

**State of Wisconsin PY 2013
Wagner-Peyser (WP) Act Agricultural Services Plan
Activities Planned For Providing Services to Agricultural Employers
and Migrant and Seasonal Farmworkers (MSFWs)**

WP Agricultural Outreach

Each state workforce agency shall operate an outreach program in order to locate and to contact MSFWs who are not being reached by the normal intake activities conducted by the local offices. To this end, each state agency must include in its State Operational Plan an annual agricultural outreach plan, setting forth numerical goals, policies, and objectives. Regulations at 20 CFR 653.107 require that the outreach plan include the following elements:

Assessment of need

Proposed outreach activities

Services provided to agricultural employers and MSFWs through the One-Stop delivery system

Numerical goals

Data analysis

Background:

As required by 20 CFR Subpart B, 653.107, the Department of Workforce Development (DWD) will provide WP Act-funded services to migrant workers, prospective employers and current employers of MSFWs. The DWD MSFW Program will continue efforts to strengthen its working relationships with MSFWs and employers so that each better understands how the Public Labor Exchange and outreach services can be of assistance. Efforts will continue to include intra/interstate job order services to employers and the full range of Job Service (JS) Public Labor Exchange services delivered via an Outreach Program designed to locate, contact, and inform migrant and seasonal farmworkers about the nature and availability of service.

As required by 20 CFR Subpart B, 653.101, DWD will ensure that MSFWs are offered the same range of employment services, benefits and protections that are provided to non-MSFWs including counseling, testing and job training referral services. To assure statewide compliance, DWD will make every effort to meet the Equity Indicators of Compliance as well as the Minimum Service Level Indicators. Wisconsin is designated as a "significant" state, and as such every effort will be made to conduct vigorous outreach activities in the significant MSFW service areas located in Wautoma and Beaver Dam. Wisconsin will also continue its statewide outreach efforts beyond Wautoma and Beaver Dam to ensure migrant workers around the state have access to JS information and the wide array of Job Center (JC) services.

Additional services are provided to workers and employers through the Division of Employment and Training (DET) MSFW Program Migrant Law Enforcement (MLE) unit. The MLE unit enforces the Wisconsin Migrant Labor Law on behalf of individuals who travel to Wisconsin for employment in agriculture, horticulture and food processing for less than ten months per year. The Wisconsin Migrant Labor Law provides standards for wages, hours and working conditions of migrant workers, certification, maintenance and inspection of migrant labor camps, recruitment and hiring of migrant workers and guarantees the right of free access to migrant camps. The MLE unit also provides technical assistance to covered employers to promote compliance.

A. Assessment of Need

MSFW activity and MSFWs projections for PY 2013

Total MSFWs registrations in Wisconsin for PY 2010 were 507. Interstate and intrastate clearance order activity via the Agricultural Recruitment System (ARS) has decreased within the past several years. The interstate clearance orders received or initiated were minimal and were linked to criteria job orders. Our outreach to MSFW employers has created some interest in the use of ARS. However, we anticipate minimal ARS activity or employer usage of the system outside those linked to criteria orders. Based on PY 2010 data (July 1, 2010 through June 30, 2011), 227 agricultural job orders and 1,339 openings were received. The MLE unit census indicates that there were 3,792 migrant workers employed in seasonal agriculture, horticulture and food processing by state law definition (Calendar year 2010). The DET MSFW program also certified 97 migrant camps, performed 27 post occupancy inspections, six field sanitation inspections, three payroll reviews, 33 contract reviews, and monitored known crew leaders in the state.

The latest data supplied by United Migrant Opportunity Services, a WIA 167 National Farmworker Jobs Program (NFJP) grantee, estimated the number of MSFWs and family members to be over 9,000 for the year 2011. Based on current economic, weather and other conditions we estimate that a similar level of activity will occur during PY 2013.

Agricultural activity and projections for PY 2013

According to the *2011 Wisconsin Agricultural Statistics* report by the National Agricultural Statistics Service and the Department of Agriculture and Consumer Protection, Wisconsin was among the top 10 producers of oats, strawberries, maple syrup, mint and cabbage in 2010. Wisconsin tops the nation in cranberry and ginseng production, and is known internationally for those crops. It also remained the top producer in the nation for snap beans.

According to the *Organic Agriculture in Wisconsin: 2012 Report*, Wisconsin is a national leader in organic vegetable production. The number of Wisconsin certified organic farms grew 157 percent from 2002 to 2007. Wisconsin is second only to California in the number of organic farms and ranks in the top five states in certified organic acreage. The state is also among the top five in production of most major organic crops and livestock types.

The Central Sands area is a national center for conventional vegetable production and processing. In vegetable processing, Wisconsin ranked second in harvested acreage, production, and value of production; remained second for production of carrots for processing; and, third for production of processing sweet corn and peas. Food Processing activities occur from June-December, and are concentrated mostly in the South Central and Eastern Wisconsin areas.

According to the *Wisconsin Agricultural Statistics* reports for the State, the 2011 growing season got off to a late start due to a cool, wet spring. High temperatures during June and July, along with adequate rainfall over most of the state, allowed crops to catch up and post decent yields. Wisconsin agriculture had another record year hitting \$2.85 billion in exports in 2011.

2012 was an unusual year from the start. It opened with a much warmer than normal winter, allowing the growing season an early start followed by extreme heat and drought in the southern half of the state. The heat and moisture stress pushed crops into early maturity

well before the first widespread frost of the year hit in the end of September. Dry field conditions allowed harvest to progress quickly.

Despite unusual weather, agriculture contributes more than \$59 billion to Wisconsin's economy every year, supporting almost 354,000 jobs and providing more than \$20 billion in income, while paying \$2.5 billion in state and local taxes. We do not foresee big changes in the current levels of agricultural activity or productivity. We project the numbers of MSFWs, crop activities/geographical areas and time frames to remain constant for PY 2013.

B. Outreach Activities

Program Goals for PY 2013

It is DWD's goal to contact a sufficient number of MSFWs with the maximum utilization of resources available. During PY 2010, the DET performed 1,979 initial outreach contacts. Outreach for calendar year 2012 included 2,596 initial contacts in 60 outreach days. Our goal for PY 2013 is 3000 initial contacts in 65 outreach days.

Local offices that have MSFW activity in their service areas are required to operate an Outreach Program to contact agricultural and food processing employers to offer labor recruitment assistance via the local order system or the ARS. They are also required to obtain or update each employer's MSFW workforce projections. We plan to continue coordinating our efforts with MSFW partners to meet our outreach goals.

In addition to the above mentioned quantitative goals, we have set two qualitative outreach goals for the DET MSFW Program. The first goal is to increase outreach to agricultural employers and have the outreach staff link employers to the business services units to increase agricultural employers' awareness and use of the Public Labor Exchange services. The second goal is to increase outreach contacts to seasonal workers. Collaboration with MLE inspectors has historically facilitated outreach to migrant workers since they are covered by the state law. Analysis of the *Census of Agriculture, USDA, National Agricultural Statistics Service*, has shown a need to increase efforts to identify and serve local seasonal workers.

Staff providing outreach services will continue to be three full-time equivalent positions comprised of seven bilingual permanent state employees. All staff are based at JC's or affiliated One Stop System sites and provide customers the full array of core, intensive, and training services. They also provide One Stop service information relevant to the needs of the agricultural and food processing community to include, but not limited to WIA Title I, WIA 167 and other appropriate program services. This is accomplished in large part through conducting employer-coordinated visits to fields and canneries to meet with MSFWs and provide service information, at minimum, at the beginning and close of the employment seasons. The same information will be shared with the WDBs. The Bureau of Job Service (BJS) has no formal presence at the JC's in the significant offices of Wautoma and Beaver Dam. In PY 2010, the local offices in the areas started outpost hours at both of these sites, co-locating with the WIA 167 partner. We have continued the co-location with the WIA 167 in PY 2011 and 2012. For PY 2013, in addition to field activities, we plan to continue providing services in Beaver Dam, and outreach staff is also co-locating with the WIA 167 partner. Similarly, in Wautoma BJS is locating in space available at the JC one day a week and another day co-locating with the WIA 167 partner.

In order to maximize resource utilization to achieve PY 2013 goals and beyond, the DET will continue working to increase coordination and efficiency in the provision of services to the MSFWs and their employers. With a long-term vision of improved customer service and seamless service delivery, we have created a unified DET MSFW Program. The mission of the program is to promote fair working conditions and to provide services that support a sufficient labor supply to plant, harvest and process Wisconsin's agricultural commodities.

Previously operating as four distinct programs, the DET MSFW Program unifies and coordinates the federally required labor exchange activities of the MSFW Outreach Program, the FLC Program, the Monitor Advocate and the enforcement duties of the MLE Program. Coordination of these four MSFW-centered programs allows DWD to increase productivity of Wagner Peyser-funded activities and to more accurately evaluate and report services provided to agricultural workers and employers.

The DET MSFW Collaborative Workspace has been developed in order to effectively collect, analyze, report and share program data. Internally, the system collects data regarding outreach visits, field checks, violations, monitoring visits, migrant labor camp status, seasonal labor needs and annual population tallies. The MSFW Collaborative Workspace also serves as a statewide hub for MSFW-related information, allowing the WIA 167 grantee, legal services and other partners and service providers to access and share information. The system automates and tracks service referrals as well as complaints and apparent violations statewide. We have been implementing this structure during PY 2012, and plan to continue and improve it during PY2013.

WP Act-funded services

The WP Act-funding for services to migrant and seasonal workers, prospective employers and current employers of MSFWS is approximately \$770,000. This total includes salaries, fringe benefits and other staff related expenses for seven full-time equivalent employees, seven outreach staff for an equivalent of three full-time equivalent positions [two full-time persons, one in each significant office, and the other five persons at approximately 20 percent to this program], the full time State Monitor Advocate, and three full-time Wisconsin Migrant Labor Law Inspectors.

Outreach tools

The majority of the outreach contacts occur through group orientation sessions in person. The sessions are planned and arranged beforehand by the Outreach staff based on their communications with the employers. According to regulations 653.107 (1) – (4), the outreach contacts include the following information: presentation and offer of services, referrals to agricultural and non-agricultural employment, all range of services available from JS, information about our tri-lingual call center, JS complaint system, information about federal and state laws and protections available. One of our PY 2013 goals is to continue to increase outreach services to local seasonal workers. One of those initiatives include outreach to the Hmong farmworkers. We have started specific outreach activities to the Hmong population through ethnic media sources in print, *Hmong Hello*, and plan to include radio in the future.

Outreach contacts and services have been recorded by the outreach, or other appropriate staff, on the following forms: the Migrant Camp Employer Supplement, the Outreach Seasonal Planning Record and hand tallies. For PY 2012, we have implemented these forms in the new SharePoint reporting system. We have also started the JS Complaint

System Log in SharePoint. This increases the efficiency and accuracy in reporting, as well as the ability to follow up and evaluate program activities.

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

Information Provided during On-Site Outreach Visit

Group Orientation Sessions are planned and arranged beforehand by the Outreach staff. The information, including handouts, presented at these sessions includes:

- JS/JC services available from local offices, including job information available via JCW, Wisconsin's automated self-service registration
- Referrals to agricultural/non-agricultural employment, training, supportive services, testing, counseling, and other job development services
- Farmworker Rights (Federal and State Law, employment related protections)
- JS complaint system
- WIA information and potential eligibility
- How to contact other organizations servicing MSFWs such as UMOS, local and state Health and Human Services Departments, Legal Action, Migrant clinic, program services such as Food Stamps, Medical Assistance and others

Sessions will include time for questions and answers. Outreach staff are aware that this activity can elicit complaints and/or the detection of apparent violations. In instances where group sessions may not be appropriate, outreach staff will contact MSFWs in the traditional individual manner.

Self-Registration

Since August 1, 2012, it is mandatory to register in Job Center of Wisconsin (JCW) in order to access the system and utilize tools including job search, job matching, and résumé posting. While Job Service and especially migrant outreach staff continue to register customers directly into ASSET (WIA case management and reporting system), the primary method of registration is customer driven (or staff assisted) registration directly through JCW. All registration information is shared between the two systems.

The ASSET System continues to allow outreach staff to provide staff managed intake and case management capabilities to support a virtual workforce center environment. Using laptops and sometimes even mobile computer labs, individual applications are occasionally taken during outreach visits when appropriate. Where necessary, an explanation of the purpose (and sometimes assistance with completion) of the process shall be given during these sessions.

Wisconsin's Unemployment Insurance program also requires mandatory registration on JCW for customers who are mandated to conduct regular work search. Because of this requirement, and potential impacts on unemployment benefits, MSFW Program outreach staff and the State Monitor Advocate provided additional assistance to employers that requested it to ensure their MSFWs were registered prior to completing the seasonal work.

A hardcopy application exists in English and Spanish and efforts to include language access into the self-registration system are being considered as JCW enhancements are planned. Additionally, an English, Hmong, and Spanish tri-lingual call center is available to address

questions and provide services to customers that are not able to access web-based services or physically access the One-Stop Centers for JC services.

Assessment of MSFW Needs

After self-registration, the Outreach Worker may also assess the needs of the MSFWs and provide the identified necessary services.

Referrals to Supportive Services

When applicable, Outreach Staff will make appropriate referrals to UMOS, as well as to other community based organizations or supportive services agencies.

Other Tools Used To Conduct Outreach

Outreach planning documents, based on estimates of the number of MSFWs needed during the projected session

Joint outreach planned visits or events with MLE Inspectors, UMOS staff, High Equivalence Programs, Family Health/Clinica Mobile Unit or other MSFW Partners

Printed pamphlets in English/Spanish are distributed to MSFWs and/or posted in gathering areas. The pamphlets provide information about services such as supportive services available to them, community-based organizations that can assist them, filing/use of the complaint system, the Wisconsin Migrant Labor Law, UI information, farmworker rights, and Federal Wage/Hour laws, etc.

Trilingual JS call center and JCW cards

Outreach Records

Staff reports the provision of employer and migrant worker service on an ongoing basis. Results, including equity of service indicators, are routinely generated through Wisconsin's comprehensive JS information system and ASSET system. Additionally, planning and other outreach activities will be reported in the newly automated DET MSFW Collaborative Workspace site through SharePoint.

WP Act Services Provided to MSFWs

Registration for WP and other JC services

Explanation and use of JCW job searches

Counseling

Referral to agricultural and non-agricultural job openings

Job seeking skills

Testing

Assessment

Referrals to other agencies

Information on employment and training activities in area

Labor market information

Tax Credit Programs

Language access

Information on the JS complaint system, filing and processing complaints

Bonding program assistance

Monitor Advocate Services

A permanent, full-time State Monitor Advocate is assigned by DWD to perform the following:

Monitoring Duties:

Conduct agency-wide and on-going review of state-wide delivery of services and protections afforded to MSFWs.
Coordinate efforts to assure that significant MSFW offices are reviewed at least once a year.
Consult with state and local offices to ensure accurate reporting of MSFW-related information.
Review proposed state JS directives, manuals and operating instructions relating to MSFWs.
Participate in Federal monitoring reviews.
Review, on at least a quarterly basis, all agency statistical and other MSFW-related data reported.
Prepare an annual summary report of statewide services to MSFWs for the Division Administrator.

Advocacy Duties:

Oversee the operation and performance of the JS complaint system.
Review the state agency's MSFW Outreach plan and the daily and other reports of outreach workers.
Serve as an advocate to improve services to MSFWs within JS.

Field Duties

The Monitor Advocate conducts frequent field visits to the working and living areas of MSFWs to offer and verify JS services as well as meet and work with community-based organizations and other employment-related agencies to coordinate other services to MSFWs. The Monitor Advocate raises issues as appropriate to ensure that the development of new systems/strategies for service delivery include meeting the needs of MSFW customers, and is responsible for all MSFW program reporting to the Region as required or requested.

The Monitor Advocate also serves as a liaison to the U.S. Department of Labor to raise issues related to the need to revise program regulations to more effectively relate to the integrated provision of service delivery for MSFWs and to keep pace with developing technologies.

The monitoring reviews which are performed by the Monitor Advocate take place in the JC's and are further assurance that local systems are in compliance with the equity indicators and minimum service levels for MSFWs. The reviews also include labor exchange centralized activities such as job order processing, language access plans, etc. The reviews also include personal contact with MSFW families in their living areas to ascertain their satisfaction with service provided by the Outreach workers.

The Monitor Advocate will also provide cross training for partner agency staff on the National Monitor Advocate System, MSFW Outreach, and overall provision of services to MSFWs and the JS Complaint System.

The Monitor Advocate ensures coordination of DET services with the various internal and external MSFW partners. Within the agency, the Monitor Advocate participates in the DET Policy Coordination team along with the FLC Program Coordinator and managers from BJS and MLE. This policy coordination team ensures coordination and policy alignment in state and federal regulations regarding DWD services to MSFWs. Additionally, the Monitor

Advocate provides staff support for the implementation of the DET non-financial Memorandum of Understanding with the WIA 167 partner, UMOS. The Monitor Advocate also attends and participates in Migrant Council, Migrant Coalition and other meetings as expected of the State Monitor Advocate.

D. WP Act Services Provided to Agricultural Employers

Agricultural employers receive all services provided to non-agricultural employers. (See WIA/WP Plan for services to employers.) Additionally, agricultural employers have access to the following WP Act Services or resources:

Agricultural Recruitment System (Intrastate, and Interstate Clearance Orders)

The ARS is an extension of the basic labor exchange services. The purpose of the ARS is to meet the labor needs of agricultural employers, provide job opportunities to farm workers, and protect the domestic agricultural workforce. The ARS ensures proper disclosure of the terms and conditions of employment to seasonal workers who are recruited from outside of the local commuting area. Employers who wish to use the ARS system must submit a clearance order that complies with regulations at 20 CFR 653, Subpart F.

Temporary FLC Programs

The DWD FLC Program performs all of the State Workforce Agency duties related to the H-2A (Agriculture) and H-2B (Non-agriculture) temporary labor certification programs. These programs allow employers to obtain visas for foreign workers if the employer demonstrates that there are not sufficient U.S. workers who are able, willing and qualified to perform the temporary labor or services and that the employment of foreign workers will not adversely affect the wages and working conditions of similarly employed U.S. workers.

Wisconsin Migrant Labor Law

The MLE unit enforces the Wisconsin Migrant Labor Law on behalf of individuals who travel to Wisconsin for employment in agriculture, horticulture and food processing for less than ten months per year. The Wisconsin Migrant Labor Law provides standards for wages, hours and working conditions of migrant workers, certification, maintenance and inspection of migrant labor camps, recruitment and hiring of migrant workers and guarantees the right of free access to migrant camps. Additionally, the MLE unit provides technical assistance to covered employers to promote compliance. Technical assistance is provided to employers and crew leaders one on one, as needed to address specific compliance issues, and through specific group meetings and training.

E. Other Requirements

Assurances:

Statement of Approval of the State Monitor Advocate

In accordance with 20 CFR Subpart B, 653.107 and as prescribed by Region V, the Monitor Advocate participated in the preparation of the agricultural plan and has been afforded the opportunity to approve and comment on the plan. Such review indicates that the plan has been prepared properly, omitting none of the prescribed requirements and properly describing the activities planned for providing services to both agricultural employers and migrant and seasonal farmworkers.

All recommendations were included as the State Monitor Advocate presented them in the annual MSFW summary developed under 20CFR 653.108(t) in the preparation of this plan. The BJS has given consideration to the previous year's Annual Monitor Advocate Report and offers the following for consideration. The BJS will continue to analyze and evaluate the impact of information technology and new delivery systems and will continue to work with the Regional Office to resolve these issues.

Significant Office Requirements

The Employment and Training Administration has designated Wisconsin as a significant state. As such, the two significant offices have a full-time staff assigned to MSFW activities all year-round. The state assures that MSFW significant office requirements are met. The State Monitor Advocate is a bilingual staff that is dedicated full-time and all year around to MSFW activities.

Review and Public Comment

In accordance with 20 CFR Subpart B, 653.107(d)(1), (2), and (3), DWS/JS has solicited information and suggestions from UMOS, WIA Section 167 grantees, other appropriate MSFW groups, public agencies, agricultural employer organizations and other interested employer organizations to comment on the State Agricultural Services Plan. At least 45 days before submitting its final outreach, the State provided a proposed plan to the organizations listed above and allowed at least 30 days for review and comment. The State considered any comments received in formulating its final proposed plan, informed all commenting parties in writing whether their comments have been incorporated and if not, the reasons therefore, and included the comments and recommendations received and its responses with the submission of the plan. Any comments received after the submission date will be forwarded to the region, under separate cover.