	914
19. New York	890
20. North Dakota	524

Table 2

AFFIRMATIVE ACTION PLAN SIGNIFICANT MSFW LOCAL OFFICES
(TOP 20% OF MSFW ACTIVITY NATIONWIDE)

<u>Local Office</u>	<u>Region</u>	<u>MSFW Applications</u>
McAllen, TX	IV	6,444
Edinburg, TX	IV	4,327
Weslaco, TX	VI	4,496
Yuma, AZ	VI	3,473
Sunnyside, WA	VI	4,433
Moses Lake, WA	VI	4,469

Federal regulations at 20 CFR 653.111(b)(1) require that “Affirmative Action Plan” local offices be designated each year. For purposes of this provision, these local offices mean those representing the top 20% of MSFW activity nationally.

Total MSFW application nationwide in PY 2000 =169,702

Table 3**MINIMUM SERVICE LEVEL INDICATORS FOR PY 2002**

In accordance with Federal regulations at 20 CFR 653.112, the following are the minimum service levels for PY 2000 that Significant MSFW states must meet:

- (1) Individuals placed in a job;
- (2) Individuals placed in a job with a wage exceeding the Federal minimum wage by at least 50 cents/hour; and
- (3) Placed in long-term (over 150 days) non-agricultural jobs.

<u>State</u>	(1) <u>MSFW</u> <u>Placed %</u>	(2) <u>Placed \$.50</u> <u>Above Federal</u> <u>Minimum Wage</u>	(3) <u>Placed in</u> <u>Long-term</u> <u>Non-Ag Jobs</u>
California	42.5	14.0	4.9
Texas	42.5	14.0	8.2
Florida	42.5	14.0	6.0
Washington	42.5	14.0	3.3
North Carolina	42.5	14.0	5.0
Arizona	42.5	14.0	3.8
Georgia	42.5	14.0	3.8
Michigan	42.5	14.0	4.2
Puerto Rico	42.5	14.0	3.0
South Carolina	42.5	14.0	6.2
Virginia	42.5	14.0	5.0
Oregon	42.5	14.0	3.9
Minnesota	42.5	14.0	5.2
New Mexico	42.5	14.0	4.3
Ohio	42.5	14.0	7.3
Indiana	42.5	14.0	3.0
Idaho	42.5	14.0	4.0
Colorado	42.5	14.0	6.5
New York	42.5	14.0	3.3
Wisconsin	42.5	14.0	4.5

- (4) Review of significant MSFW local offices: 100% for all significant states;
- (5) Field checks on agricultural clearance orders;
- (6) Outreach contacts per staff day as determined by the SWA; and
- (7) Processing of complaints in accordance with 20 CFR.

Table 4

**SIGNIFICANT AND BILINGUAL
MSFW LOCAL OFFICES FOR PY 2000**

REGION I

Puerto Rico

Ponce*
Coamo*
Mayaguez*
San German*
Yauco*
Manati*
Caguas*
Humacao*
Aercibo*
Guayama*
Aguadilla
Bayamon*
Fajardo*
Rio Piedras*

New York

Albion/Elba*
Hudson*
Kinston*
Lockport*
Pine Island*
Newark*
Riverhead*

New Jersey

Hammontown*
Vineland/Bridgetown*
Trenton

REGION II

Delaware

Dover

Maryland

Salisbury

Pennsylvania

Chambersburg*
Gettysburg*

Virginia

Onley*

Winchester*

West Virginia

Martinsburg

REGION III

Florida

Apollo Beach*
Belle Glade*
Bradenton*
Fort Pierce*
Immokalee/Naples*
Florida City*
Quincy*
Wachula/Sebring*
Winter Haven*

Georgia

Americus*
Bainbridge*
Cordele*
Douglas*
Moultrie*
Statesboro*
Vadalia*
Tifton*
Valdosta
Waycross

North Carolina

Burgau*/Wilmington
Clinton*
Dunn*
Elizabethtown*
Hendersonville*
Kenansville*
Mount Olive*
New Bern*
Smithfield*
Washington*
Wilson*

South Carolina

Beaufort*

Charleston*

Greenwood*

Kingstree*

Spartanburg*

Sumter*

REGION IV

New Mexico

Deming*
Las Cruces*

Texas

Brownsville*
Canutillo
Carrizo Springs
Crystal City
Eagle Pass*
Edinburg
Fabens
Floydada
Halingen
Hereford
Laredo
Lamesa
McAllen
Muleshoe
Pecos
Plainview
Raymondville
Rio Grand City
Uvalde
Weslaco*
Colorado
Brighton*
Delta*
Greeley*
Lmar*
Monte Vista*
Rocky Ford*

North Dakota

Grafton*

Montana

Sidney

Utah

Brigham City

REGION V

Wisconsin

Beaver Dam*

Wautoma*

Illinois

Danville*

Kankakee*

Murphysboro*

Peoria*

Michigan

Adrian

Fremont

Lapeer

Hartford

South Haven

Holland

Manistee

Sparta

Traverse City

Minnesota

Crookston*

East Grand Forks*

Mankato*

Moorhead*

Owatonna*

REGION VI

Arizona

Coolidge*

Douglas*

Wilcox*

Yuma*

Maryvale

Messa

California

Bakersfield

Blythe*

Chico

Colusa

Delano*

El Centro/Calexico*

Fresno (West)*

Gilroy*

Hanford*

Hollister*

Huron*

Indio*

Lakeport

Lamont*

Lodi*

Los Banos*

Madera*

Manteca

Marysville

Mendota

Merced*

Modesto

Oakdale*

Oxnard*

Porterville*

Salinas/Greenfield*

Sanger*

Santa Maria

Turlock*

Ukiah

Wasco*

Watsonville*

Woodland*

Idaho

Burley*

Canyon County

Magic Valley*

Emmett*

Payette*

Rexburg*

Oregon

Hood River*

Madras*

Milton-Freewater*

Ontario

Woodburn*

Washington

Bellingham*

Columbia Gorge*

Moses Lake*

Mount Vernon

Okanogan*

Sunnyside

Tri-Cities*

Walla Walla*

Wenatchee*

Yakima

***Denotes Bilingual**

Table 5

STATES WITH HIGHEST ESTIMATED MSFW ACTIVITY

The following are the five states with the highest year-round MSFW activity:

- California**
- Texas**
- Florida**
- Washington**
- North Carolina**

In accordance with Federal regulations at 20 CFR 653.107(I), these states must assign full-time year-round staff to outreach duties. The remainder of the significant MSFW states shall 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(s) of the highest activity. Such outreach staff must 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, as stated in 653.107(h)(3)(i).