

**U.S. Department of Labor**

Employment and Training Administration  
Sam Nunn Atlanta Federal Center  
Room 6M12 - 61 Forsyth Street, S.W.  
Atlanta, Georgia 30303

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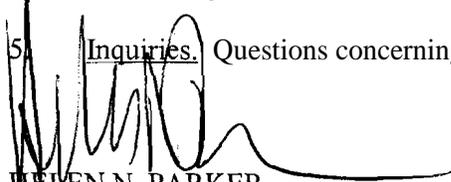
SUBJECT: Instructions and Planning Guidelines for Program Year (PY) 2008 Wagner-Peyser Act  
Agricultural Services Submission

1. Purpose. To provide state workforce administrators with guidance for the preparation and submittal of the *Agricultural Services Plan for PY 2008*.
2. Reference. The Workforce Investment Act of 1998 (WIA); 20 CFR 652.211, 652.212, 652.213, 653.107, 653.112, and 661.230.
3. Background. The Agricultural Services Plan is an annual Department of Labor, Employment and Training Administration (DOL/ETA), requirement and an integral component of the state's Strategic WIA Title I, Five Year Plan. Accordingly, its 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.

The Workforce Investment Act of 1998 (WIA) regulations at 20 CFR Part 652 and the Wagner-Peyser Act (W-P) regulations at 20 CFR Parts 653.107, 653.111, and 653.112, require the provision of services to Migrant and Seasonal Farm Workers (MSFW) on a basis which is qualitatively equivalent and quantitatively proportionate to services provided to nonMSFW. The authority for the preparation and submittal of the plan is 20 CFR 653.112 which requires states to submit a plan to serve MSFW and agricultural employers. In addition, WIA Title I requires the development of the annual agricultural services plan to be coordinated with the WIA Five-Year Plan to ensure consistency with the state's overall strategy to better serve employers and workers.

4. Action Required. State Workforce Administrators are requested to provide the attached "*Planning Guidance for PY 2008 Agricultural Services Plan*" guidance to appropriate staff. The *Agricultural Services Plan for PY 2008* should be submitted to this office by May 30, 2008, preferably in an electronic format to Toni Buxton, Regional Monitor Advocate, at [buxton.toni@dol.gov](mailto:buxton.toni@dol.gov).

5. Inquiries. Questions concerning this issuance may be directed to Toni Buxton at (404) 302-5367.



HELEN N. PARKER  
Regional Administrator

Attachment

## **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 Farm Workers (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 needs to 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 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.

**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.

All states must meet the minimum service requirements for the provision of services to MSFWs and four of the five Equity Service Indicators. 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. Services Provided to Agricultural Employers Through the One-Stop Delivery System. (See Part V)**

The plan should describe efforts that will be made 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. MSFW Affirmative Action Plans (AAP). States with designated significant affirmative action local offices are required to submit an AAP to Department of Labor, Employment and Training Administration (DOL/ETA) in accordance with 20 CFR 653.111.
3. 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/local office AAPs. Include the list of organizations from which 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 agencies, 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.
3. Identify nonagricultural 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 PY 2007. If the state anticipates a shortage of workers, what resources are 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 PY 2007.

**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 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 five 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.

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. The significant MSFW local offices should assign full-time staff for outreach duties during the peak seasons, as indicated in 20 CFR Part 653.107(h)(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(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 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 nontraditional partners, etc., to maximize resources and support and respond to the evolving dynamics and demands of the economy.
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/nonagricultural 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. The number of MSFWs to be contacted by Labor Exchange staff during PY 2007, 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).
2. The number of staff days (one staff day equals one eight-hour day) to be utilized for outreach, list by local office where outreach staff is assigned, as well as the state office.
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 nonagricultural employers. These efforts must include those described in 20 CFR Part 653.107 (i-p).

1. Also, describe any coordinated activities with other states/agencies where a possible surplus of workers may exist. Identify strategies to better serve farm workers and employers and thereby improve the agency's ability to match qualified workers with employers, extend the farm workers employment status, provide better wages, etc.
2. Identify workforce challenges and provide possible solutions in ensuring that the labor needs of agricultural employers are met.
3. 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.).

4. Identify how the state can provide MSFWs with longer periods of employment by combining seasonal agricultural jobs with seasonal nonagricultural jobs.
5. 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 farm workers.
6. 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.**

##### **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 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:

1. Ratio of nonMSFWs to MSFWs referred to jobs,
2. Ratio of nonMSFWs to MSFWs for whom service is provided,
3. Ratio of nonMSFWs to MSFWs referred to supportive services,
4. Ratio of nonMSFWs to MSFWs provided with career guidance, and
5. Ratio of nonMSFWs to MSFWs for whom a job development contact was made.

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.

##### **B. Significant MSFW Local Office Affirmative Action Plans.**

The DOL designated significant MSFW local offices for which AAP must be developed and submitted, under 20 CFR Part 653.111.

The AAP (20 CFR Part 653.111(b) (1)) 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. Services Provided to Agricultural Employers Through the One-Stop Delivery System.**

**A. Data Analysis.**

1. Previous year's history (based on PY 2006 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.