



DWI/OSS/BOS-L2008-521295-GK

WORKFORCE SYSTEMS LETTER NO.: 08-04

DATE: April 28, 2008

EFFECT: ACTION

WITH ATTACHMENT

SWA's

SUBJECT: Agricultural Services Plan for Program Year (PY) 2008

1. Purpose: The purpose of this letter is to provide State Workforce Administrators with the attached guidance for the preparation and submittal of the *Agricultural Services Plan for PY 2008*. This plan is an annual Department of Labor, Employment and Training Administration (ETA) requirement and an integral component of the State's Strategic WIA Title I Plan. The Agricultural Services plan development should comply with the WIA Plan requirements to ensure that these services are provided through the One-Stop Career Center/Labor Exchange System Offices in the State.

2. Reference: The Wagner-Peyser Act (W-P) regulations at 20 CFR Parts 652 and 653 require the provision of services to Migrant and Seasonal Farmworkers (MSFW) on a basis which is qualitatively equivalent and quantitatively proportionate to services provided to non-MSFWs. 20 CFR 653.112 requires the submittal of a plan to serve Migrant and Seasonal Farmworkers and agricultural employers. WIA Title I requires the submission of the Five-Year Plan be coordinated with the Annual Agricultural Services Plan and to be consistent with the State's overall strategy to better serve employers and workers. The Regional Office is also attaching Department of Labor's "*Vision for a WIRED Workforce Investment System*" and request that states incorporate ETA's vision for the role of the workforce systems in pursuing talent development as a key component of regional economic competitiveness into their plans as appropriate.

3. Action Required: State Administrators are requested to provide this letter to appropriate staff. The PY 2008 Agricultural Services Plan should be completed by May 30, 2008, and sent to the Regional Administrator, attention George Kincannon, preferably in an electronic format.

4. Inquiries: Questions should be addressed to George Kincannon, Regional Monitor Advocate at: kincannon.george.j@dol.gov, or (617) 788-0135.

ETA appreciates the states continued support in promoting successful performance of the MSFW program. By focusing on serving the needs of MSFWs as well as the employer, the public workforce investment system is strengthened, leading to economic growth, job creation and a higher-skilled workforce.

WORKFORCE SYSTEMS LETTER NO.: 08-04 (continued)

Sincerely,



Grace A. Kilbane
Regional Administrator

Attachments

**PLANNING GUIDANCE FOR PY 2008 WAGNER-PEYSER
AGRICULTURAL SERVICES PLAN**

I. Summary of Plan Requirements. Each State Workforce Agency, in its Agricultural Services Plan, should describe the activities planned for providing services to the agricultural community, both agricultural employers and Migrant and Seasonal Farmworkers (MSFWs), as described in 20 CFR Part 653.107, the WIA Title I final regulations, the WIA/W-P Act Planning Guidance, the Unified Planning Guidance, and applicable WIA Workforce Development regulations. The plan must address each of the following areas:

A. Assessment of Need. (See Part II)

A comprehensive assessment of need in accordance with Federal requirements at 20 CFR Part 653.107.

B. Outreach Activities. (See Part III)

A comprehensive plan for outreach in accordance with Federal requirements at 20 CFR Part 653.107 and consistent with the two-year planning guidance that describes strategies to identify the number of MSFWs the State anticipates reaching through outreach and how it will increase the MSFW's ability to access core, intensive, and training services in the One-Stop Career Center System (IX. Service Delivery, C. Adults and Dislocated Workers, Item (4) (i).

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

The plan should provide specific information on how core, intensive, and training services required under WIA Title I will be provided to MSFWs through the One-Stop delivery system. States should provide information on how MSFWs will be provided staff-assisted services and how MSFWs will be served in an electronic environment in the One-Stop Career Center and/or affiliate sites. States should consider how they will enable these workers to advance their skills and be competitive in a local, regional and global economy.

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

The plan should describe efforts that will be taken to provide services to agricultural employers in States with an adequate supply of U.S. workers and in those States where a shortage of workers is anticipated.

E. Other Requirements.

1. Monitor Advocate. The plan should contain a statement that indicates that the State Monitor Advocate (SMA) has been afforded the opportunity to approve

and/or comment on the PY 2008 Agricultural Services Plan.

2. Review and Public Comment. The plan should 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 an opportunity to comment on the State Agricultural Services Plan, including any required significant MSFW local office AAPs. Include the list of organizations from whom information and suggestions were solicited; any comments received and State responses to those suggestions.

II. Assessment of Need. Under 20 CFR 653.107 (c) a plan must include an assessment of need. This assessment must take into account data supplied by WIA Section 167 grantees, MSFW organizations, employer organizations, federal/state agencies, Migrant Education Agency, Migrant Health, etc. This assessment of need should include:

A. A review of the previous year's agricultural activity in the state.

1. Identify each major labor intensive crop activity in the previous year, indicating the geographic areas of prime activity and the months of heavy activity.
2. Identify agricultural employers who placed job orders with the One-Stop Career Center/Labor Exchange offices, the number of workers requested, and the number of workers referred and hired. Make an assessment of how the agricultural system fits into the “demand driven” philosophy.
3. Identify non-agricultural employers who placed job orders with entry level experience and education requirements, the number of workers requested, and the number of workers referred/hired through the One-Stop Career Center/Labor Exchange Offices.

B. A review of the previous year's MSFW activity in the State.

1. Provide an estimate of the agricultural labor employed in each of the crops identified in item II.A. Estimate the number of MSFWs involved in each crop, and indicate crop areas that experienced labor shortages.
2. Provide data on the number of agricultural employers in the State, the number of acres dedicated to farming, the number of workers utilized during the previous year and the projected need for the PY 2008. If the State anticipates a shortage of workers, identify resources available to help employers.
3. Using the information in B.1. and B.2. above, assess the State’s ability to meet the labor needs of agricultural employers in the PY 2008.

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. 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 should prepare a comprehensive outreach plan in accordance with Federal requirements at 20 CFR Part 653.107 et seq, and consistent with the two-year planning guidance that describes the strategies to identify MSFWs and increase their ability to access core, intensive, and training services in the One-Stop Career Center System /Labor Exchange Office. 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, and the need for outreach services after a review of the previous year's agricultural activity in the State.

The twenty States nationally with the highest estimated year-round MSFW activities must assign full-time, year-round staff to outreach activities. These States are designated annually by the Department of Labor. In Region 1, New York and Puerto Rico are designated as having Significant Local offices for PY 2008. New Jersey has three local offices designated as Special Circumstances for PY 2008. Each State must make a maximum effort to hire outreach staff with MSFW experience for seasonal positions and shall assign outreach staff to work full time during the period of highest activity.

ETA will base its approval on whether the 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 assigned 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. Significant MSFW local offices should assign full-time staff for outreach duties during the peak seasons, as indicated in 20 CFR Part 653.107(c)(3)(i).
2. Where the number of SWA staff positions assigned to outreach activities is less than in the prior year, provide an explanation for the reduction and the expected effect of the reduction on direct outreach activities, as indicated in 20 CFR Part 653.107(c)(2)(iii).
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 to share and/or combine outreach positions. In addition, States are encouraged to form strategic partnerships of multiple regional stakeholders, including education partners, research and development institutions and non-traditional partners, etc., to maximize resources, support, and respond to the evolving dynamics and demands of the economy. (attach copies of signed/dated agreements).

4. Identify other agency staff not assigned to perform outreach that may be able to conduct outreach on an “intermittent” basis as time/resources permit.
5. Identify existing partners in the One-Stop Career Center/Labor Exchange Offices currently performing outreach services in the same administrative area and the efforts currently being taken to avoid duplicating activities. Examples of what offices can do are: sharing outreach logs, coordinating contacts with employers and organizations, exchanging forms, pamphlets, fliers, etc., that are normally handed out to customers, etc.
6. Identify the number of agricultural/non-agricultural employers in the area who use agency services. How many of these employers have been contacted and/or “targeted” for contact through outreach. Identify the resources available to perform outreach to those remaining agricultural and non-agricultural employers in the community.

B. Numerical Goals.

The anticipated results of these outreach efforts are provided in Item A above. These goals shall include:

1. Each outreach staff must be assigned numerical goals for the number of MSFW’s to be contacted during the fiscal year. List by local office where outreach staff is assigned, as well as the State Office as indicated in 20 CFR Part 653.107(c)(3)(i-v).
2. The number of staff days to be utilized for outreach, list by local office where outreach staff is assigned, as well as the State Office. A minimum of five MSFW’s contacted per day. 20 CFR 653.107(m). Formula: $\text{Number of Outreach Hours} + 8 = \text{Staff-day}$. $\text{Staff-day} + \text{Number of MSFW’s Contacted} = \text{Average}$.
3. The number of MSFWs to be contacted by other agencies under cooperative arrangements.
4. The number of agricultural employers to be contacted by outreach staff for the purpose of obtaining job orders, conducting job development, providing assistance with the State’s electronic system, etc.

C. Proposed Outreach Activities.

The plan must describe the outreach efforts to be provided MSFWs, agricultural and non agricultural employers. These efforts must include those described in 20 CFR Part 653.107 C (i-p). Also, describe any coordinated activities with other states/agencies where a possible surplus of workers may exist.

1. Identify strategies to better serve farmworkers and employers and thereby improve the agency's ability to match qualified workers with employers, extend the farmworkers employment status, provide better wages, etc.
 - a.) Identify workforce challenges and provide possible solutions in ensuring that the labor needs of agricultural employers are met.
 - b.) Provide methodologies that help meet the seasonal labor needs of employers and increase the farm worker's awareness of these opportunities (make better use of Labor Market Information, contact employers at the end and at the beginning of each crop cycle and update their labor needs, etc.)
 - c.) Identify how the State can provide MSFWs with longer periods of employment by combining seasonal agricultural jobs with seasonal non-agricultural jobs.
 - d.) Work with agricultural employers to identify and document skill sets needed in the industry and coordinate with other workforce system partners to develop and provide corresponding training to farmworkers.
 - e.) Identify how the State will coordinate MSFW outreach activity with the local WIA's business services plan to eliminate duplication and obtain better job orders, developing more jobs, assisting with the State's electronic system(s), etc.

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

C. 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 that 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 listed below:

- a.) Ratio of non-MSFWs to MSFWs referred to jobs,
- b.) Ratio of non-MSFWs to MSFWs for whom service is provided,
- c.) Ratio of non-MSFWs to MSFWs referred to supportive services,
- d.) Ratio of non-MSFWs to MSFWs provided with career guidance, and
- e.) Ratio of non-MSFWs to MSFWs for whom a job development contact was made.

Additionally, significant and special circumstances 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 2. 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.

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

A. Data Analysis.

1. Previous year's history (based on PY 2007 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.

States must provide a description of efforts to provide services to agricultural employers regardless of whether the employers have an adequate labor supply of U.S. workers to include:

1. A description of how the SWA plans to provide labor exchange services to agricultural employers.
2. A description of the process used to identify agricultural employers expected to hire MSFWs.
3. 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 WIA Section 167 grantees, agricultural employers, migrant education groups, and migrant health groups.
4. A description of how the State will promote labor exchange services to agricultural employers, e.g., participate in employer conferences, develop marketing tools, provide labor exchange information to employers, and recruit U.S. workers.
5. 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.

- A. Vision for a WIRED Workforce Investment System
- B. Information regarding Significant MSFW States for PY 2008

Vision for a WIRED Workforce Investment System

The forces of globalization are causing massive shifts and transitions in the world's economy. While globalization creates significant challenges and opportunities at the international and national levels, innovative responses and solutions must be developed regionally, at the level where diverse strategic partners with a shared vision for achieving economic competitiveness and prosperity come together, aligning their talents and resources in support of fostering innovation in the global marketplace.

A key component of fostering regional innovation in the global marketplace is transforming the way we have traditionally approached workforce preparation. The 21st century economy demands a workforce with postsecondary education credentials, comfort in rapidly evolving, high-technology environments, and the adaptability to respond immediately to changing economic and business needs. The public workforce system must play a leadership role in meeting these demands, catalyzing the implementation of innovative talent development and lifelong learning strategies that will enable American workers to advance their skills and remain competitive in the global economy.

The U.S. Department of Labor, Employment and Training Administration (ETA) supports a broader national strategy to support the workforce system in driving talent development and lifelong learning in regionally based economies. The Workforce Innovations in Regional Economic Development Initiative (WIRED), begun in 2006 as a Federal funding investment in regional economic models, represents a larger strategic approach by which all regional economies across the country can respond to the evolving dynamics and demands of the global economy. The foundation of the WIRED framework is evidence that three critical "pillars" must be in place and linked in order for regional economies to successfully innovate:

- An environment that supports and nurtures capital investment and entrepreneurship;
- A world-class infrastructure, which includes both physical and technological/virtual assets; and, most importantly;
- Talent development systems and strategies that give workers the skills needed to succeed in a 21st century economy and continuously provide a lifetime of learning and education opportunities.

To link these three pillars, the WIRED framework calls for the strategic partnership of multiple regional stakeholders, many of them relatively nontraditional allies for the workforce system - philanthropists and foundations, capital investors and angel networks, research and development institutions - along with the entire continuum of education partners, economic development entities, business and industry association representatives, regional infrastructure stakeholders, community leaders, and others. The framework articulates the critical success factors regions must pursue to ensure economic transformation and competitiveness, such as a strongly-articulated and understood regional identity and a shared commitment to the leveraging and alignment of resources or investments. To support the achievement of these success factors, the WIRED framework outlines concrete steps that regional economies must take in order to achieve economic prosperity, such as forming an empowered core leadership group and conducting a comprehensive regional asset and gap analysis.

These success factors, and the "transformation steps" that support them, must be jointly owned by all partners and stakeholders in regional economies. However, within the WIRED framework, particular regional leaders may have greater roles than others, and greater expertise or assets to bring

to bear, at particular times during the ongoing transformation process. The workforce system's strengths and assets obviously reside in talent development and education, the most important pillar of a competitive regional economy.

It is ETA's intent to support broader and longer-term efforts to help implement the WIRED framework throughout the entire workforce system, and to further understanding of what this framework means, practically and operationally, for State and local workforce system partners. The framework supports the broad vision for the workforce system's role in pursuing talent development as the key component of regional economic competitiveness. ETA is committed to making this vision more and more concrete through continuous dialogue with workforce system partners, communication and learning opportunities such as Webinars, policy development and clarification, technical assistance, and the sharing of WIRED strategies and successes as they evolve. Regional economic transformation – and the transformation of the workforce system that supports it – is a mutual, collaborative process, and ETA looks forward to ongoing opportunities to engage with workforce system leaders and their partners to support their efforts in the WIRED framework and to learn from their successes and achievements.

For more information on the WIRED framework and other tools developed under the WIRED initiative, please visit www.doleta.gov/WIRED.

For more policy guidance from ETA, please visit www.doleta.gov/directives.

****Table 1**

SIGNIFICANT MSFW STATES FOR PY 2008

<u>State</u>	<u>MSFW Applicants</u>
New York	6,859
Puerto Rico	13,773

SPECIAL CIRCUMSTANCES STATES FOR PY 2008

New Jersey (last report in PY 2006)	2,541
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****Table 2**

MINIMUM SERVICE LEVEL INDICATORS FOR PY 2008

In accordance with Federal regulations at 20 CFR Part 653.112, the following are the minimum service levels for PY 2007 that significant MSFW States must meet:

New Jersey, New York and Puerto Rico Compliance Levels:

- (1) Individuals placed in a job (42.5%)
- (2) Individuals placed in a job with a wage exceeding the federal minimum wage by at least 50 cents/hour (14.0%)
- (3) Placed in long-term (over 150 days) non-agricultural jobs (3.0%).
- (4) Review of significant MSFW local offices: 100% for all significant states;
- (5) Field checks on agricultural clearance orders (25%)
- (6) Outreach contacts per staff day as determined by the SWA (5); and
- (7) Processing of complaints in accordance with 20 CFR 658.400. (90%)

****Table 3**

STATES WITH HIGHEST ESTIMATED MSFW ACTIVITY

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

New Jersey, New York and Puerto Rico

In accordance with Federal regulations at 20 CFR Part 653.107(i), the State must assign full-time year-round staff to outreach duties. The remainder of the 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).

** The PY 2008 Agricultural Services Plan should be consistent with the Five and Two-Year WIA Plan for PY 2008 and 2009. Therefore, the information in these tables will remain the same for PY 2007 planning purposes.