

U. S. Department of Labor Employment and Training Administration Washington, D. C. 20210	CLASSIFICATION OWS
	CORRESPONDENCE SYMBOL TEES
	DATE February 15, 2000

TRAINING AND EMPLOYMENT GUIDANCE LETTER NO. 4-99

TO: : ALL STATE WORKFORCE LIAISONS
 ALL STATE WORKER ADJUSTMENT LIAISONS
 ALL STATE EMPLOYMENT SECURITY AGENCIES
 ALL ONE-STOP CAREER CENTER SYSTEM LEADS
 /s/
FROM : LENITA JACOBS-SIMMONS
 Deputy Assistant Secretary
SUBJECT : Instructions and Planning Guidelines for the
 Program Year (PY) 2000 Wagner-Peyser Act
 Agriculture Services Submission

1. Purpose. To provide guidance for the preparation and submission of the PY 2000 Wagner-Peyser Act Agriculture Services Submission in conjunction with the Strategic Five-Year State Plan under the Workforce Investment Act of 1998 (WIA).

2. References. The Workforce Investment Act of 1998; Planning Guidance and Instructions for Submission of the Strategic Five-Year Plan for Title I of the Workforce Investment Act of 1998 and the Wagner-Peyser Act (herein referred to as the WIA/W-P Act Planning Guidance); Final Unified Planning Guidance (Developed by the Departments of Labor, Education, Health and Human Services, Agriculture, and Housing and Urban Development) (herein referred to as the Unified Planning Guidance); 20 CFR 652.211, 652.212, 652.213, 653.107, 653.112 and 661.230; Training and Employment Guidance Letter (TEGL) No. 27-97.

3. Background. The Workforce Investment Act of 1998 requires Wagner-Peyser Act labor exchange services to be provided through the One-Stop delivery system. Further, WIA requires that States include in their Strategic Five-Year Plan a detailed description of the Wagner-Peyser Act services that will be provided to job seekers and employers.

Assurance No.15 in the WIA/W-P Act Planning Guidance and assurance No.14 in the Unified Planning Guidance require States to assure that they will comply with the annual Migrant and Seasonal Farmworker (MSFW) requirements in accordance with 20 CFR part 653. In line with the regulations at 20 CFR part 653, the WIA/W-P Act Planning Guidance, the Unified Planning Guidance, and applicable

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WIA and Wagner-Peyser Act regulations, the attachment constitutes the guidelines for the PY 2000 Agriculture Services Submission.

4. Agriculture Services Submission. State planning for Wagner-Peyser Act agriculture program services is an annual requirement. Accordingly, each State must provide the Employment and Training Administration (ETA) with an Agriculture Services Submission in conjunction with its WIA/Wagner-Peyser Act Strategic Five-Year Plan or Unified Plan (see 5. below), and must provide annual Agricultural Services Submissions during each of the following four program years. The Agriculture Services Submission should be an integral component of a State's Strategic Five-Year Plan, and its development should be coordinated with the development of the Five-Year Plan. Likewise, during the four out years in which a WIA/Wagner-Peyser Act Strategic Five-Year Plan or Unified Plan is not submitted, the State should develop the annual Agriculture Services Submission in light of the Wagner-Peyser Act activities described in the Five-Year Plan.

Each year, ETA will publish planning guidelines for the Agriculture Services Submission. For PY 2000, States must respond to the items contained in the attached guidelines.

Subsequently, in their annual Agricultural Services Submissions, States must respond to the items contained in the appropriate ETA guidelines for that program year.

5. PY 2000 Submission Schedule. States are to provide their PY 2000 Agriculture Services Submission in accordance with the following schedule:

- Early WIA Implementers (prior to July 1, 2000)
The PY 2000 Agriculture Services Submission should be submitted prior to April 1, 2000 with the Strategic Five-Year Plan or under separate cover.
- WIA Implementers Effective July 1, 2000
The PY 2000 Agriculture Services Submission must be included with the Strategic Five-Year Plan which is to be submitted by April 1, 2000.

Early WIA Implementers that submit the Agriculture Services Submission under separate cover should send one

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signed original and two copies via a letter of transmittal to the National Office, Attn: National MSFW Monitor Advocate, and one copy to the appropriate Regional Office.

6. Inquiries. Requests for technical assistance or other inquiries should be directed to the appropriate Regional Office.

7. Attachment. Planning Guidance for PY 2000 Wagner-Peyser Act Agriculture Services Submission.

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**PLANNING GUIDANCE FOR PY 2000 WAGNER-PEYSER ACT
AGRICULTURE SERVICES SUBMISSION**

I. Summary of Submission Requirements. Each State agency, in its Agriculture Services Submission, shall describe the activities planned for providing services to the agricultural community, both agricultural employers and MSFWs. The document shall contain the following:

A. Assessment of Need. (See Part II)

All States shall prepare a comprehensive assessment of need in accordance with federal requirements at 20 CFR Part 653.

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 shall 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 explain how they will serve MSFWs in an electronic environment. WIA did not revise the requirements at 20 CFR 653 or 658; therefore, States must continue to provide services to MSFWs and collect data as required.

All States must meet at least the minimum requirements for providing services to MSFWs. All States are required to meet at least four of the five equity indicators. Additionally, significant MSFW States must meet at least four of the seven minimum service level indicators.

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States which expect to have difficulty in meeting the MSFW performance indicators shall 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 are required to describe efforts to be undertaken in providing 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 MSFW Monitor Advocate. States are required to appoint a full-time MSFW Monitor Advocate per provisions at 20 CFR 653.108(d). If the State MSFW Monitor Advocate position is less than full time, justification for the part-time status of the State MSFW Monitor Advocate must be provided to and approved by the USDOL.
2. State MSFW Monitor Advocate Approval/Comments. All States are to provide a statement that the State MSFW Monitor Advocate has been afforded the opportunity to approve and/or comment on the PY 2000 Agricultural Services Submission.
3. Consideration of Previous Year's Annual MSFW Monitor Advocate Report. All States are to provide a statement indicating that consideration was given to the State MSFW Monitor Advocate's recommendations as presented in the annual MSFW summary developed under 20 CFR 653.108(t).
4. MSFW Affirmative Action Review/Comments. All States are to provide a statement indicating 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 is to be

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submitted as part of the State's PY 2000 submission.

States with designated significant Affirmative Action local offices are required to submit an Affirmative Action Plan in accordance with 20 CFR 653.111.

- 5. Review and Comment by WIA Section 167/JTPA Section 402 Grantees. All States are to provide information indicating that WIA Section 167/JTPA Section 402 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 Agriculture Services Submission, including any required significant MSFW local office Affirmative Action Plans. A list of organizations from whom information and suggestions were solicited, any comments received and agency responses are to be included with the State's PY 2000 submission (20 CFR 653.107(d)).

II. Assessment of Need. This assessment of need shall take into account data supplied by WIA Section 167/JTPA Section 402 grantees, MSFW organizations, employer organizations, Federal/State Agencies, Migrant Education Agency, etc. This assessment of need shall include:

- 1. A review of the previous year's agricultural activity in the State.
 - S Identify each major labor intensive crop activity in the previous year, indicating the months of heavy activity and the geographic area of prime activity.
- 2. A review of the previous year's MSFW activity in the State.
 - S 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.

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3. A projected level of agricultural activity expected in the State in the coming year.

S Identify any changes from last year's crop activities as described in item II.A.

4. A projected number of MSFWs in the State in the coming year.

S Identify any changes in the numbers of MSFWs involved in each crop activity as described in item II.A.

III. Outreach Activities. Each State shall 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 agency's 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 ETA. The designations for PY 2000 are provided in Table 5. The remainder of the significant MSFW States 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.

Approval by ETA will be based on the State adequately addressing the following features of the outreach plan:

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

- 1. The number of State agency staff positions to be assigned to outreach activities. Indicate the full time equivalent positions for each local office to which staff are to 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-

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time staff for outreach duties during the peak seasons.

- 2. Where the number of State agency staff positions assigned to outreach activities is less than in the prior year, please explain the reason for the reduction and the expected effect of the reduction on direct outreach activities.
- 3. 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/JTPA Section 402 grantees for outreach positions).

B. Numerical Goals. The anticipated results of the outreach efforts to be provided in item A. These goals shall include:

- 1. The number of MSFWs to be contacted by ES staff during the program year, listed by local office where outreach staff is assigned, as well as the State office.
- 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 to be contacted by other agencies under cooperative arrangements. Copies of the cooperative arrangements shall be included in the State-s PY 2000 submission.

C. Proposed Outreach Activities. Describe the outreach efforts to be provided by the ES staff indicated in item B. These efforts shall include those described in 20 CFR 653.107(i-p). Also, describe any coordinated activities with other agencies.

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

A. Planning Data for the Upcoming Year.

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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, 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
1. 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 five ES-controlled indicators to measure equity of service, and seven minimum service level indicators. 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 on 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:

- S Ratio of non-MSFWs to MSFWs referred to jobs
- S Ratio of non-MSFWs to MSFWs for whom service is provided
- S Ratio of non-MSFWs to MSFWs referred to supportive services
- S Ratio of non-MSFWs to MSFWs counseled

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S Ratio of non-MSFWs to MSFWs for whom a job development contact was made

B. Significant MSFW Local Office Affirmative Action Plans.

Significant MSFW local offices, for which an Affirmative Action Plan must be developed and submitted, were designated in accordance with 20 CFR 653.111. The designations for PY 2000 of Affirmative Action Plan local offices are provided in Table 2.

The Affirmative Action Plan 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 1998 data):

- 11 Number of agricultural job orders and openings received
- 12 Number of agricultural job orders filled
- 13 Percent filled $[(b/a) \times 100]$
- 14 Number of interstate clearance orders received
- 15 Number of interstate clearance orders initiated

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

- 1. Number of agricultural job orders expected to be received
- 2. Number of agricultural job orders projected to be filled
- 3. Percent to be filled $[(b/a) \times 100]$
- 4. Estimated number of interstate clearance orders the State will receive

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- 5. Estimated number of interstate clearance orders the State will initiate

B. Narrative Description.

All States shall provide a description of their efforts to provide WIA/Wagner-Peyser Act services to agricultural employers, including both those with an adequate supply of U.S. workers and those for whom the supply may be inadequate. These efforts should include:

- S A description of how the State agency plans to provide labor exchange services to agricultural employers.
- S A description of the process used to identify agricultural employers that are expected to utilize MSFWs.
- S 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 Employment Service, WIA Section 167/JTPA Section 402 grantees, agricultural employers, migrant education groups, migrant health groups, etc.
- S Describe 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, recruit U.S. workers, etc.
- S 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

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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 by Region for PY 2000

Table 5. States with Highest Estimated MSFW Activity

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Table 1

SIGNIFICANT MSFW STATES FOR PY 2000

<u>State</u>	<u>MSFW Applicants</u>	
1. California	44,347	
2. Texas	30,991	
3. Florida	20,404	
4. Washington	20,260	
5. North Carolina	12,729	
6. Arizona	8,401	
7. Georgia	7,006	
8. Michigan	6,958	
9. Puerto Rico	6,840	
10. South Carolina	4,559	
11. Virginia		3,860
12. Oregon	3,207	
13. Minnesota	2,582	
14. New Mexico	2,270	
15. Ohio	2,207	
16. Indiana	2,117	
17. Idaho	1,794	
18. Colorado	1,327	
19. New York	1,326	
20. Wisconsin	1,001	

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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	VI	10,155
Edinburg, TX	VI	5,841
Weslaco, TX	VI	5,778
Yuma, AZ	IX	6,741
Sanger, CA	IX	3,315
Sunnyside, WA	X	4,113
Moses Lake, WA	X	<u>3,662</u>
Total MSFW Applications:		39,605

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 applications nationwide in PY 1998 = 188,727

$188,727 \times 20\% = 37,745$

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MINIMUM SERVICE LEVEL INDICATORS FOR PY 2000

In accordance with federal regulations at 20 CFR 653.112, the following are the services and minimum levels that significant MSFW States are to meet in providing services to MSFWs:

- (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;
- (3) Placed in long-term (over 150 days) non-agricultural jobs;

<u>State</u>	(1) <u>MSFW</u>	(2) <u>Placed \$.50</u>	(3) <u>Placed in</u>
	<u>Placed %</u>	<u>Above Federal</u>	<u>Long-term</u>
		<u>Minimum Wage</u>	<u>Non-Ag Job</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

The determination for the following were established by the States commencing with PY 1996:

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- (5) Field checks on agricultural clearance orders;
- (6) Outreach contacts per staff day; and
- (7) Processing of complaints.

Table 4

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

<u>REGION I</u>	Chambersburg*	Clinton*
NONE	Gettysburg*	Dunn*
		Elizabethtown
<u>REGION II</u>	Virginia	Greenville
Puerto Rico	Onley*	Hendersonville*
Aguadilla	Winchester*	Kenansville*
Arecibo/Manati		Mt. Olive
Bayamon		Smithfield*
Caguas	West Virginia	Washington
Guayama	Martinsburg	Wilson*
Humacao		
Mayaguea/San German	<u>REGION IV</u>	South Carolina
Ponce/Coamo/Yauco		Aiken*
Rio Piedras	Florida	Beaufort*
Yancio	Apopka*	Charleston*
	Apollo Beach*	Kingstree*
New York	Belle Glade*	Spartanburg*
Albion/Elba*	Bradenton*	Sumter*
Hudson*	Fort Pierce*	
Kingston*	Homestead*	<u>REGION V</u>
Lockport*	Immokalee*	Illinois
Newark*	Naples*	Danville*
Pine Island*	Plant City*	Kankakee*
Riverhead*	Quincy*	Murphysboro*
	Sebring*	Peoria*
New Jersey	Wauchula*	
Hammonton*	Winterhaven*	Michigan
Vineland/Bridgetown*		Sidney*
	Georgia	
<u>REGION III</u>	Americus*	Minnesota
Delaware	Bainbridge*	Albert Lea*
Dover*	Cordele*	Crookston*
	Douglas*	East Grand Forks*
Maryland	Moultrie*	Furgus Falls*
Crisfield*	Statesboro*	Mankato*
	Vidalia*	Moorhead*
Pennsylvania		Owatonna*
	North Carolina	

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Willmar*

Ohio
Fremont*

Wisconsin
Beaver Dam*
Wautoma*
REGION VI

New Mexico
Deming*
Las Cruces*

Texas
Brownsville*
Canutillo
CarrizoSprings
Crystal City
Del Rio
Eagle Pass*
Edinburg*
Fabens
Floydada
Harlingen
Hereford
Laredo
Lamesa
McAllen*
Muleshoe
Pecos
Plainview
Raymondville
Rio Grande City
Uvalde
Weslaco*

REGION VII
NONE

REGION VIII

Colorado
Brighton*
Delta*
Greeley*
Lamar*
Monte Vista*

Rocky Ford*

Montana
Sidney

North Dakota
Grafton*

Utah
Brigham City
REGION IX

Arizona
Coolidge*
Douglas*
Maryvale
Mesa
Wilcox*
Yuma*

California
Bakersfield
Blythe*
Chico
Colusa
Delano*
El Centro/Calexico*
Fresno (West)*
Gilroy*
Hanford*
Hollister*
Huron*
Indio*
Lakeport
Lamont*
Lodi*
Los Banos*
Madera*
Manteca
Marysville

*** Denotes Bilingual Status**

Mendota*
Merced*
Modesto
Oakdale*
Oxnard*
Porterville*
Salinas/Greenfield*
Sanger*
Santa Maria
Turlock*
Ukiah
Visalia*
Wasco*
Watsonville*
Woodland*

REGION X

Idaho
Burley*
Canyon County*
Emmett*
Magic Valley*
Payette*
Rexburg*

Oregon
Hood River*
Madras*
Milton-Freewater*
Ontario
Woodburn*

Washington
Bellingham*
Columbia Gorge*

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None	

Moses Lake*
Mount Vernon*
Okanogan*
Sunnyside*
Tri-Cities*
Walla Walla*
Wenatchee*
Yakima*

*** Denotes Bilingual
Status**

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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 shall be bilingual if warranted by the characteristics of the MSFW population in the State, and shall spend a majority of their time in the field.

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