



National Monitor Advocate Annual Report

Services to Migrant and Seasonal Farm Workers Program Year 2012

January 30, 2014

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SERVICES TO MIGRANT AND SEASONAL FARM WORKERS

The employment and training services offered through the American Job Centers (AJCs) (also known as One-Stop Career Centers) are just as necessary and important to American migrant and seasonal farm workers (MSFWs) and agricultural employers as they are to the general population and to non-agricultural employers. Nearly 40 years ago, Judge Richey established the Monitor Advocate system and other requirements to ensure that MSFWs receive the full range of employment and training services through the public workforce system¹.

Today, the Monitor Advocate system continues to be critically important to support opportunities and protections for MSFWs. The farm worker organizations that partner with Monitor Advocates, such as the National Farmworker Jobs Program (NFJP) grantees, are just as important to the MSFWs as they were when these organizations were first established in the 1960's. Having a safe place for MSFWs to file complaints alleging any violations of the Job Service regulations and/or other Federal, state, or local employment related law is just as necessary for MSFWs as it was before the Job Service Complaint System² was established.

This report, covering the period from July 1, 2012 to June 30, 2013 (Program Year (PY) 2012) provides a summary of the efforts of the AJC network in providing a full range of employment and training services to MSFWs on a qualitatively equivalent and quantitatively proportionate basis as those services provided to non-MSFWs. This report also provides a summary of how the State Monitor Advocates (SMAs) review and provide guidance to State Workforce Agencies (SWAs) to effect compliance with the delivery of these services. This report provides a summary of the states' program performance, key accomplishments, and challenges noted and/or resolved during this reporting period.

MSFW SERVICE LEVELS AND OUTCOMES

Federal regulations at 20 CFR Part 653 require all SWAs to provide MSFWs with services that are qualitatively equivalent and quantitatively proportionate to the services provided to non-MSFWs. SWAs report to the Employment and Training Administration (ETA) on the provision of services to participants and MSFWs through the Wagner-Peyser program via the Labor Exchange Reporting System (LERS) 9002A report, and the Labor Exchange Agricultural Reporting System (LEARs) 5148 report. [Training and Employment Guidance Letter \(TEGL\) 15-02](#), issued in 2002, provides guidance to SWAs on how to report services to MSFWs on the 5148 report utilizing data from the 9002A report.

¹ For a brief explanation of the Judge Richey Court Order, please see, "Service to Migrant and Seasonal Farm Workers" on page 3 of the National Monitor Advocate report for Program Year 2010 at http://doleta.gov/programs/pdf/nat_min_adv_annual_rpt.pdf The complete Judge Richey Court Order can be accessed at: <http://www.vec.virginia.gov/vecportal/employer/pdf/richeyorder.pdf>

² The Job Service Complaint System was established so that farm workers would have a safe place to file complaints alleging employment-related violations.

Tables 1A and 1B show the total services provided to all participants and to MSFWs in the Wagner-Peyser program for PY 2011 and PY 2012, respectively. Overall during PY 2012, as was the case during PY 2011, the proportion of MSFWs that received specific types of services were comparable to, and in most cases were higher than, those provided to all participants. The percentages of services provided to MSFWs remained constant across all types of services tracked, including the number referred to Workforce Investment Act (WIA) services which last year was three percentage points below those services provided to all participants. For PY 2012, the percentage for this category was equal for MSFWs and all participants.

	Total Non-MSFWs	% Served Non-MSFWs	Total MSFWs	% Served MSFWs
Total Participants	17,109,102		155,447	
Received Workforce Information Services	8,233,533	48%	60,613	39%
Received Staff Assisted Services	10,832,139	63%	106,436	68%
Career Guidance	2,653,901	16%	35,142	23%
Job Search Activities	5,948,310	35%	55,157	35%
Referred to Employment	4,822,570	28%	56,720	36%
Referred to Workforce Investment Act Services	1,742,492	10%	10,621	7%

	Total Non-MSFWs	% Served Non-MSFWs	Total MSFWs	% Served MSFWs
Total Participants	18,448,541		154,245	
Received Workforce Information Services	9,601,616	52%	90,892	59%
Received Staff Assisted Services	12,662,422	69%	140,248	91%
Career Guidance	2,826,501	15%	35,935	23%
Job Search Activities	5,153,841	28%	60,032	39%
Referred to Employment	4,586,505	25%	51,451	33%
Referred to Workforce Investment Act Services	1,449,881	8%	12,529	8%

³ Source: Labor Exchange Reporting System, 9002A Report, Services to Participants, PY 2011, and from the Workforce Investment Performance Reports (ETA FORM 9132) for TX and PA.

⁴ Source: Labor Exchange Reporting System, 9002A Report, Services to Participants, PY 2012, and from the Workforce Investment Performance Reports (ETA FORM 9132) for TX and PA.

JOB SERVICE COMPLAINT SYSTEM

The protection of MSFWs is not only critical for individuals who perform farm work, but is vital to the agricultural industry and United States economy. To this end, the Monitor Advocates and SWAs play a critical role in ensuring MSFWs have a safe haven where they can file complaints. The Department's charge is to ensure the SWAs establish and maintain a Job Service Complaint System⁵, thus providing for a safe and level playing field for all of the nation's workers, including farm workers.

Complaints received through the Job Service Complaint System are either resolved by SWAs or referred to the responsible enforcement agency, typically the Department of Labor's Wage and Hour Division (WHD) or the Occupational Safety and Health Administration (OSHA). The state agency complaint specialist, typically the SMA, follows up monthly with the responsible enforcement agency regarding MSFW complaints and quarterly for non-MSFW complaints. The SMA then informs the complainants of the status of their complaints. In order to facilitate these follow-up contacts and to strive toward quick resolution of complaints referred to WHD and OSHA, the NMA continues to encourage SMAs to strengthen relationships with WHD's district office managers, and to encourage Regional Monitor Advocates⁶ (RMAs) to work closely with the Regional Agricultural Coordinators from WHD. RMAs have also begun collaborating with the Regional Agricultural Coordinators from OSHA to learn and network about each other's duties and responsibilities in the protection of MSFWs, and further efforts are underway to strengthen SMA collaboration with OSHA area offices.

Table 2 below provides aggregate data of all complaints received by the SWAs through the Job Service Complaint System for the past five program years. The data indicates that in PY 2012 the total number of complaints filed by MSFWs increased by almost 32 percent over the previous year. Region 5 experienced the biggest increase in MSFW complaints going from a total of 56 in PY 2011 to 282 in PY 2012.

Probable factors contributing to this increase in utilization of the complaint system include the increase in outreach to MSFWs (313,026 outreach

North Carolina

The Department of Workforce Services (DWS) State Monitor Advocate continues to encourage DWS Program and Local Office Managers to log and process complaints and MSFW apparent violations in accordance with applicable Federal Regulations. To that end, training materials and technical assistance is ongoing, including use of a training module on the complaint system developed by the U.S. Department of Labor and available to all State Monitor Advocates and other state and local staff.

⁵ 20 CFR 658, Subpart E

⁶ The Regional Monitor Advocate reviews the effective functioning of the State MSFW Monitor Advocates in his/her region and the performance of State agencies in providing the full range of JS services to MSFWs.

contacts in PY 2012 versus 298,459 in PY 2011) and the training on complaints the SMAs provided to staff at local AJCs.

Complaints filed by MSFWs can come in and are resolved in various ways. For instance, one state reported that 14 farm workers filed a complaint against a single employer. The state referred this complaint to WHD and it resulted in an audit of that job site. In other cases in that state, the local office complaint representatives often are able to resolve the complaints filed by MSFWs without the need to refer them to an enforcement agency. In another state, 42 of the 58 complaints filed by MSFWs were elevated to enforcement agencies for investigation and resolution, and 16 were resolved locally.

WHD and OSHA continue to enforce the laws that are in place to protect MSFWs, just as the local AJCs continue to refer complaints filed by MSFWs to these two enforcement agencies. Although it may appear that the complaint system plays a very small role, in PY 2012 it made a difference in the lives of at least 897 MSFWs that filed complaints. According to most SMAs, the most common types of complaints filed by MSFWs are complaints alleging the non-payment of wages. In these cases, MSFWs receive appropriate and timely payments from their employers when complaints are resolved locally. It is expected that the continued collaborations between the SMAs, RMAs, and the Regional Agricultural Coordinators from WHD and OSHA will enhance this very important service provided to MSFWs through the local AJCs.

TABLE 2: Total Complaints Received by Job Service Offices for Program Years 2008 to 2012				
Region⁷	PY	Total	MSFW	Non-MSFW
1	2008	198	1	197
	2009	215	6	209
	2010	173	52	121
	2011	120	35	85
	2012	73	24	49
2	2008	6	1	5
	2009	35	12	23
	2010	50	1	49
	2011	43	18	25
	2012	8	0	8
3	2008	98	23	75
	2009	112	27	85
	2010	120	47	73
	2011	198	69	129
	2012	245	78	167
4	2008	1,857	22	1,835
	2009	1,594	74	1,520
	2010	1,960	43	1,917
	2011	2,016	65	1,951
	2012	1,821	64	1,757
5	2008	262	43	219
	2009	183	52	131
	2010	241	63	178
	2011	178	56	122
	2012	388	282	193
6	2008	1,281	488	793
	2009	1,111	518	593
	2010	968	371	597
	2011	1,042	434	608
	2012	942	454	488
National Totals	2008	3,702	578	3,124
	2009	3,250	689	2,561
	2010	3,512	577	2,935
	2011	3,597	677	2,920
	2012	3,519	897	2,662

⁷ States: Region 1: CT, MA, ME, NH, NJ, NY, PR, RI, VT --- Region 2: DE, MD, PA, VA, WV
Region 3: AL, GA, FL, KY, MS, NC, SC, TN --- Region 4: AR, CO, LA, MT, ND, OK, SD, WY, NM, TX, UT ---
Region 5: IA, IL, IN, KS, MI, MN, MO, NE, OH, WI --- Region 6: AK, AZ, CA, HI, ID, NV, OR, WA

OUTREACH TO MIGRANT AND SEASONAL FARM WORKERS

SWAs must operate an outreach program in order to locate and contact MSFWs who are not being reached through normal intake activities conducted through local offices⁸. The goals of the outreach program are to: provide basic employment and training services where MSFWs work, live, or gather for recreational purposes; inform MSFWs of the full array of services available at the AJCs; and provide needed supportive services and referrals to other service providers on an as-needed-basis. To this end, each SWA must develop an Agricultural Outreach Plan (AOP) setting numerical goals, policies and objectives, and describing the activities planned for delivering services to the agricultural community, both to MSFWs and to agricultural employers.

Training and Employment Guidance Letter [\(TEGL\) 23-12](#), *Instructions and Planning Guidance for the Agricultural Outreach Plans (AOP) for Program Year 2013 and the Designation of Significant MSFW States*, transmitted guidelines to SWAs on the preparation and submission of the AOP⁹. The AOP is an annual requirement previously submitted as a separate plan and is now an integral component of each state's Strategic WIA Title I and Wagner Peyser Integrated or Unified Workforce Plan (State Workforce Plan).

Table 3 indicates that outreach contacts increased from 298,459 in PY 2011 to 313,723 in PY 2012 (a 20 percent increase). An outreach contact includes either the presentation of information and offer of assistance on the services available at the AJCs, and urging MSFWS to go to the local AJC to obtain the full range of employment and training services. Table 3 also indicates there was a small decrease in the total number of outreach contacts reported by the NFJP grantees, (from 22 percent of total contacts in PY 2011 to 17 percent in PY 2012). The NMA and RMAs will continue to provide technical assistance to the SMAs and NFJP grantees to develop cooperative agreements so that the contact numbers can be shared between both partners.

⁸ In this context, "local offices" refers to the offices funded by Wagner-Peyser funds and located in American Job Centers (also known as One-Stop Career Centers).

⁹ The AOP describes the activities planned for providing the full range of employment and training services to MSFWs and agricultural employers through the American Job Center (AJC) network (also referred to as the One-Stop Career Center system).

TABLE 3: MSFW Outreach Contacts PY 2009		
SWA Contacts	NFJP Contacts	Total
233,824	42,067	275,891
85%	15%	
MSFW Outreach Contacts PY 2010		
SWA Contacts	NFJP Contacts	Total
231,228	59,177	290,405
80%	20%	
MSFW Outreach Contacts PY 2011		
SWA Contacts	NFJP Contacts	Total
233,663	64,769	298,459
78%	22%	
MSFW Outreach Contacts PY 2012¹⁰		
SWA Contacts	NFJP Contacts	Total
261,375	51,651	313,723
83%	17%	

STATE RESPONSIBILITIES

SWA Administrators of the Wagner-Peyser program are responsible for establishing a comprehensive program designed to assure compliance with regulatory requirements concerning services provided to MSFWs. They are also responsible for the operation of an outreach program in order to locate and contact MSFWs who are not being reached by the normal intake activities conducted by the local offices. In March 2013, ETA issued [TEGL 17-12](#), *Responsibility of State Workforce Agency Administrators and State Monitor Advocates in Providing Services to Migrant and Seasonal Farm Workers*. This TEGL provides guidance to SWA Administrators on these responsibilities. It also provides guidance to SMAs on their responsibilities in serving MSFWs.

The responsibilities of the SMA fall within the three primary activities of monitoring, advocacy, and field visits. In some states, the SMAs have the responsibility of the monitor advocate duties on a full-time basis. Other SMAs are designated as both the Monitor Advocate and the Foreign Labor Certification coordinator for the state. On

¹⁰ LEARS Cumulative Report (Attached)

rare occasions, some SMAs are also assigned the duties of the Equal Opportunity Officer for the Workforce Investment Act program. In order for SWAs to be in compliance with [20 CFR 653.108 \(d\)\(1\)](#), SMAs must devote full time to the Monitor¹¹ Advocate functions, except in the cases where ETA's Office of Workforce Investment Administrator has approved a plan for less than full-time work in states of low MSFW activity.

[TEGL 3-13](#), *Designation of Significant Migrant and Seasonal Farm Worker (MSFW) and Bilingual American Job Centers (AJCs) for Program Year 2013* published the nationwide list of AJCs that ETA designated as significant MSFW and bilingual local offices¹². Although ETA issued this TEGL in August 2013, the preparations to obtain all of the required data for this designation occurred during PY 2012.

TECHNICAL ASSISTANCE AND TRAINING

PY 2012 was a very busy year for Monitor Advocates at the national, regional, state, and local levels in providing technical assistance and training. The NMA provided information and training to SMAs and RMAs on the ETA guidance issued on the AOP and on the responsibilities of the SWA Administrators and SMAs. The NMA visited the states of Washington and Colorado to provide on-site technical assistance and conducted an on-site review of services to MSFWs in Puerto Rico. The NMA also conducted an annual training session concurrent with the MAFO national conference in San Antonio, TX.

In June 2013, the NMA in collaboration with the SMAs from Colorado and Michigan conducted a webinar on prevailing wage and prevailing practice surveys. The webinar provided a high level overview of why the SWAs need to conduct these surveys, and provided tools for those involved in conducting the surveys. The NMA continues to encourage states to use webinars archived at ETA's online technical assistance platform, www.Workforce3one.org, as a training tool for staff in the AJCs.¹³

ETA Region 4, in collaboration with ETA Region 5 and the NMA, developed four [computer-based training modules](#). The modules covered the following topics:

- Agricultural Outreach Workers
- Business Services
- State Monitor Advocate Responsibilities
- Job Service Complaint System

¹¹ In this context, "full time" means one staff position/full-time equivalent (FTE).

¹² *Significant MSFW local offices* are designated annually by ETA and include those local offices where MSFWs account for 10% or more of annual applicants and those local offices which the ETA's Office of Workforce Investment Administrator determines should be included due to special circumstances such as an estimated large number of MSFWs in the local office service area.

¹³ Webinars: [Complaint System-Resolving Complaints](#), [Job Service Complaint System](#)

Agricultural Outreach Workers

This module trains local AJC agricultural outreach workers on Federal regulations, partner agency and migrant service organization roles, and focuses on procedures for outreach to migrant and seasonal farm workers.

Business Services Units

This module covers procedures regarding engaging and meeting the needs of agricultural employers. Participants learn about the kind of services provided to agricultural employers through the AJCs.

State Monitor Advocate Responsibilities

This module focuses on the responsibilities of the SMAs and on Federal regulations and recommended procedures to ensure equity and quality of workforce services to migrant and seasonal farm workers and agricultural employers through the AJCs.

Job Service Complaint System for American Job Center front line staff

This module provides a high level overview of the Job Service Complaint system. This overview includes a review of the complaint process; what constitutes a valid complaint; how to identify when a written complaint is necessary; how to identify Job Service related and non-Job Service related complaints and the actions to take on them; how to report apparent violations; and how the appeals/hearing process works.

All four computer-based training modules are archived at <https://www.workforce3one.org/page/online-training#services-farmworkers> and can be downloaded and used by SMAs to train AJC staff. As of December 11, 2013 the training modules have been downloaded 4,608 times, and have been viewed 10,342 times.

National Monitor Advocate Training

In March 2013, the NMA conducted annual training sessions concurrently with the MAFO¹⁴ national conference in San Antonio, Texas. The training sessions provided attending SMAs with the opportunity to establish ties that will strengthen partnerships and promote the integration of service delivery to MSFWs within the workforce system. The objectives of the training were to: (1) provide best practices to Monitor Advocates in improving services and performance; (2) better integrate services provided by the public workforce system to MSFWs and agricultural employers; (3) better coordinate the enforcement of farm worker regulations; (4) facilitate the exchange of information between farm worker service providers; and (5) enhance communication and cooperation between farm worker groups and state and Federal

¹⁴ MAFO is a National Partnership of Rural and Farm Worker Organizations
<http://www.mafofarmworker.com/>.

officials. Representatives from WHD and OSHA's field office in Texas participated in presentations to the SMAs.

Regional pre-harvest meetings

The March 2013 NMA annual training session also provided the opportunity for the RMAs to conduct the required pre-harvest sessions with their respective SMAs. During these sessions, the RMAs meet with the SMAs to review in detail the state agency's capability for providing full services to MSFWs, as required by Job Service regulations, during the upcoming harvest season.

Regional Trainings

In April 2013, ETA Region 3 conducted a pre-harvest training with a theme of "Better Outcomes through Partnerships." The NMA and RMA in ETA Region 3 provided training to 32 participants including SMAs, outreach workers, and NFJP grantees. The highlight of the training sessions was the computer-based training modules that covered the following topics: outreach worker responsibilities; the Job Service Complaint System; the SMA responsibilities; and services to agricultural employers. Staff from WHD, OSHA, and the Apprenticeship office also presented. The training was held in the ETA Atlanta Regional Office.

In May 2013, ETA Region 6 held its third annual conference for SMAs and NFJP grantees (both job training and housing grantees). This annual meeting discussed relevant topics which helped to further encourage the dialogue between MSFW service providers. As was the case in ETA Region 3, the highlight at this conference was also the computer based training modules. The roundtable also provided an opportunity for the new SMA in Nevada to network and meet the SMAs attending the conference from ETA Region 6, evident of the peer-to-peer learning that is integral to MSFW program support.

MSFW Reviews

RMAs conducted on-site state reviews in several states. Findings from across all regional reviews included the lack of an outreach plan in one state; a vacant bilingual position in a significant local AJC; the lack of outreach in significant offices in three states; and the incorrect designation of applications as MSFW participants in at least five states. The RMAs continue to provide technical assistance in these areas as the SWAs work on resolving these issues.

The SMAs conducted numerous reviews of their significant MSFW local offices. They also conducted local office training on topics that included Job Service Complaint System, outreach, and the Agricultural Recruitment System.

State Visits

The purpose of the visits to the states of Washington and Colorado was for the NMA to meet with SMAs and other central office staff to discuss MSFW service delivery strategies. During the site visits, the NMA also contacted representatives of MSFW organizations and met with agricultural employers to obtain information concerning services to MSFWs through the AJCs.

During site visits, the NMA provided technical assistance to SMAs, and learned about the services provided to MSFWs, the collaboration between Wagner-Peyser staff, the NFJP grantees, and other partners of the public workforce development system. The NMA also visited with agricultural employers who had questions about the H-2A program, which the NMA was able to answer or refer to the Chicago Foreign Labor Certification National Processing Center for answers.

Additionally the NMA visited migrant housing units. The availability of farm worker housing continues to be a major challenge in both Colorado and Washington. According to anecdotal information from the SMA in Washington, a few years ago when H-2A activity increased in Washington, MSFWs from California stopped coming to Washington primarily due to the lack of housing. The limited housing available to farm workers is now slated for the H-2A foreign workers who now make up 16 per cent of the state's agricultural labor force. One single employer from Washington State has 400 H-2A workers from Jamaica, and 800 from Mexico. Washington is ranked fourth in the nation for worker positions certified under the H-2A program.¹⁵

In Washington, various farm worker advocacy partners meet annually to discuss MSFW housing needs. Through an agreement with the Employment Security Department (ESD), the State Department of Health is the agency responsible for conducting MSFW housing inspections. A data-sharing agreement is currently being developed so that partners can share data on MSFW housing.

In Colorado, members of a farm worker coalition meet once a month and annually have a "farm worker information night"- providing the full range of services to farm workers that are coming into the area for the season.

SWA outreach workers in both states were involved in serving not just the MSFWs, but also helping agricultural employers in meeting their labor needs. Outreach workers assist employers throughout the season, but particularly towards the end of the season when some farm workers go elsewhere to follow the crops and growers encounter more difficulties finding workers.

During these visits, the NMA also had the opportunity to speak with farm workers. In Colorado, the NMA spoke with a migrant farm worker who was working at the time in

¹⁵ H-2A Temporary Agricultural Labor Certification Program - Selected Statistics, FY 2013 YTD
http://www.foreignlaborcert.doleta.gov/pdf/h_2a_temp_agricultural_visa.pdf

the city of Manzanola. This individual works in the Manzanola area for about two months out of the year, and then goes to Brownsville, Texas. He opens his unemployment insurance (UI) claim in January in Texas, and is on UI until March, at which time he starts the season again in the Brownsville, TX area for a couple of months and moves on to New Mexico to follow the crops. From New Mexico he goes to Manzanola, CO. This gentleman has been following the crops in this pattern for the past 30 years. This journey illustrates the fact that some farm workers still follow the migrant stream.

While in Washington, the NMA observed the complaint process of an MSFW. The complaint alleged the MSFW had not been paid correctly and that the foreman owed him wages. The farm worker had picked 25 buckets of cherries on one day, and 20 buckets on another day, but was only paid for 29 buckets. The employer still owed him for 16 buckets at \$4.50 each, for a total of \$72.00.

After the complaint representative wrote down the facts of the complaint, she turned to the NMA and asked almost rhetorically, "How can these violations still be happening?" She picked up the telephone and called the foreman to make arrangements to have this farm worker accurately paid. Later that night while she and the NMA were conducting a visit of the Sage Bluff migrant housing, the complaint representative/outreach worker received a message informing her that a resolution was reached with the complainant involving the issue of correct payment. It was another successful resolution to a MSFW complaint, and illustrates how SMAs, outreach workers, and complaint representatives have a direct impact on the lives of MSFWs and help to ensure their employment rights are upheld.

PARTNERSHIPS FOR MSFWs

Partnerships between SWAs, NFJP grantees and other farm worker-serving organizations, and Federal agencies continued to strengthen in PY 2012. Collectively they improved the coordination of services to MSFWs.

The increased coordination between SMAs and NFJP grantees continued to be a major focus throughout the year. As mentioned in the Technical Assistance and Training section of this report, in April 2013, ETA Region 3 conducted a pre-harvest roundtable in Atlanta which brought together the SMAs and NFJP grantees from the region. The NMA focused on how the partnerships between the SMAs and the NFJP grantees can better serve the farm worker communities.

The RMA in ETA Region 3 and the NFJP Federal Project Officer (FPO) continue to find opportunities for partnership. In this Region, the RMA has extended an open invitation for the FPO to

North Dakota

One office in the northern Red River Valley permanently co-locates with Motivation, Education and Training Inc. (MET). MET operates the National Farmworker Jobs Program in North Dakota. An ongoing partnership between Job Service North Dakota and MET exists to provide MSFWs additional opportunities for training. Job Service North Dakota and MET collaborate to offer services that provide the most benefit to MSFWs.

participate on monitor advocate conference calls. Also, the RMA and NFJP FPO have jointly scheduled visits to states and arranged for itineraries to overlap to facilitate cross-training and networking with farm worker partners. Due to budget limitations, only one joint visit in Florida was accomplished, but ETA Region 3 continues to look for opportunities for joint visits going forward.

Two examples of partnerships to improve outreach and other services to MSFWs in Region 3 include:

- The North Carolina Telamon, the NFJP Grantee, has an MOU which allows the NFJP Grantee to co-fund outreach positions on behalf of the North Carolina Department of Commerce. This exemplary practice allows for a true partnership and leveraging of resources to serve more agricultural employers and farmworkers.
- The South Carolina Department of Employment and Workforce's (SCDEW) primary farm worker partner is also the Telamon NFJP grantee. The SMA and the State's Division of Reemployment Services are mirroring the best practice from North Carolina, and now Telamon in South Carolina and the SCDEW co-fund outreach workers during the peak season. Additionally, the SCDEW has established partnerships with multiple farm worker organizations to provide information on services available to farm workers and agricultural employers. These organizations meet quarterly to discuss migrant-related issues and to become familiar with relevant employment laws and regulations.

ETA Region 6 held a similar pre-harvest roundtable in May 2013 in San Francisco. This annual meeting discussed relevant topics which helped to further encourage the dialogue between MSFW service providers. During this meeting the SMA from California was able to meet with the five NFJP grantees in California. ETA Region 6 has recommended that all SMAs take advantage of all opportunities to collaborate with other entities within their state to enhance services and maximize efficiencies. This includes: attending state and local workforce board meetings; attending farm worker council meetings; creating MOU's with NFJP grantees; and working with their SWA and local area partners to increase co-enrollment of farm workers in WIA, Wagner-Peyser, and discretionary programs.

The objectives of the trainings at these roundtables were to: (1) better integrate services to MSFWs and agricultural employers in the workforce system, (2) better coordinate the enforcement of farm worker regulations, and (3) enhance communication and cooperation between farm worker groups and state and Federal officials.

Stranded MSFWs

According to the National Agricultural Workers Survey report, 9 percent of the farm workforce is considered "follow-the-crops" migrants. The paths of these migrant streams may range from California to Washington and Minnesota; from Texas to New

Mexico and Colorado; and from Florida to New Jersey and Maine. In any one of these migrant streams, we often find farm workers and their families stranded on the road unable to obtain work in another state, or unable to get back to their home base if the job finished early for a variety of reasons. When SMAs are made aware of these situations, a “rapid response team” is assembled comprised of the RMAs, the SMAs, and the NFJP grantees from the states where the MSFWs are stranded and from the home states of the MSFWs.

Once the team is assembled, teleconferences are conducted and a service strategy is developed to assist the stranded farm workers. In one case, the stranded farm worker was also a U.S. veteran. This individual had migrated to work in Jacksonville, FL where he finished the job and was on the way home to Brownsville, TX when his car broke down in Milton, FL. He did not have the \$360 needed for the repair of his vehicle. The farm worker was able to contact an outreach worker who in turn contacted the SMA in Florida. With the collaboration of the SMAs from Florida and Texas, the local NFJP grantee was able to help the stranded farm worker and he was able to get back home safely.

SERVICES TO EMPLOYERS

As mentioned in the section on outreach to MSFWs of this report, the AOP describes the activities planned for providing the full range of employment and training services to the agricultural community, both MSFWs and agricultural employers, through the AJCs. The SMAs also provide important services to agricultural employers. Examples in PY 2012 include:

- The SMA in Arizona worked with AJC staff in areas with the greatest concentration of MSFWs to plan, promote, and deliver information and services during farm worker community events. These events included: Annual Arizona Interagency Farm Workers Coalition conference; *Annual Dia Del Campesino* /Farm Worker Appreciation Day; Annual Farm Worker Health, Information, and Service Fair; Annual Arizona/California Agricultural Employer Seminar; and Quarterly Agricultural/H-2A Employer Round Table Seminars.
- The SMA in Oregon invited agricultural employers in collaboration with Oregon Department of Agriculture to present workforce needs at the Latino Workforce Conference in Salem. The workshop was well attended by MSFW job seekers, and Oregon plans on making this a yearly event.
- The SMA in Colorado reached out to non-agricultural employers and has formed and engaged employers in an English Proficiency Task Force. The Colorado Workforce Speaks task force worked for several years putting together information and tools for the AJCs to comply with the Limited English Proficiency plans.¹⁶

¹⁶ <https://e-colorado.coworkforce.com/NonRegUserTeamRoomView.aspx?ID=1438>

- The SMAs in Texas, New Mexico and Montana hold agricultural employer conferences in collaboration with other Federal, state, and local partners to share information with each other, agricultural employers and farm workers. Texas held three employer conferences during PY 2012. One was held in partnership with New Mexico in El Paso, Texas, and was attended by employers from Texas and New Mexico. Montana held two employer conferences in PY 2012.

CONCLUSION

PY 2012 was a very busy and productive year for Monitor Advocates at the national, regional, and state levels in providing opportunities and ensuring protections for MSFWs. Monitor Advocates conducted monitoring reviews to ensure the SWAs were complying with the Wagner-Peyser regulations in serving MSFWs on an ongoing basis. They conducted field checks to ensure agricultural employers were complying with the full terms and conditions of employment as noted on the job orders placed with Job Service. Monitor Advocates provided advocacy for the improvement of the delivery of employment and training services to MSFWs. This work results in changes in the way the AJC network assists American migrant and seasonal farm workers to improve their lives and working conditions.

As we near the 40th anniversary of the signing of the Judge Richey Court Order, Monitor Advocates and outreach workers will continue to interact with MSFWs who are not being reached through routine intake activities conducted by local offices. They will continue to work collaboratively with Federal, state, and local enforcement agencies to ensure compliance and effectiveness. Monitor Advocates will continue to be the voice of migrant and seasonal farm workers.