



NATIONAL FARMWORKER JOBS PROGRAM

Program Guide



Table of Contents



Acknowledgements	v
1 – Introduction.....	1
2 – What is the National Farmworker Jobs Program?	3
3 – What is the Workforce Innovation and Opportunity Act?.....	7
3.1 What is the Purpose of WIOA?	7
3.2 What are Workforce Development Boards?.....	8
3.2.1 State Workforce Development Boards	9
3.2.2 Local Workforce Development Boards	11
3.3 What are American Job Centers?.....	14
3.3.1 Overview of the AJC Network	14
3.3.2 AJC Required Partners.....	14
3.3.3 Memorandum of Understanding	16
3.3.4 Infrastructure Funding Agreement	17
3.3.5 One-stop Operations, MSFWs, and Integration.....	18
3.4 What are Wagner-Peyser Employment Services and How Do They Relate to NFJP?	19
3.4.1 Employment Services’ MSFW Outreach Programs	21
3.4.2 ES Employment-Related Law Complaint System	21
3.4.3 ES Apparent Violations.....	22
3.4.4 Agricultural Outreach Plan.....	23
3.5 What is the Monitor Advocate (MA) System?	23
3.5.1 State Monitor Advocates	23
3.5.2 Monitor Advocates at the Federal Level	24
3.5.3 Monitor Advocates roles and responsibilities.....	24
3.5.4 MOU Between the SMA and NFJP grantees	24
3.6 Career Pathways and NFJP	25
3.6.1 The Career Pathways Toolkit	26
3.6.2 Ways to Implement Career Pathways.....	26
3.6.3 NFJP and Career Pathways.....	27
4 – How is Eligibility for NFJP Determined?	29
4.1 What are the Eligibility Criteria for NFJP Services?	29
4.2 What is the Eligibility Determination Period for Farmworker Status in NFJP?.....	30
4.3 How does NFJP define Farmworker Status?	30
4.3.1 Definition of “Primarily Employed in Agricultural Labor,” etc.	31
4.3.2 What is “Qualifying Farmwork?”	32
4.4 What is the Priority for Service for Veterans?	34
4.5 How does NFJP Determine Low-Income Status?.....	34

4.6 Who is Considered a Dependent of Eligible Farmworkers?	37
4.7 What Are the Selective Service Registration Requirements for NFJP?	37
4.7.1 What Are the Basic Requirements for Selective Service?.....	38
4.7.2 How Do Grantees and Participants Verify That Selective Service Requirements Are Met?	38
4.8 Intake, Eligibility Determination Systems, and Enrollment	40
4.8.1 Sample Pre-eligibility Questions	40
4.8.2 Sample Intake Questions	40
4.8.3 Eligibility Determination Systems	41
4.9 NFJP Enrollment	42
4.9.1 Reportable Individual vs. Participant	42
4.10 What Are the Verification Requirements for Emergency Assistance?	45
4.10.1 Serving H-2A Workers	45
5 – What are the Adult Service Components of NFJP?	46
5.1 Career Services	46
5.1.1 Work Experience	47
5.2 Training Services.....	48
5.2.1 On-the-Job Training	48
5.2.2 Incumbent Worker Training.....	49
5.2.3 Transitional Jobs.....	49
5.2.4 Customized Training.....	49
5.3 Supportive Services	50
5.4 Related Assistance	50
5.5 Adult Co-enrollment	50
6 – What are the NFJP Youth Services and Eligibility Requirements?.....	52
6.1 Eligibility	52
6.2 Enrollment	53
6.3 Objective Assessment	53
6.4 NFJP Youth Co-enrollment	54
6.4.1 Opportunities for Partnership.....	54
6.5 NFJP Youth Eligibility vs. WIOA Youth Eligibility	55
6.6 NFJP Youth Program Elements	55
6.7 WIOA Youth Program Elements.....	56
6.7.1 Tutoring, Study Skills Training, Instruction, and Dropout Prevention	56
6.7.2 Alternative Secondary School and Dropout Recovery Services.....	56
6.7.3 Paid and Unpaid Work Experience.....	56
6.7.4 Occupational Skills Training	57
6.7.5 Education Offered Concurrently with Workforce Preparation.....	57
6.7.6 Leadership Development Opportunities.....	57
6.7.7 Youth Supportive Services	58
6.7.8 Adult Mentoring.....	58
6.7.9 Follow-up Services	59

6.7.10 Comprehensive Guidance and Counseling	59
6.7.11 Financial Literacy Education.....	59
6.7.12 Entrepreneurial Skills Training	60
6.7.13 Services that Provide Labor Market Information.....	61
6.7.14 Postsecondary Preparation and Transition Activities	61
7 – What Are the Reporting Requirements for NFJP Grantees?	62
7.1 What Are the Quarterly Program Reporting Requirements for NFJP?.	62
7.1.1 The WIOA Participant Individual Record Layout (PIRL).....	63
7.1.2 What are the Quarterly Financial Reporting Requirements?	65
7.2 What are the Annual Reporting Requirements?	66
7.2.1 Data Validation.....	66
7.3 What is the Process for Submitting a Grant Modification?.....	67
8 – What are the NFJP Performance Outcome Measures?	68
8.1 What are the Key Definitions for the Performance Measures?	69
8.1.1 Program Participants	69
8.1.2 Reportable Individuals	69
8.1.3 Exit.....	70
8.1.4 Employment.....	71
8.2 What are the Common Measures?	71
8.2.1 Employment Rate – 2 nd Quarter After Exit:	71
8.2.2 Employment Rate – 4 th Quarter after Exit	72
8.2.3 Median Earnings	73
8.2.4 Credential Attainment Rate	75
8.2.5 Measurable Skills Gains.....	77
8.2.6 Effectiveness in Serving Employers.....	81
8.2.7 What are the Exclusions from the Common Measures?	82
9 – What are NFJP Grantee Obligations and Regulatory Requirements?	83
9.1 What is the Statute Authorizing NFJP?.....	83
9.2 What are the WIOA Regulations That Pertain to NFJP Grantees?.....	83
9.2.1 WIOA NFJP Regulations.....	83
9.2.2 Other WIOA Regulations Pertaining to NFJP	83
9.3 What are the Applicable Cost Principles and Uniform Administrative Requirements?	84
9.4 What Other Requirements Pertain to NFJP Grantees?.....	85
9.4.1 Grant Award Package.....	85
9.4.2 ETA Advisories/Training and Employment Guidance Letters (TEGLs)	86
Appendix A – Glossary of Acronyms.....	87
Appendix B Reporting Forms	89
APPROVED QUARTERLY NARRATIVE PERFORMANCE REPORT (QNR) TEMPLATE.....	90
U.S. DOL ETA FINANCIAL REPORT (ETA - 9130 (J))	98

Appendix C – Part 685 NJFP regulations	100
Appendix D – WIOA §167.....	109
Appendix E - Wage Conversion Chart	112
Appendix F – Innovation in Action	113
Appendix G – Sample SMA-NFJP MOU	115
Appendix H – Sample SWDB – NFJP MOU	119
Appendix I – Regulatory Guidance (TENs and TEGLs) Relevant to NFJP	121
Appendix J – Case Management: Eligibility Determination Case Study.....	124

Acknowledgements

The Association of Farmworker Opportunity Programs (AFOP) developed this guide as part of a cooperative agreement funded by U.S. Department of Labor (USDOL) and with contributions from a number of representatives from the NFJP Grantee Community.

Our amazing team of collaborators, contributors, and editors includes:

- AFOP National Staff: Kendra Moesle, Workforce Analyst; Kathleen Nelson, Director of Workforce Development; and Daniel Sheehan, Executive Director;
- Members of the NFJP Program Guide Core Workgroup: Richard Roe, Kentucky Farmworker Programs; Martin Campos-Davis, Oregon Human Development Corporation; Martha Guerra and Leonor Rico-Barker, Opportunities Industrialization Center; L. Diane Swift and Jennifer Byrd, Telamon; Cynthia Arzola, MET; Laura Tramontana, USDOL;
- Members of the NFJP Program Guide Review Group: Brenda Lee Soto, PathStone Corporation, PR; Cynthia Thomas-Grant, Illinois Migrant Council, IL; Shirley Aviles and Kaye Hartmann, UMOS, WI; Jennifer Shahan, Telamon Corporation, MD; Beatriz Arce, PathStone Corporation, NY; Nita D'Agostino, PathStone Corporation, PA; Jana Webb, Employer's Training Resource, CA; Dianne Reyes, USDOL; and Evangeline Touchine, Help-NM, Inc., NM;
- Members of the USDOL National Office: Marcy Hampton, Aaron Mitchell, Laura Ibañez, Juan Regalado, Steven Rietzke, Lianna Shannon, Bhavani Arabandi, and Sylvia Figueroa;
- Members of the USDOL's Division of Youth Services: Jennifer Kemp, Sara Hastings, Maisha Meminger, and Evan Rosenberg;
- Other editors, including Angela Iocolano, PathStone, NY.

Many thanks to everyone who was involved in this effort, each step of the way!

1 – Introduction



The Program Guide for the National Farmworker Jobs Program (NFJP) is designed for grantees receiving NFJP employment and training grants, NFJP staff, and other parties interested in the operations of NFJP. This guide is intended to provide an overview of NFJP and serve as a desk reference for program requirements and components.

The Program Guide also gives an overview of the Workforce Innovation and Opportunity Act (WIOA) and the role of NFJP within the greater public workforce system as an American Job Center partner and a service provider to migrant and seasonal farmworkers (MSFWs) across the country.

The Program Guide is organized as follows:

- **Section 2** provides a high-level introduction to the basics of NFJP.
- **Section 3** follows with an overview of WIOA and how NFJP operates within the context of WIOA and American Job Centers (also sometimes referred to locally as One-stop Career Centers).
- **Section 4** explains participant eligibility for NFJP services, examining each component of eligibility determination and how each is applied in making determinations.
- **Section 5** examines the various services available under NFJP – career and training services, housing assistance, supportive services, and related assistance.
- **Section 6** reviews NFJP youth eligibility criteria, as well as activities and services.
- **Section 7** provides details on reporting requirements for NFJP grantees.
- **Section 8** describes the performance measures used to assess the program.
- **Section 9** lists the various other types of requirements relevant to NFJP grantees including the related laws, regulations, cost principles, Office of Management and Budget circulars, grant award package, Funding Opportunity Announcements (FOAs), Training and Employment Notices (TENs) and Training & Employment Guidance Letters (TEGLs).
- **The Appendices** provide useful information including reporting forms, the applicable statute, regulations for NFJP, and more.

The Program Guide is a technical assistance tool and is not intended to replace or supersede policy or procedures established by the US Department of Labor. Every effort has been made to match this document to existing federal policies and guidelines; however, if a conflict is identified, federal policy should be followed first and foremost. Also, the Program Guide covers only existing program requirements for NFJP and is not intended to establish new requirements.

Grantees should reference the Employment and Training Administration's (ETA) Grantee Handbook, available at [https://www.doleta.gov/dinap/pdf/Grantee-Handbook-\(2016\).pdf](https://www.doleta.gov/dinap/pdf/Grantee-Handbook-(2016).pdf). The Handbook is another important resource that complements this Program Guide by providing useful guidance and tools for effectively managing ETA grants. The Employment and Training Administration's NFJP website (www.doleta.gov/Farmworker/) is a source of current information regarding the program.

Additionally, the Agricultural Connection (<https://farmworker.workforcegps.org/>) is an online collection of resources for organizations and state and local agencies that serve farmworkers through the public workforce system.

2 – What is the National Farmworker Jobs Program?



The National Farmworker Jobs Program (NFJP) is a nationally-directed, locally-administered program of services for migrant and seasonal farmworkers (MSFWs) that includes career and training grants and housing grants across the United States and Puerto Rico. NFJP provides funding to community-based organizations and public agencies to assist migrant and seasonal farmworkers and their families to attain greater economic stability through career services, training services, housing assistance, youth services, and related assistance. NFJP also facilitates the coordination of services for MSFWs through the American Job Center (AJC) network, also known as one-stop centers so they may access other services in the public workforce system.

Target Population. NFJP serves eligible MSFW Youth, and MSFWs and their dependents.

Demographics. According to the most recent report of the Department of Labor's [National Agricultural Workers Survey \(NAWS\) from 2013-14¹](#):

- 73 percent of farmworkers are foreign-born
- 31 percent of this workforce are United States citizens
- Another 21 percent of the workforce are legal permanent residents
- 30 percent of farmworker families are living beneath the poverty level

In general, education and literacy among farmworkers are limited. On average, 8th grade is the limit of farmworkers' formal education.

NAWS also tells us that about 16 percent of farmworkers are "migrant," meaning they travel a significant distance from a home base to find work at one or more agricultural employers. Some travel across international borders, e.g., US-Mexico, the Caribbean Islands, etc., while some travel within the United States.

Guestworkers. The above statistics do not include farmworkers in the US on H-2A visas, the official US guestworker program. According to [the Office of Foreign Labor Certification](#), this is the "temporary agricultural program that allows agricultural employers who anticipate a shortage of domestic workers to bring non-immigrant foreign workers to the US to perform agricultural labor or services of a temporary or seasonal nature." The H-2A population is ineligible for career and training services, since those workers can only work for their contracted employer (see [4.10.1 Serving H-2A workers](#)). Also, H-2A employers are legally bound to provide their guestworkers with housing, food, transportation, and subsistence costs (<https://www.foreignlaborcert.doleta.gov/h-2a.cfm>).

Barriers to Employment. MSFWs are mentioned specifically in the WIOA statute as a group that experiences barriers to employment [WIOA Sec. 3(24)]. At the same time, MSFWs may fall within other subgroups, such as the low-income, homeless, individuals with disabilities, English language learners,

¹ The 2013-14 NAWS and all subsequent reports can be found at <https://www.doleta.gov/naws/pages/research/research-reports.cfm>

individuals with low levels of literacy, those who face substantial cultural barriers, etc. As such, the MSFW population can greatly benefit from career and training services provided through NFJP.

Grant Competition and Awards. The USDOL Employment and Training Administration (ETA) awards NFJP grants through a competitive process held every four years through a Funding Opportunity Announcement (FOA) announced in the Federal Register and on the grants.gov website. The latest FOA can be found here: <https://www.doleta.gov/Grants/pdf/FOA-ETA-16-02.pdf>.

Allocation Formula. The NFJP grant award amounts are determined by a formula that estimates the relative demand for NFJP services in each state. The formula distributes funds geographically by state service area based on each area's relative share of farmworkers who are eligible for enrollment in NFJP. The data used in the formula are comprised of a combination of data sets that were selected to yield the relative share distribution across states of eligible farmworkers. More information on the most current state allocations is available at <https://www.doleta.gov/Farmworker/nfjp-grants/career-services-training-grants/>.

NFJP Employment and Training Grantees. ETA awards funding to approximately 50 grantees to provide NFJP career services and job training. There is one grantee per state, including Puerto Rico, with a few exceptions (e.g., California, with its high population of farmworkers, has more than one, while the District of Columbia has none). Please see <https://doleta.gov/Farmworker/> for more information on current employment and training awardees.

NFJP Housing Grantees. In addition, ETA awards multiple NFJP housing grantees at various locations across the country. Please see <https://doleta.gov/Farmworker/nfjp-grants/housing/> for current information on housing grantees.

Employment and Training Program Services. Through NFJP, the following services are available to MSFWs:

- Career Services [20 CFR §678.430]
 - Basic Career Services, such as eligibility determinations, labor market information, job search, etc. For information on staff-assisted vs. self-service and what triggers program participation, see [Section 4.9.1](#).
 - Individualized Career Services, such as comprehensive skill assessments, individual employment plans (IEPs), career planning, internships, placement assistance, and work experiences linked to careers
 - Follow-up Services, including counseling regarding success in the workplace
 - See **TEGL 10-16, Change 1, Attachment 7, Tables A and B** for more information on qualifying participant-level services versus non-qualifying services
- Training Services [20 CFR §680.200]
 - Examples include occupational skills training, on-the-job training, incumbent worker training, job readiness training (when provided in combination with other training services), etc.
- Housing Assistance [20 CFR §685.360]

- Direct Assistance - payments for emergency and temporary housing and for direct investments in housing assistance for MSFWs at their permanent residence
- Indirect Assistance - includes leveraging services to increase or maintain housing stock available to farmworkers and housing development designed to improve living conditions for underserved farmworker communities
- Youth Services [20 CFR §685.370]
 - Career services and training as offered to adults
 - Youth workforce investment activities
 - Life skills activities
 - Community service projects
 - Any activities and services available to WIOA Title I Youth as one of the 14 program elements
- Supportive Services [WIOA Sec. 3(59)]
 - Any services provided to an individual already enrolled in career or training services that enable the individual to participate in those activities
 - Examples include transportation, child care, housing, etc.
- Related Assistance [20 CFR §685.380]
 - Intended to help stabilize the employment of an individual who is not otherwise participating in career, youth, or training services
 - Emergency assistance is a type of related assistance
 - Examples include housing, transportation, and food vouchers

All of the above services are mandated for employment and training grantees, except for youth or housing services.

NFJP Housing grantees are required to provide housing services to eligible MSFWs [20 CFR §685.360]. Housing assistance is further described in the following section.

Youth services, if provided, will be described in each grantee's grant plan. Regulations and guidance for NFJP Youth programs are outlined in [Chapter 6, "What are the NFJP Youth Services and Eligibility Requirements?"](#).

Housing Services under Employment and Training and Housing Grants. Housing services may include temporary and permanent housing. Permanent housing developed with NFJP funds must be promoted and made widely available to eligible MSFWs, but occupancy is not restricted to eligible MSFWs. Temporary housing services must only be provided to eligible MSFWs.²

Other housing assistance includes direct payments for emergency and temporary housing and for direct investments in housing for MSFWs at their permanent residence. Indirect assistance includes leveraging services to increase or maintain housing stock available to farmworkers and housing development designed to improve living conditions for underserved farmworker communities.²

² [Code of Federal Regulations 20 CFR 685.360](#)

Except when the provision of housing assistance allows for the participant to self-select the housing (including vouchers and cash payments for rent, lease, and utilities), NFJP funds used for assistance must ensure the provision of safe and sanitary temporary and permanent housing that meets ETA and OSHA (Occupational Safety and Health Act) federal housing standards.²

For further guidance on NFJP housing services, please see 20 CFR §685.360.

3 – What is the Workforce Innovation and Opportunity Act?



Because NFJP is authorized as a part of the Workforce Innovation and Opportunity Act of 2014 (WIOA) and is a required American Job Center (AJC) partner, it is useful for those interested in NFJP to have a fundamental understanding of WIOA and how NFJP operates within the context of the public workforce system.

3.1 What is the Purpose of WIOA?

On July 22, 2014, President Obama signed the Workforce Innovation and Opportunity Act (WIOA, Pub. L. 113– 128), comprehensive legislation that reforms and modernizes the public workforce system. The Quick Reference Guide to the DOL-Only Final Rule states that “WIOA reaffirms the role of the public workforce system, and brings together and enhances several key employment, education, and training programs. This new law provides resources, services, and leadership tools for the public workforce system to help individuals find good jobs and stay employed and improves employer prospects for success in the global marketplace. WIOA ensures that the public workforce system operates as a comprehensive, integrated, and streamlined system to provide pathways to prosperity for those it serves, and continuously improves the quality and performance of its services.”³

The doleta.gov website highlights some of the main WIOA reforms⁴:

Requires States to Strategically Align Workforce Development Programs: WIOA ensures that employment and training services provided by the core adult, dislocated worker, and youth programs are coordinated and complementary so that job seekers acquire skills and credentials that meet employers' needs.

Promotes Accountability and Transparency: WIOA ensures that federal investments in employment and training programs are evidence-based, data-driven, and accountable to participants and taxpayers.

Fosters Regional Collaboration: WIOA promotes alignment of workforce development programs with regional economic development strategies to meet the needs of local and regional employers.

Improves the American Job Center (AJC) Network: WIOA increases the quality and accessibility of services that job seekers and employers receive at their local AJC.

Improves Services to Employers and Promotes Work-Based Training: WIOA contributes to economic growth and business expansion by ensuring the workforce system is job-driven, matching employers with skilled individuals.

³ [Quick Reference Guide to the DOL-Only Final Rule,](https://www.doleta.gov/wioa/Docs/Quick%20Reference%20Guide%20on%20DOL-Only%20Rule.pdf)

<https://www.doleta.gov/wioa/Docs/Quick%20Reference%20Guide%20on%20DOL-Only%20Rule.pdf>

⁴ <https://doleta.gov/WIOA/Overview.cfm>

Provides Access to High Quality Training: WIOA helps job seekers acquire industry-recognized credentials for in-demand jobs.

Enhances Workforce Services for the Unemployed and Other Job Seekers: WIOA ensures that unemployed and other job seekers have access to high-quality workforce services.

Improves Services to Individuals with Disabilities: WIOA increases access for individuals with disabilities to high-quality workforce services and prepares these individuals for competitive integrated employment.

Makes Key Investments in Serving Disconnected Youth and Other Vulnerable Populations: WIOA prepares vulnerable youth and other job seekers for successful employment through increasing the use of proven service models and services.

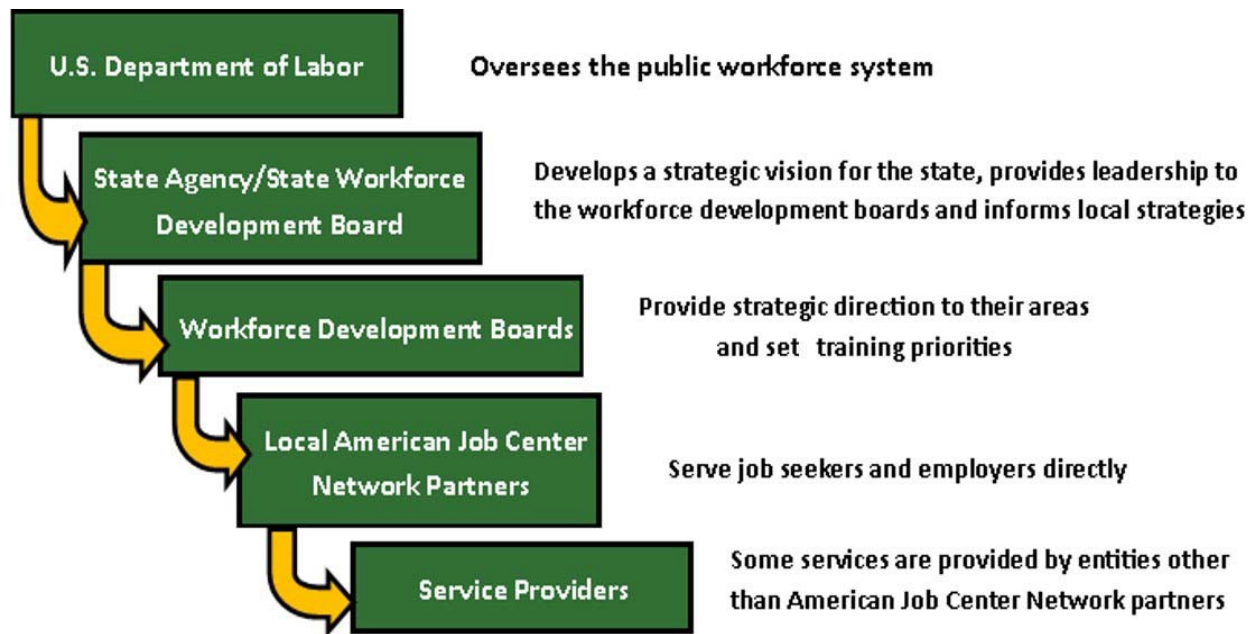
Enhances the Job Corps Program: WIOA increases the performance outcomes and quality of Job Corps.

Streamlines and Strengthens the Strategic Roles of Workforce Development Boards: WIOA makes state and local boards more agile and well-positioned to meet local and regional employers' workforce needs.

Under WIOA, partnerships at all levels – local, state, and federal – and across the system are the hallmark of the public workforce system. All levels are required to coordinate and collaborate with agencies and entities that had not previously been a part of the traditional workforce development system. Accountability and responsibility for outcomes at all levels of the system are required, with each level having particular and integral roles and responsibilities.

3.2 What are Workforce Development Boards?

The public workforce system is designed to include the full involvement of stakeholders at the state and local level, including business, labor, community organizations, and public officials, in designing and ensuring the quality of the workforce system. Through Workforce Development Boards (WDBs), states and local areas develop policies, interpretations, guidelines, and definitions relating to program operations that help shape the system. State WDBs oversee Local WDBs, which in turn oversee the American Job Centers (AJCs, formerly called One-stop career centers), where employment and training services are provided. A diagram representing the funding and oversight of these different entities can be seen below:



The composition and functions of State and Local WDBs are described below.

3.2.1 State Workforce Development Boards⁵

The purpose of the State Workforce Development Board (SWDB) is to convene state, regional, and local workforce system and partners to [20 CFR §679.100]:

- Enhance the capacity and performance of the workforce development system;
- Align and improve the outcomes and effectiveness of federally funded and other workforce programs and investments; and
- Through these efforts, promote economic growth;
- Engage public workforce system representatives, including businesses, education providers, economic development, labor representatives, and other stakeholders to help the workforce development system achieve the purpose of WIOA; and
- Assist to achieve the state’s strategic and operational vision and goals as outlined in the State Plan.

The State WDB develops a 4-year strategic plan and assists the governor with developing and overseeing the workforce system in the state. The governor of a state establishes the SWDB to carry out the following functions [WIOA sec. 101(d), 20 CFR §679.130]:

⁵ [20 Code of Federal Regulations Part 679 Subpart A](#)

- Develop a 4-year unified or combined State Plan that outlines a strategy for the state's workforce system;
- Review actions the state must take to align and streamline workforce development programs within the system;
- Develop and continuously improve the statewide workforce system;
- Designate local workforce investment areas;
- Develop and update comprehensive state performance and accountability measures to assess core program effectiveness;
- Identify and disseminate information on best practices, including best practices for the effective operation of One-stop centers, the development of effective Local WDBs, and effective training programs;
- Develop performance measures for use by Local WDBs in assessing the effectiveness, physical and programmatic accessibility, and continuous improvement of One-stop centers;
- Develop guidance for the allocation of One-stop center infrastructure funds;
- Develop policies relating to the appropriate roles and contributions of entities carrying out One-stop partner programs within the One-stop delivery system, including approaches to facilitating equitable and efficient cost allocation in the system;
- Develop allocation formulas for the distribution of funds to local areas for employment and training activities for adults and youth workforce investment activities;
- Develop strategies for technological improvements to facilitate access to the AJC and improve the quality of services and activities provided through the One-stop delivery system;
- Prepare an annual report for the US Department of Labor; and
- Develop the statewide workforce and labor market information system described in sec. 15(e) of the Wagner-Peyser Act.

The Agricultural Outreach Plan, or AOP, is to be submitted as part of the State Plan; for more information, see [AOP](#) in Section 3.5.4.

The State WDB membership includes [WIOA sec. 101(b), 20 CFR §679.110] (mandatory unless otherwise stated):

- The governor;
- One member of each chamber of the state legislature;
- Members appointed by the governor, including:
 - a majority of representatives of businesses or organizations in the state, and
 - at a minimum, one member representing small businesses;
- Workforce representatives (20% or more) within the state, including:
 - Two or more representatives of labor organizations nominated by state labor federations;

- One member of a labor organization or training director from a joint labor-management registered apprenticeship program, or, if no such program exists in the state, a member of a labor organization or training director who is a representative of a registered apprenticeship program;
 - (Optional) One or more representatives of community-based organizations that have demonstrated experience and expertise in addressing the employment, training, or education needs of individuals with barriers to employment, including veterans and the disabled;
 - (Optional) One or more representatives of organizations that have demonstrated experience and expertise in addressing the employment, training, or education needs of eligible youth, including out-of-school youth.
- NFJP grantees, though not required members of State WDBs, can serve as representatives of the following non mandatory partners:

 - A community based organization, or
 - An organization serving youth
- The balance of the members must include:
 - The lead state officials with primary responsibility for WIOA adult, dislocated worker, and youth programs; Adult Education and Family Literacy Act (AEFLA) program; and the state Vocational Rehabilitation (VR); (in instances where the lead official represents more than one core program, that official must ensure adequate representation of the needs of all core programs under his or her jurisdiction);
 - Two or more chief elected officials (CEOs) (collectively representing both cities and counties, where appropriate); and
 - (Optional) Other appropriate representatives and officials designated by the governor.

3.2.2 Local Workforce Development Boards⁶

A Local Workforce Development Board (LWDB) is established in each local workforce investment area in the state. The LWDB, in partnership with local elected officials, sets policy for and oversees the workforce system in the local area. Below are some of the LWDB's main functions [see WIOA sec. 107(d) or 20 CFR §679.360-370 for the full list]:

- Develop a 4-year local workforce investment plan for the local area;
- Conduct workforce research and regional labor market analysis;
- Convene local workforce development system stakeholders to assist in developing the local plan and in identifying non-federal expertise and resources to leverage support for workforce development activities;
- Lead efforts to engage with a diverse range of employers and other entities in the region, in order to promote business representation, develop effective linkages with employers, etc.;
- Conduct oversight of youth workforce investment activities, adult and dislocated worker employment and training activities, and the entire One-stop delivery system in the local area;
- Ensure the appropriate use and management of the funds provided for the youth, adult, disabled and dislocated worker activities and One-stop delivery system in the local area;

⁶ [20 Code of Federal Regulations Subpart C](#)

- Negotiate with the CEO and required partners on the methods for funding the infrastructure costs of local One-stop centers or must notify the governor if they fail to reach agreement at the local level and will use a state infrastructure funding mechanism (SFM);
- Select the operators of the American Job Centers in the local area;
- Selects the eligible providers of youth services and the eligible providers of adult and dislocated worker intensive and training services;
- Develop a budget for the purpose of carrying out local workforce system activities;
- Negotiate local WIOA performance measures; and
- Establish various standing committees to provide information and assist in carrying out the LWDB's responsibilities under WIOA sec. 107 (see "Standing Committees" in the following section).

The LWDB includes the following members [WIOA sec. 107(b), 20 CFR §679.320]:

- Representatives of business in the local area, including two or more representatives of small businesses (the majority of the LWDB and the chair must be business representatives). These representatives must:
 - Be an owner, chief executive officer, chief operating officer, or other individual with optimum policy-making or hiring authority; and
 - Provide employment opportunities in in-demand industry sectors or occupations.
- Workforce representatives (20% or more):
 - Two or more representatives of labor organizations or other employee representatives;
 - At least one representative of a joint labor-management, or union-affiliated, registered apprenticeship (RA) program where one exists (and where not, a non-union RA program representative must be appointed, if one exists);
 - (*Optional*) One or more representatives of community-based organizations that have demonstrated experience and expertise in addressing the employment, training or education needs of individuals with barriers to employment, including those who serve veterans, or who provide or support competitive integrated employment for individuals with disabilities;
 - (*Optional*) One or more representatives of organizations that have demonstrated experience and expertise in addressing the employment, training, or education needs of eligible youth, including representatives of organizations that serve out-of-school youth.
- Representatives of training and education providers, including:
 - At least one eligible training provider administering adult education and literacy activities under WIOA title II; and
 - At least one representative from an institution of higher education providing workforce investment activities, including community colleges.
- At least one representative from each of the following:
 - Economic and community development entities;
 - The state Employment Service office under the Wagner-Peyser Act serving the local area;
 - The programs carried out under Title I of the Rehabilitation Act of 1973.

The LWDB may also include [WIOA sec. 107(b), 20 CFR §679.320]:

- Entities administering education and training activities who represent local entities administering education and training activities;
- Educational agencies or community-based organizations with demonstrated expertise in addressing the education or training needs for individuals with barriers to employment;
- Governmental and economic and community development entities who represent transportation, housing, and public assistance programs;
- Philanthropic organizations serving the local area;
- Other appropriate individuals as determined by the CEO.

NFJP grantees, though not required members of Local WDBs, can still serve as non mandatory partners, such as:

- community based organizations,
- organizations serving youth,
- entities administering education and training activities, or
- community development entities representing housing programs (i.e. **NFJP housing grantee**).
- Standing committee representative

Standing Committees [20 CFR §679.360]. WIOA allows for the establishment of various standing committees to provide information and to assist with planning, operational, and other issues relating to the committees' areas of expertise. Standing committees must be chaired by a member of the Local WDB, may include other members of the Local WDB, and must include other individuals appointed by the Local WDB who are not members of the Local WDB, and who have demonstrated experience and expertise per the definition below, and as determined by the Local WDB].

A representative with “demonstrated experience and expertise” means an individual who:

- is a workplace learning advisor – an individual employed by an organization who has the knowledge and skills necessary to advise other employees of that organization about the education, skill development, job training, career counseling services, and credentials, including services provided through the workforce development system, required to progress toward career goals of such employees in order to meet employer requirements related to job openings and career advancements that support economic self-sufficiency;
- contributes to the field of workforce development, human resources, training and development, or a core program function; or
- is recognized by the Local WDB for valuable contributions in education or workforce development related fields [20 CFR §679.340(b)].

The three committees mentioned specifically in WIOA relate to the One-stop delivery system, youth, and individuals with disabilities. However, the LWDB may designate other committees, as needed.

The Standing Youth Committee can be a former Youth Council migrated over from the Workforce Investment Act (WIA), and would exist to assist the LWDB with planning, operational, and other issues

relating to the provision of services to youth. The Committee should include community-based organizations with a demonstrated record of success in serving eligible youth [WIOA sec. 107(b)(4)].

NFJP and Local WDBs. NFJP grantees are mandated One-stop partners in the areas where they operate. As such, grantees and Local Workforce Development Boards (LWDBs) must develop and enter into a Memorandum of Understanding (MOU) which sets forth their respective responsibilities for providing access to the full range of NFJP services through the One-stop delivery system to eligible MSFWs (20 CFR §685.220) ([See Section 3.3.3](#)). Under WIOA, NFJP grantees are not required on LWDBs, though boards have the option to include NFJP program representatives in the full committee or subcommittees.

3.3 What are American Job Centers? ⁷

Services available through the public workforce system are provided through a network of American Job Centers (AJCs). The purpose of AJCs is to increase employment, job retention, earnings, and occupational skills of participants, and to assist employers in finding skilled applicants for job openings – a dual-customer service model. There are about 2,500 comprehensive and affiliate AJCs across the country. This section describes the AJC network and how NJFP operates within and coordinates with the AJCs.

3.3.1 Overview of the AJC Network

The American Job Center Network, also known as the One-stop delivery system, brings together workforce development, educational, and other human resource services in a seamless customer-focused service delivery network that brings universal access to the programs' services and improves long-term employment outcomes for individuals receiving assistance. One-stop partners administer separately funded programs as a set of integrated streamlined services to customers [20 CFR §678.300].

TIP! Careeronestop.org, the internet platform for the American Job Center Network, is maintained by the Department of Labor and is a valuable resource for all partners and customers in the AJC network.

3.3.2 AJC Required Partners

WIOA designates federally-funded programs that are required AJC partners. The Local WDB may also identify additional AJC partners. The following programs, including NFJP, are required partners in the AJC Network [WIOA sec. 121(b), 20 CFR §678.400]:

- **U.S. Department of Labor** – WIOA Title I Adult, Dislocated Worker, Youth, Job Corps, Indian and Native American, and National Farmworker Jobs Programs; Wagner-Peyser Employment Service (as authorized under the Wagner-Peyser Act and amended by WIOA title III); Senior Community Service Employment Program (SCSEP) (as authorized under title V of the Older Americans Act of

⁷ [20 Code of Federal Regulations Part 678 Subpart A – General Description of the One-Stop Delivery System](#)

1965); Trade Adjustment Assistance (authorized under the Trade Act of 1974, as amended); Jobs for Veterans State Grants (Chapter 41 of title 38); Unemployment Compensation programs; and Reentry Employment Opportunities (REO) program (formerly referred to as the Reintegration of Ex-Offenders (ReXO) program) (Section 212 of the Second Chance Act of 2007 and WIOA sec. 169).

- **U.S. Department of Education** – Adult Education (AEFLA, WIOA Title II); Postsecondary Vocational Education (as authorized under the Perkins Act of 2006); and Vocational Rehabilitation (as authorized under the Vocational Rehabilitation Act of 1973, as amended by WIOA title IV).
- **U.S. Department of Health and Human Services** – Community Services Block Grant; Temporary Assistance for Needy Families (TANF) (as authorized under the Social Security Act title IV, part A).
- **U.S. Department of Housing and Urban Development** – Employment and training programs administered by the Department.

NFJP grantees are required partners to AJCs in service areas where they carry out the NFJP program activities [WIOA sec. 121(b), 20 CFR §678.415(a)]. Generally, these areas are outlined in the approved grant plans, but NFJP grantees should consult their Federal Project Officer (FPO) if they have questions regarding this requirement. Note that NFJP grantees are not required partners to AJCs in service areas where they do not carry out NFJP program activities.

AJC “Infrastructure Costs” are non-personnel costs that are necessary for general operation of the One-stop center.

For example:

Rental costs for facilities

Utilities and maintenance

Equipment (including assessment related products)

Technology to facilitate access to the One-stop

See WIOA sec. 121(h)(4)

Roles and responsibilities of NFJP grantees within the One-stop System [20 CFR §678.420]:

- Provide access to its programs or activities through the AJC network, in addition to any other appropriate locations;
- Use a portion of funds made available to NFJP, to the extent consistent with the federal law authoring the program, to create and maintain the AJC delivery system, provide applicable career services, and help pay for the American Job Center’s infrastructure costs;
- Enter into a Memorandum of Understanding (MOU) with the Local WDB relating to the operation of the AJC network;
- Participate in the operation of the AJC network consistent with the terms of the MOU and the requirements of authorizing laws;
- Participate in board committees as needed.

Please refer to the WIOA program regulations at 20 CFR §678.420 for full information on the responsibilities for the required AJC partners.

3.3.3 Memorandum of Understanding

Because NFJP grantees are required partners in those local workforce investment areas where the grantee operates, the grantee and the Local WDB must negotiate a Memorandum of Understanding (MOU). To facilitate transparent and flexible agreements, the Local WDB and its partners are encouraged to develop a single “umbrella” MOU that addresses issues related to the local American Job Center network, its chief elected official (CEO), and *all* partners. Local WDBs, with the agreement of the CEO, may still enter into separate agreements between each partner or groups of partners; however, the aim of the “umbrella” MOU is to allow partner programs to focus on service delivery and not the process of negotiating several MOUs [20 CFR §678.505].

What is an MOU?

A Memorandum of Understanding, or MOU, is an agreement developed and executed between the Local WDB and the AJC partners relating to the operation of the AJC delivery system in the local area. It establishes what all involved partners are going to contribute to the overall project.

An MOU should be signed by all involved partners.

What must be included in the Memorandum of Understanding [WIOA sec. 121(c), 20 CFR §678.500]?

- A description of the services to be provided by each partner through the AJC delivery system, including the manner in which the services will be coordinated and delivered through the system;
- Agreement on funding the costs of the services and operating costs of the system, including infrastructure and certain additional costs;
- Methods for referring individuals between the AJC operators and partners;
- Methods to ensure that the needs of workers, youth, and individuals with barriers to employment, including individuals with disabilities, are addressed in providing access to services, including access to technology and materials that are available through the One-stop delivery system;
- The duration of the MOU and procedures for amending the MOU;
- Assurances that the MOU will be reviewed, and if substantial changes have occurred, renewed not less than once every 3-year period to ensure appropriate funding and delivery of services; and
- Any other provisions that are agreed to by the parties and are consistent with WIOA title I and the WIOA program regulations.

Since funds are generally appropriated annually, the Local WDB may negotiate financial agreements with each partner annually to update funding of services and operating costs of the system under the MOU [20 CFR §678.505]. The MOU must set forth the respective responsibilities between the AJC operator and the NFJP grantee for making the full range of services available through the AJC network available to eligible MSFWs [20 CFR §685.220].

For further guidance on developing an MOU with your workforce development board, please consult ETA’s Sample MOU and Infrastructure Costs Toolkit:

https://ion.workforcegps.org/announcements/2017/03/24/14/15/Sample_MOU. One sample MOU is also provided in [Appendix H](#).

3.3.4 Infrastructure Funding Agreement⁸

The MOU between NFJP and the LWDB must also contain an Infrastructure Funding Agreement (IFA) [20 CFR §678.755]. [TEGL No. 17-16, "Infrastructure Funding of the One-Stop Delivery System,"](#) outlines the requirements for this IFA put forth in the regulations, stating that the IFA must include:

- The period of time the IFA is effective (it may be different from the duration of the MOU);
- Identification of an infrastructure and shared services budget that will be periodically reconciled against actual costs incurred and adjusted accordingly to ensure that it reflects a cost allocation methodology that demonstrates how infrastructure costs are charged to each partner in proportion to its use of the One-stop center and relative benefit received, and that complies with 2 CFR part 200;
- Identification of all One-stop partners, chief elected officials (CEOs), and the Local WDB participating in the IFA;
- A description of the period of modification and review process to ensure equitable benefit among One-stop partners;
- Information on the steps the Local WDB, CEOs, and One-stop partners used to reach consensus, or an assurance that the local area followed the state funding mechanism process; and
- A description of the process to be used among partners to resolve issues related to infrastructure funding during the MOU duration period when consensus cannot be reached.

Also, TEGL 17-16 states that “the Departments [of Labor and Education] consider it essential that the IFA include the signatures of individuals with authority to bind the signatories to the IFA, including all One-stop partners, chief elected official (CEO), and Local WDB participating in the IFA.”⁸

State Funding Mechanism vs. Local Funding Mechanism. A Local WDB’s infrastructure costs are funded either through the local funding mechanism (LFM) or through the state funding mechanism (SFM).⁸

- In the local funding mechanism (LFM), the LWDB, CEOs, and One-stop partners agree to amounts and methods of calculating amounts that each partner will contribute for One-stop infrastructure funding, include the infrastructure funding terms in the MOU, and sign the MOU. Certain requirements apply and can be found at 20 CFR §678.715.
- If the LWDB and its partners do not reach consensus on methods of sufficiently funding infrastructure costs for the program year, the state funding mechanism (SFM) applies. In this case, a budget for One-stop infrastructure costs will be applied, based either on agreement reached in local area negotiations, or the SWDB formula [20 CFR §678.745 and WIOA sec. 121(h)(3)(B).

⁸ [TEGL No. 17-16, “Infrastructure Funding of the One-Stop Delivery System”](#)

Funding Sources. Attachment III to TEGL No. 17-16 informs us that, for NFJP grantees, program funds, administrative funds, or both may be used under either the LFM or the SFM. Funding for infrastructure costs and additional costs, such as shared costs and shared services, may be in the form of: (1) cash, non-cash, and third-party in-kind contributions; (2) funding from philanthropic organizations or other private entities; or (3) other alternative financing options.⁸

Third-party In-kind

Third party in kind contributions are contributions of space, equipment, technology, non personnel services, or other like items by a non partner (i.e., a third party) to support the infrastructure costs associated with One-stop operations.⁸

3.3.5 One-stop Operations, MSFWs, and Integration⁹

Since the One-stop Center brings together many different programs and customers under one roof, the challenge often becomes one of coordination and integration. TEGL No. 16-16, “One-Stop Operations Guidance for the American Job Center Network,” states that “the management of the American Job Center network is the shared responsibility of State and Local Workforce Development Boards, elected officials, the six WIOA core program partners, required One-stop partners and other additional One-stop partners, American Job Center operators, and service providers.” The One-stop operator is expected to “facilitate integrated partnerships that seamlessly incorporate services for the common customers served by multiple program partners of the American Job Center,” as well as promote other practices that integrate AJC services across programs, putting the customer’s needs first.

One-stops and MSFWs. Special protections for MSFWs have been built into the one-stop system. Regulations at 20 CFR §653.101 explicitly state that “each one stop-center must offer MSFWs the full range of career and supportive services, benefits and protections, and job and training referral services as are provided to non-MSFWs. In providing such services, the one-stop centers must consider and be sensitive to the preferences, needs, and skills of individual MSFWs and the availability of job and training opportunities.”

The process for MSFWs to participate in workforce development activities in the AJC network is as follows [20 CFR §653.103]:

- Each one-stop center must determine whether participants are MSFWs as defined at §651.10.
- All SWAs will ensure that MSFWs who are English Language Learners (ELLs) receive, free of charge, the language assistance necessary to afford them meaningful access to the programs, services, and information offered by the one-stop centers.
- One-stop center staff must provide MSFWs a list of available career and supportive services in their native language.
- One-stop center staff must refer and/or register MSFWs for services, as appropriate, if the MSFW is interested in obtaining such services.

⁹ [TEGL No. 16-16, “One-Stop Operations Guidance for the American Job Center Network.”](#)

NFJP Coordination Within the One-stop System. There are some things NFJP grantees can do to “realize an enhanced coordination among WIOA programs,” some of which are listed in [attachment II to TEGL 16-16](#):

- Leverage the Adult Ed and Family Literacy Act (AEFLA) program as part of a careerpathway strategy for program participants co-enrolled in NFJP;
- Refer NFJP participants to WIOA adult and youth formula programs if they need more intensive support around specific program elements;
- Leverage, and refer NFJP participants to, the Vocational Rehabilitation (VR) program to assist farmworkers with disabilities;
- Refer NFJP participants to the Senior Community Service Employment program for aging farmworkers;
- Refer NFJP participants to Veterans State Grant operators for farmworkers identified as veterans;
- Refer NFJP participants to Temporary Assistance for Needy Families programs for continued support for farmworker family nutrition;
- Coordinate resources to ensure customer-centered service delivery for all customers, including individuals who are English language learners and individuals who are facing substantial cultural barriers; and
- Leverage, and refer NFJP participants to, Health and Human Services Head Start programs co-located in American Job Centers to promote school readiness for farmworker children by supporting their educational development.

3.4 What are Wagner-Peyser Employment Services and How Do They Relate to NFJP?

The Wagner-Peyser Act of 1933 established a nationwide system of public employment offices known as the Employment Service (ES). Since the Workforce Investment Act passed in 1998 and continuing under WIOA in 2014, Employment Services (ES) and all other federal employment & training programs have been offered as part of an integrated national workforce investment system. According to TEGL No. 16-16, “Under WIOA, Wagner- Peyser Act ES programs must be co-located in comprehensive and/or affiliate American Job Centers”.⁹

Activities funded under Wagner-Peyser include, but may not be limited to:

- Job search and placement assistance for job-seekers, including counseling, testing, occupational and labor market information, assessment, and referral to employers;
- Recruitment services and special technical services for employers, including assistance in referring skilled candidates for hard-to-fill job orders, assisting with job restructuring, and assistance in dealing with layoffs;
- Re-employment services for unemployment insurance (UI) claimants;
- Services for workers who have received notice of permanent or impending layoff;
- Development and provision of labor market and occupational information; and
- Administration of the work test site for the state unemployment compensation system.

The State Workforce Agency (SWA) is the government agency in each state that is designated to provide Employment Services. It ensures the delivery of services authorized under the Wagner-Peyser Act and is a required One-stop partner in each state and local area.

Since the Judge Richey Court Order of 1972, the SWA has had particular duties and responsibilities to ensure the equitable treatment of farmworkers, including an MSFW Outreach program, MSFW-specific requirements within the employment-related complaint system, the development of an Agricultural Outreach Plan (AOP), and duties within the Monitor Advocate System, all of which are described in the following sections.

Because of their parallel work, there are many opportunities for partnership between NFJP grantees, the SWA's MSFW Outreach Program, and the State Monitor Advocates (further described in [Section 3.5](#)). According to the regulations at §653.107(a)(1), "SWA Administrators must ensure State Monitor Advocates (SMAs) and its own outreach workers coordinate their outreach efforts with WIOA title I sec. 167 grantees such as NFJP, as well as with public and private community service agencies and MSFW groups." As stated in 20 CFR §685.300, NFJP "grantees are responsible for coordinating services, particularly outreach to MSFWs, with the State Workforce Agency ... and the State's Monitor Advocate." Furthermore, the SMA is required to establish an MOU with NFJP. DOL has provided specific guidance for those MOUs in [TEGL No. 08-17](#) (see [Section 3.5.4](#)).

3.4.1 Employment Services' MSFW Outreach Programs

Each SWA must employ an adequate number of ES outreach workers to conduct MSFW outreach in their service areas. These ES outreach workers are separate from NFJP outreach workers, and their responsibilities include [20 CFR §653.107]:

- Visiting MSFWs in their working, living, or gathering areas where they provide information about: 1) the services available to them at the One-stop; 2) ES and employment-related complaint system; 3) other area organizations serving MSFWs; and 4) farmworkers' rights.
- Urging MSFWs to visit the local One-stop center;
- For those MSFWs who cannot or will not visit the local One-stop:
 - assisting in the preparation of applications for Employment Services;
 - assisting in obtaining referrals to current and future employment opportunities;
 - referring complaints to the ES complaint specialist or office manager;
 - making referrals to supportive and/or career services; and
 - assisting in making appointments and arranging transportation for MSFWs or their family to/from the local One-stop or other appropriate agencies, as needed.
- Making follow-up contacts;
- Documenting and referring suspected and apparent violations to the appropriate ES office manager;
- Identifying and reporting sexual harassment and similar issues; and
- Maintaining complete records of their contacts with MSFWs and the services they perform.

SWA outreach workers in significant MSFW local offices must conduct especially vigorous outreach in their service areas. (See [TEGL No. 20-16.](#))

3.4.2 ES Employment-Related Law Complaint System

Each SWA must establish and maintain a complaint system for Wagner-Peyser Act Employment Services, which is called the Employment Service and Employment-Related Law Complaint System. This Complaint System handles complaints against employers about specific jobs to which jobseekers were referred through the ES and complaints involving failure to comply with ES regulations, which are made within two years of an alleged violation. The Complaint System also accepts, refers, and, under certain

Judge Richey Court Order

The 2014 National Monitor Advocate Report on doleta.gov explains that “in 1972, the National Association for the Advancement of Colored People (NAACP) sued the U.S. Department of Labor (DOL)... alleging the DOL was discriminating against farmworkers. The case resulted in a detailed court order referred to as the Judge Richey Court Order. The Richey Order required DOL to implement and maintain a federal and state monitoring and advocacy system and set forth requirements to ensure the delivery of employment and training services (ES services), benefits, and protections to migrant and seasonal farmworkers (MSFWs) on a non discriminatory basis, and to provide such services in a manner that is qualitatively equivalent and quantitatively proportionate to those provided to non farmworkers.”

[Source:

https://www.doleta.gov/programs/NMA_FY2014/2014_National_Monitor-Advocate_Report_FINAL.pdf, pg 3)

circumstances, tracks complaints involving employment-related laws. Though any individual, employer, organization, association, or other entity may file a complaint, there is special emphasis on complaints involving MSFWs. Specifically, SWAs have a shorter amount of time to attempt to resolve ES-related complaints involving MSFWs and MSFW complaints must be tracked to resolution, with updates provided to the complainant. The state agency official designated to handle MSFW complaints is the SMA [20 CFR §658.410]. See State Monitor Advocates in [Section 3.5.1](#).

Examples of potential complaint scenarios covered by the ES and Employment-Related Law Complaint System include, but are not limited to:

- A jobseeker applies to a job to which she was referred by an AJC. The jobseeker alleges that the employer refused to hire her because she is a woman.
- A jobseeker, who does not speak English, goes to his local AJC seeking ES. He alleges that the AJC staff told him that they could not help him unless he spoke English, or that he should come back next week when bilingual AJC staff is available.
- During an NFJP eligibility determination, an MSFW applicant tells NFJP staff that she does not know how much money she was paid by her previous employer because the employer kept her paycheck, did not provide paystubs or a contract, and gave her different amounts of money on a random basis.

These scenarios should raise flags for NFJP staff to inform individuals that they can make a complaint through the ES and Employment-Related Law Complaint System. NFJP staff should share information with the SMA so that the Complaint System may be offered to them and their grievances may be resolved.

Note: The ES and Employment-Related Law Complaint System does not cover complaints alleging violations of Unemployment Insurance regulations, WIOA Title I programs, or complaints by veterans alleging violations of mandatory listing requirements under 38 USC 4212. Complaints involving those programs or requirements are reported through the local area one-stop complaint system and should be referred to the agency that administers those programs, so that they may follow their own complaint procedures. Specifically, complaints involving delivery of WIOA Title I programs (including NFJP) should be handled by the applicable state and local area one-stop complaint or WIOA grievance procedures, which may or may not be completely separate from the ES and Employment-Related Law Complaint System.

The State Monitor Advocate (SMA) must follow-up monthly regarding MSFW complaints and inform the complainant of the status of the complaint.

3.4.3 ES Apparent Violations

In addition to the Complaint System, SWA, ES office, and state MSFW outreach program staff have an obligation to act when they observe, have reason to believe, or are in receipt of information regarding a suspected violation of employment-related laws or ES regulations by an employer. Such situations are called Apparent Violations. This means that even in cases where an individual does not wish to file a complaint through the SWA's Complaint System, SWA staff must document and either attempt informal resolution or refer suspected violations to appropriate enforcement agencies. Apparent Violations may also arise from staff observations, rather than from an individual's statement. For example, staff may observe health and safety issues during outreach. Resolution efforts through the SWA's Apparent

Violation procedures are available to both MSFWs and non-MSFWs. NFJPs can work with their SWA and SMA to establish a referral process to help increase employer compliance with employment-related laws and ES regulations, which works to improve the working and living conditions for MSFWs and non-MSFWs [20 CFR §658.419].

3.4.4 Agricultural Outreach Plan

Each State Workforce Agency (SWA) must develop an Agricultural Outreach Plan (AOP) as a part of its Unified or Combined State Plan. The State Plan must be submitted to the Secretary of Labor in order for the state to be eligible to receive allotments for its core programs.

The AOP provides an assessment of area MSFWs' unique needs, available resources, planned activities, etc. **In developing the AOP, SWAs must solicit information and suggestions from NFJP grantees.** Then, at least 45 calendar days before submitting its final AOP to the Department, the SWA must provide the proposed AOP to NFJP grantees, allowing at least 30 calendar days for review and comment.

Additionally, the AOP might detail how the State Workforce Agency (SWA), through its MSFW Outreach Program, will coordinate with the NFJP grantee to contact and provide services to MSFWs, including:

- how MSFW-related data may be shared,
- whether NFJP will conduct joint outreach with SWA MSFW Outreach Program staff, and
- how NFJP will communicate MSFW-related complaints and apparent violations of law (see [section 3.4.3](#)).

The SWA must consider and respond to all comments received, explaining which ones were incorporated and which ones were not, and why. Upon submitting the final AOP to USDOL, the SWA must include all comments, recommendations received, and their responses [20 CFR §653.107(d)(3)].

3.5 What is the Monitor Advocate (MA) System?

The Monitor Advocate (MA) system exists to ensure that MSFWs receive equal access to the full range of Employment Services offered by the SWA. Monitor Advocates (MAs) monitor SWAs to determine whether MSFWs are receiving all workforce development services, benefits and protections on an equitable and non-discriminatory basis (i.e., career guidance, testing, job development, training, and job referral). They also monitor MSFW-related complaints that are filed through the SWA complaint system as well as other apparent violations of law involving MSFWs. The Monitor Advocate System also supports the needs of agricultural employers by connecting them with willing and able workers through the Agricultural Recruitment System (ARS).

The MA system is comprised of a network of MAs at the state, regional, and national level who oversee the delivery and monitoring of specific services to farmworkers and ensure that equity measures are administered.

3.5.1 State Monitor Advocates

Each state must have a State Monitor Advocate (SMA), who is responsible to monitor SWA services to MSFWs on an ongoing basis. SMAs monitor state and local offices as well as services provided by the SWA's MSFW outreach program in the field. In addition to monitoring Wagner-Peyser Employment Services, SMAs monitor a state-wide complaint system to make sure that MSFW-related complaints are tracked to resolution. SMAs also have liaison and advocacy roles within the SWA. They meet with

farmworkers, employers, and farmworker serving agencies, including NFJP; and they are responsible for advocating for improved services to MSFWs where issues are identified.

The State Monitor Advocates (SMAs) work with the NFJP grantees and may act as a liaison to ensure that an effective partnership exists between the SWA and NFJP. A working partnership between the SWA and NFJP is important to ensure that MSFWs seamlessly receive services that are offered by both parties so that MSFWs may develop the tools they need to transition into higher paying occupations, both in and out of the agriculture industry.

3.5.2 Monitor Advocates at the Federal Level

All Employment and Training Administration (ETA) regional offices must have a Regional Monitor Advocate (RMA) who is responsible for reviewing the effectiveness of SMAs in their regions and to monitor performance of the region's SWAs regarding equitable services to MSFWs. RMAs also monitor the complaint system and, like SMAs, advocate for improved services to MSFWs.

At the ETA national office level, there is one National Monitor Advocate (NMA) who reviews performance of both SMAs and RMAs. The NMA performs monitoring and advocacy roles similar to those of SMAs and RMAs, but at the national level.

3.5.3 Monitor Advocates roles and responsibilities

All Monitor Advocates provide technical assistance at their respective levels. SMAs provide technical assistance to their SWA. RMAs provide technical assistance to SWAs and SMAs. The NMA offers technical assistance to the entire system.

Monitor Advocates support the needs of MSFWs by [20 CFR §653.108, 658.602-603]:

- Collecting information about farmworker needs, characteristics, and concerns to improve the provision of services to farmworkers;
- Collaborating with a broad range of stakeholders, including community- and employer-based organizations;
- Ensuring that farmworkers are served equitably through the American Job Centers;
- Producing annual service assessments and analyses to promote a better understanding of services to farmworkers and to highlight special efforts and accomplishments by states in serving them; and
- Ensuring that all legal protections are afforded to farmworkers and that their complaints are promptly resolved.

For further information on MSFW Monitor Advocate roles and responsibilities, visit

<https://www.doleta.gov/programs/msfw.cfm>

3.5.4 MOU Between the SMA and NFJP grantees

The SMA must meet (either in person or by alternative means), at minimum, quarterly, with WIOA sec. 167 National Farmworker Jobs Program (NFJP) grantees and other organizations, to receive complaints,

assist in referrals of alleged violations to enforcement agencies, and receive input on improving coordination with ES offices or improving the coordination of services to MSFWs. To foster such collaboration, the SMAs must establish Memoranda of Understanding (MOUs) with the NFJP grantees and may establish MOUs with other organizations serving farmworkers as appropriate. [20 CFR §653.108(I)]. USDOL requires that “the MOU will be reviewed, and if substantial changes have occurred, revised and renewed no less than once every 4-year period to stay current with NFJP grant award cycles.”¹⁰

Recommendations and requirements for the SMA-NFJP MOU are laid out by the Department of Labor in [TEGL No. 08-17](#). The required components are as follows:

- 1) Meeting Frequency: At minimum, the SMA and NFJP must meet at least quarterly; however, the MOU can include language whereby both parties agree to meet more frequently.
- 2) Meeting Format: Describe whether meetings will take place in person or by alternative means, i.e., via teleconference or via video conference, and include information on meeting logistics as applicable. The Department of Labor recommends that an in-person meeting should be conducted at least annually.
- 3) Required Attendees: Participants must include, at minimum: a) the SMA or, if the SMA is unavailable, an individual designated by the SMA; and b) NFJP grantee representative(s).
- 4) Complaints and/or Violations: Procedure for NFJP grantee to refer complaints and/or apparent violations to the State Workforce Agency (SWA).
- 5) Enhance Coordination: On-going process for SMA to receive input on improving coordination with One-Stop Centers or improving the coordination of services to MSFWs in areas such as, outreach, referrals, complaints, etc.
- 6) Signatures: The MOU must be signed by an authorized signatory of the NFJP grantee, the SMA, an authorized signatory of the SWA, and any other signatory deemed necessary.

USDOL makes several other recommendations for this collaborative effort as well, such as cross-training staff, sharing data, and working together to educate workforce system partners on the complaint system and NFJP services. USDOL further states that Regional Monitor Advocates (RMAs) and Federal Project Officers (FPOs) are available to help in this effort if needed.¹⁰

3.6 Career Pathways and NFJP

In the vernacular, “career pathways” usually means a person’s career over their lifetime. Under WIOA, however, the term “career pathways” has a more specific meaning and is defined in WIOA Sec. 3(6) as “a combination of rigorous and high-quality education, training, and other services that:

- a) aligns with the skill needs of industries in the economy;

¹⁰ TEGL No. 08-17: https://wdr.doleta.gov/directives/corr_doc.cfm?docn=6290.

- b) prepares an individual to be successful in any of a full range of secondary or postsecondary education options, including apprenticeship;
- c) includes counseling to support an individual in achieving the individual's education and career goals;
- d) includes, as appropriate, education offered concurrently with and in the same context as workforce preparation activities and training for a specific occupation or occupational cluster;
- e) organizes education, training, and other services to meet the particular needs of an individual in a manner that accelerates educational and career advancement;
- f) enables an individual to attain a secondary school diploma or its recognized equivalent, and at least one recognized postsecondary credential; and
- g) helps an individual enter or advance within a specific occupation or occupational cluster."

WIOA requires states and localities to collaborate with adult education, postsecondary education, and other partners to establish career pathways systems that make it easier for eligible jobseekers to attain the skills and credentials needed for jobs in their regional economy.¹¹

3.6.1 The Career Pathways Toolkit

Employment and Training Administration (ETA) at the US Department of Labor (DOL) has developed and released a resource called "The Career Pathways Toolkit: An Enhanced Guide and Workbook for System Development," which they expect "will be especially helpful for state offices and partners required to develop a Unified [or State] Plan as well as staff members supporting State Workforce Development Boards." (See more on the State Plan in [section 3.2.1](#)).

The toolkit is available at

https://careerpathways.workforceegps.org/resources/2016/10/20/10/11/Enhanced_Career_Pathways_Toolkit.

3.6.2 Ways to Implement Career Pathways

Workforce Development Boards and other workforce system partners are ideally situated to take on a leadership role in developing these career pathways. Below is a non-exhaustive list of the things that can be done:

- Collecting, analyzing, and sharing labor market information (LMI);
- Providing skills assessments, skills matching, and career navigation functions, including the identification of skills gaps where training is needed;
- Providing counseling and support services;
- Providing access to and funding for training;
- Providing job search assistance;
- Providing support for research, development, and capacity building;
- Convening or assisting in the convening of key program partners;

¹¹ [The Career Pathways Toolkit, Introduction](#), pg 4.

- Using labor market information to identify high-demand employers and industry sectors in the state or region;
- Facilitating or convening sector partnerships;
- Working with partners to identify a common vision, mission, and goals;
- Sharing existing community asset audits or participating in such audits;
- Comparing the skills requirements of employers to the education and skills levels of the population, and identifying skills gaps;
- Collaborating with other partners to assess the region's education and training capacity;
- Coordinating with partners on career navigation and support services;
- Helping to identify and pursue leveraged funding and partnerships; and
- Continuously reaching out to community stakeholders, including employers, to build support for the career pathways system and initiatives.

NFJP follows many of these suggestions, such as sharing LMI, providing counseling and supportive services, providing access to training, providing skills assessment, etc.

3.6.3 NFJP and Career Pathways

NFJP is an integral part of many state and local career pathways networks. Grantees can review the "Career Pathways 6 Key Elements" below and use it to demonstrate how they fit in with and complement others' efforts.



1. **Build cross-agency partnerships & clarify roles:** NFJP builds partnerships with entities like the State Monitor Advocate, the state's outreach workers, employers, the LWDBs, community colleges, and other federal programs like HEP (High School Equivalency Program) and CAMP (College Assistance Migrant Program) in the Department of Education's Office of Migrant Education. Roles of each partner are often clarified through Memoranda of Understanding (MOUs).
2. **Identify sector or industry & engage employers:** Using LMI and participants' interests/strengths, NFJP identifies appropriate industries, e.g. engineering or healthcare, for

which to develop training. NFJP then engages employers to help provide training, apprenticeships, or job openings for graduates of the NFJP training program.

3. **Design education & training programs:** NFJP designs education and training programs based on the population it serves and the occupations, including agricultural and other career pathways, that are in-demand in its area.
4. **Identify funding needs & sources:** NFJP uses the funding from DOL to provide training, related assistance, and supportive services to participants.
5. **Align policies & programs:** NFJP establishes standard operating procedures that are in alignment with state and federal policy, as well as consistent within its own program.
6. **Measure system change and performance:** This is a broader goal meant to measure the entire system's responsiveness to the labor market. To do this, there is a 20-question assessment in the toolkit to help local and regional workforce organizations (and current sector partnerships) determine how well they are implementing full-scale sector strategies today and where they should prioritize future enhancements.

Note: since no one organization can realize all the CP elements (nor should they be expected to), NFJP grantees are strongly encouraged to partner with others in this effort.

3.6.4 Career Pathways Resources

The Career Pathways Community of Practice has an extensive catalogue of resources on career pathways, found here:

https://careerpathways.workforcegps.org/resources/2016/05/09/11/16/Federal_Career_Pathways_Resources_and_Tools.

Additionally, the following websites can be consulted:

- **Competency Models:** A competency model is a collection of competencies that, taken together, define successful performance in a particular work setting. Competency models serve as a starting point for the design and implementation of workforce and talent development programs. To learn about the industry-validated models visit the Competency Model Clearinghouse (CMC) at <http://www.careeronestop.org/CompetencyModel>. The CMC site also provides tools to build or customize industry models, as well as tools to build career ladders and career lattices for specific regional economies.
- **MyNextMove.org** is a website designed to help people launch a career search. Individuals can browse careers by key word, industry, or their own interests.
 - <https://www.miproximopaso.org/>, “Mi Proximo Paso,” is the same website translated into Spanish.
 - <https://www.mynextmove.org/vets/>, “My Next Move for Veterans,” is custom-built for people who have done military service and are looking for a career that builds on skills and experience they already have from their military job.
- **Onetonline.org** is the nation's primary source for occupational information, describing hundreds of jobs and the tasks, skills, credentials, salaries, etc., that are associated with them. It is used by job seekers, employers, human resources, career counselors, etc., to help identify the skills or workers they need.

4 – How is Eligibility for NFJP Determined?



Section 4 reviews the criteria grantees must use in determining whether an individual is eligible for services under NFJP. The section first provides a high-level overview of the eligibility criteria, and then reviews the individual components of these criteria to see how they are defined and implemented. The last part of this section covers NFJP grantee responsibilities for eligibility determination. Eligibility requirements are fully outlined in the NFJP eligibility guidance, [TEGL No. 18-16](#). Requirements in WIOA and in program regulations are cited throughout this chapter where applicable. Further clarification of program eligibility is provided in the [NFJP Program Eligibility FAQ](#) found in the Agricultural Connection’s Resource Library.¹²

4.1 What are the Eligibility Criteria for NFJP Services?

WIOA sections 3(36) and 167(i) changed the definition of eligible participants in NFJP. Previously, the definition of an eligible seasonal farmworker was to be “disadvantaged” according to national poverty levels. Now that definition has been broadened to include foster children, the homeless, and low-income persons with disabilities, as well as anyone receiving, or having received, or been in a family that is receiving or has received, public assistance. Furthermore, the definition of “farmwork” has been changed to include processing tasks and fish-farming.

To qualify for services from NFJP (other than self-service, informational activities, and eligibility determination services), on the date of application an individual must be:

- A. Either a(n):
 - Eligible seasonal farmworker adult;
 - Eligible migrant farmworker adult;
 - Eligible MSFW youth; OR
 - Dependent of an MSFW.

AND

- B. A low-income individual who faces multiple barriers to economic self-sufficiency (see [TEGL18-16](#) and [Section 4.5](#) of this guide below for more information).

Participation in programs and activities receiving WIOA funds “shall be available to citizens or nationals of the United States, lawfully admitted permanent resident aliens, refugees, asylees, and parolees, and other immigrants authorized by the Attorney General to work in the United States” [WIOA sec. 188(a)(5)]. [TEGL No. 2-14](#) establishes that Deferred Action for Childhood Arrivals (DACA) individuals also have the right to work in the United States.

¹² https://farmworker.workforcegps.org/resources/2018/04/30/16/18/NFJP_Program_Eligibility_FAQ_May_2018

Individuals who are determined ineligible for NFJP should be referred to other AJC services or alternative programs for which they may qualify.

NFJP-funded permanent housing developed with NFJP funds must be promoted and made widely available to eligible MSFWs, but occupancy is not restricted to eligible MSFWs.

4.2 What is the Eligibility Determination Period for Farmworker Status in NFJP?

The eligibility requirement of “being a migrant and seasonal farmworker” utilizes an eligibility determination period. The eligibility determination period for NFJP is defined as [WIOA sec. 167(i), 20 CFR §685.110]:

Any consecutive 12-month period within the 24-month period immediately preceding the date of application for enrollment in NFJP by the applicant.

When an applicant was unavailable for work in the period immediately preceding the date of application because he/she had been in the armed forces, institutionally confined by incarceration or other legal detainment, hospitalized or otherwise unavailable due to a documented disability, grantees may establish an eligibility determination period during the 24 months immediately preceding the date of such unavailability, provided, however, that such period may not begin more than 48 months prior to the date of application [[TEGL No. 18-16](#)].

TIP! Depending on the data used, this eligibility determination period will not necessarily match the eligibility period for the low-income provision. For more information, see [Section 4.5 How does NFJP Determine Low-income Status?](#)

4.3 How does NFJP define Farmworker Status?

The following definitions are used to define farmworker for purposes of eligibility [WIOA sec. 167(i):

- An **“eligible seasonal farmworker”** is a low-income individual who
 - during the 12-consecutive month eligibility determination period, has been primarily employed in agricultural or fish farming labor that is characterized by chronic unemployment or underemployment; or
 - faces multiple barriers to economic self-sufficiency.
 - Dependents of seasonal farmworkers are also eligible.
- An **“eligible migrant farmworker”** is a seasonal farmworker or his/her dependent whose agricultural labor requires travel to a job site such that the farmworker is unable to return to a permanent place of residence within the same day.
- **“Eligible MSFW youth”** means an eligible MSFW aged 14-24 who is individually eligible or is a dependent of an eligible MSFW. The term eligible MSFW youth is a subset of the term eligible MSFW. See [Section 6](#) for more information on MSFW youth eligibility criteria.

4.3.1 Definition of “Primarily Employed in Agricultural Labor,” etc.

TEGL 18-16 on NFJP “Program Eligibility and Enrollment Guidance,” clarifies several things regarding the definitions of farmworker. First of all, “primarily employed in agricultural or fish farming labor” means an individual earns at least 50 percent of his/her total income from farmwork or is employed at least 50 percent of his/her total employment time in farmwork.

Secondly, the terms “chronic unemployment or underemployment” used in the definition of eligible seasonal farmworker refer to the nature of the agriculture or fish farming labor force as a whole and not whether an applicant is either chronically unemployed or underemployed. For the purposes of determining eligibility, grantees do not need to demonstrate that an individual is either chronically unemployed or underemployed.

Finally, grantees are not required to document that an individual faces multiple barriers to economic self-sufficiency. (For additional information on individuals with multiple barriers to employment see WIOA Section 3(24).) To effectively serve all NFJP participants, grantees are encouraged to assess participants’ interests, strengths, and barriers to help inform their career planning approach [**TEGL No. 18-16**].

‘Primarily Employed in Agriculture’ Determination Examples.

Example 1. A 19-year-old farmworker, Sally, has worked in the fields since her senior year of high school. She was not claimed on her parents’ income taxes since graduation (i.e. she is not a dependent). Sally has gone on to community college but has continued working full-time as a farmworker during the summer between the spring and fall semesters. Would Sally qualify for NFJP, even though she was a full-time student during part of her eligibility determination period?

Assuming Sally meets other eligibility criteria, yes. The requirement that applicants be either employed full-time or, if unemployed, be available for and seeking full-time work, was old guidance under WIA. Since more than 50% of Sally’s time and income came from farmwork, she would qualify.

Example 2. Over the course of the last year, Mike worked for the same employer as both a farmworker and a construction contractor. The employer verified that Mike was primarily responsible for overseeing the planting and growing of all the fields. In the off-season but for less than 50% of his income, Mike helped with the repair of outbuildings and some plumbing. He also did some side jobs for another employer that were totally unrelated to fieldwork.

Assuming Mike meets other eligibility criteria, is he eligible for NFJP? It depends. The case manager would need to look at the amount of time or income devoted to non-farmwork before qualifying Mike for NFJP.

4.3.2 What is “Qualifying Farmwork?”

TEGL 18-16 states that “NFJP participants must have performed labor for wages in occupations and industries within agricultural production and agricultural services for 12 consecutive months out of the 24 months prior to application for the program involved.”

“Farmwork” means cultivation and tillage of the soil, dairying, production, cultivation, growing, and harvesting of any agricultural or horticultural commodities. This includes the raising of livestock, bees, fur-bearing animals, or poultry, farming of fish, and any practices (including any forestry or lumbering operations) performed by a farmer, or on a farm, as an incident to or in conjunction with such farming operations, including preparation for market, delivery to storage or to market, or to carriers for transportation to market. It also includes the handling, planting, drying, packing, packaging, processing, freezing, or grading prior to delivery for storage of any agricultural or horticultural commodity in its unmanufactured state. (See WIOA Final Rule <https://www.doleta.gov/wioa/Docs/wioa-regs-labor-final-rule.pdf>.)

Fish-farming is defined in the NAICS codes as “establishments primarily engaged in farm raising shellfish (e.g., crayfish, shrimp, oysters, clams, mollusks)” and “establishments primarily engaged in farm raising finfish (e.g., catfish, trout, goldfish, tropical fish, minnows) and/or hatching fish of any kind.”¹³

Although the NAICS codes are the primary resource used to help define farmwork, NFJP grantees are encouraged to draw upon multiple factors rather than refer only to the NAICS codes. For information on industry sectors, see NAICS codes available on the census website at: <http://www.census.gov/eos/www/naics/> [TEGL No. 18-16].

Agricultural Commodities:
All consumable products produced on a farm that are taken to market to be sold.

Examples of Farmworker Status Eligibility Determination.

Farmwork Determination Example 1

During the 12 months chosen as the eligibility determination period, Samuel was incarcerated. While in prison, Samuel was allowed to take part in a work release program working as a fruit picker, for which he was given a wage.

Does farmwork performed in prison make Samuel eligible for NFJP, provided he meets the other eligibility requirements? In this case, yes. Eligibility requirements regarding farmwork do not preclude work performed in prison. NFJP guidance defines “farmwork” as agricultural labor performed for wages. Therefore, farmwork performed in prison can only be used for eligibility purposes if the individual received compensation and only if that compensation comprised at least 50% of wages earned or 50% time worked during the eligibility determination period.

¹³ <https://www.naics.com/naics-code-description/?code=112511> and <https://www.naics.com/naics-code-description/?code=112512>

Examples of Farmworker Status Eligibility Determination.

Farmwork Determination Example 2

John worked on a farm packing fresh asparagus and bell peppers to go to market. Some asparagus was also canned and pickled at the same facility, while some of the bell peppers were roasted, seasoned, then flash-frozen. John worked part of his time sorting and packing the fresh asparagus & bell peppers, but 75% of his time was spent canning and roasting them.

Assuming John meets other eligibility criteria, is he eligible for NFJP? No. The majority of John's time was spent pickling asparagus and roasting the bell peppers, which does not fall under the definition of "handling, planting, drying, packing, packaging, processing, freezing, or grading prior to delivery for storage of any agricultural or horticultural commodity in its unmanufactured state." Therefore, he does not qualify.

Farmwork Determination Example 3

At Lasso Farms, Jeanette was responsible for the processing of all bell peppers, corn, onions, and carrots. At the end of the harvesting season, all fresh produce went into cold storage. The employer wanted to wait a few weeks before selling it on the market, thereby obtaining the best possible price. After it came back out of cold storage and before it was sent to market, Jeanette helped clean, sort, husk, and peel the produce.

Assuming Jeanette meets other eligibility criteria, is she eligible for NFJP? Yes. Even though the produce went into cold storage, it was still on-farm and in its unmanufactured state, and had not yet been sent to market. Therefore, Jeanette qualifies.

Farmwork Determination Example 4. Phil works at a vineyard. In the summer he works in the field, tending to the vines, pruning, and harvesting the grapes. In the winter, Phil's employer offers inside work making wreathes and baskets for sale. He does not anticipate that he will be laid-off.

Assuming Phil meets all other eligibility requirements, is Phil eligible? Perhaps. If the time spent in the vineyards works out to be more than 50% of the time worked that year, Phil is eligible. If it makes up less than 50%, then Phil is not eligible because his winter work was not farmwork. The fact that he is continuously employed does not disqualify him, as he did do farmwork at least part of that time.

Farmwork Determination Example 5

Over the course of last year, Maria worked at five (5) different seasonal crop-production jobs. When one ended, she moved to a different temporary job. She was fully employed throughout the year but at different temporary jobs, each of which ended due to seasonal lay-off. Maria occasionally worked for a mobile housekeeping company on the weekends, but that income amounted to far less than the aggregate income she earned from farmwork.

Assuming Maria meets the other eligibility criteria, do her several jobs qualify for NFJP? Yes, because Maria worked in qualifying farmwork, earning income as a farmworker that totaled more than 50% of her total income for those 12 months. The fact that Maria was able to find a string of seasonal jobs to cover the entire year does not disqualify her.

4.4 What is the Priority for Service for Veterans?

The Jobs for Veterans Act (38 U.S.C. §4215) requires grantees to provide priority of service for veterans and spouses of certain veterans for the receipt of any employment, training, and placement services directly funded, in whole or in part, by the Department of Labor, including NFJP. In circumstances where a grant recipient must choose between two qualified candidates for a service, one of whom is a veteran or eligible spouse, the veterans priority of service provisions require *that the grant recipient give the veteran or eligible spouse priority of service by first providing him or her that service*. To obtain priority of service, a veteran or spouse must meet the program's eligibility requirements.

For more information, see "How the Jobs for Veterans Act applies to the National Farmworker Jobs Program: <https://www.doleta.gov/programs/VETs/NFWJ.cfm>. The guidance was released under WIA but is still relevant to NFJP under WIOA.

4.5 How does NFJP Determine Low-Income Status?

A low-income individual is defined in WIOA sec. 3(36)(A) as an individual who

- Receives, or in the past six months has received, or is a member of a family that is receiving or in the past 6 months has received, assistance through the supplemental nutrition assistance program (SNAP), the program of block grants to states for temporary assistance for needy families program (TANF), the supplemental security income program (SSI), or state or local income-based public assistance;
- Is in a family with total family income that does not exceed the higher of:
 - The poverty guideline;
 - 70 percent of the lower living standard income level (LLSIL);
- Is a homeless individual or a homeless child or youth;
- Receives or is eligible to receive a free or reduced price lunch under the Richard B. Russell National School Lunch Act;
- Is a foster child on behalf of whom state or local government payments are made; **or**
- Is an individual with a disability whose own income meets the income requirement above, but who is a member of a family whose income does not meet this requirement.

What qualifies as "State or local income based public assistance" can vary from area to area. For example, some NFJP grantees qualify participants based on their receipt of Refugee Cash or their participation in College Assistant Migrant Programs (CAMP), Head Start, or Low Income Home Energy Assistance Programs (LIHEAP).

Remember, NFJP participants must meet **one** of these low income definitions, not all.

What Counts as Income under WIOA.¹² The NFJP FAQ states that, "the definition of what counts as income when determining an individual's low-income status has changed under WIOA Section 3(36). It is important to know that the definition of a low-income individual under WIOA Section 3(36) does not exclude unemployment compensation, old-age survivors insurance benefits, or child support payments

from income calculations that were previously provided under the Workforce Investment Act (WIA) Section 101(25). Therefore, NFJP grantees must include unemployment compensation, old-age survivors insurance benefits, or child support payments as income when determining an individual's low-income eligibility."

Free or Reduced-Price Lunch.¹² The NFJP Program Eligibility FAQ clarifies that a student who *individually* qualifies for a free or reduced-price lunch, and his/her family as described in 20 CFR §685.110, qualify as low-income under NFJP. However, "when a school does not use individual eligibility criteria to determine who is eligible for free or reduced price lunch, whole school receipt of free or reduced price lunch cannot be used to determine WIOA low-income status for applicant."

The chart below, taken from the NFJP Program Eligibility FAQ, specifies the eligibility period for each low-income provision under WIOA.¹²

WIOA 3(36)(A) Provisions	Eligibility Period
i. <ul style="list-style-type: none"> • SNAP • TANF • SSI • State or local income-based public assistance 	receives, or in the past 6 months has received, or is a member of a family that is receiving or in the past 6 months has received
ii. family income	Twelve (12) consecutive months out of the 24 months prior to application for the program involved
iii. homeless individual	At the time of the application
iv. free or reduced lunch	At the time of the application
v. foster child	At the time of the application
vi. individual with a disability	Disability status needs to be present at the time of the application; yet applicant must meet the income level requirement for twelve (12) consecutive months out of the 24 months prior to application for the program involved

Tip! When using public assistance to qualify an individual as low-income (option i. in the table above), keep in mind that the participant needs to have received it anytime in the six months prior to the intake date, not for six months straight.

The Poverty Guideline and LLSIL.¹⁴ The poverty guideline is calculated by taking the Census Bureau's poverty thresholds and adjusting them for subsequent price changes using the Consumer Price Index. The 2017 poverty guidelines can be found here:

<https://www.federalregister.gov/documents/2017/01/31/2017-02076/annual-update-of-the-hhs-poverty-guidelines>.

¹⁴ [TEGL No. 18-16](#)

Lower living standard income level (LLSIL) means that income level (adjusted for regional, metropolitan, urban, and rural differences and family size) determined annually by the Secretary of Labor based on the most recent lower living family budget issued by the Secretary. 2017 LLSIL can be found here:

<https://www.gpo.gov/fdsys/pkg/FR-2017-01-31/pdf/2017-02076.pdf>.

The HHS poverty guidelines and the LLSIL are updated annually. Grantees must apply the standards that are in effect on the date of application.

Family Size. ¹⁴ The HHS poverty guideline and LLSIL are both applied using the number of individuals in the family. Grantees should use the family size that exists at the time eligibility determination is made.

Examples of Low-income Status Determination.

Example 1. Samuel is a migrant worker who has traveled across the country harvesting crops from Texas to Montana. He has worked up to 60 hours/week during the summer months, earning above the poverty guidelines. It's now the winter. Samuel has been laid-off, and he and his family of five are using food stamps for their basic necessities.

Does Samuel meet the income test for NFJP? Yes. Even though his income exceeded the poverty guidelines during the 12 months used for his eligibility determination period, Samuel qualifies as low-income since he and his family are currently receiving public assistance.

Example 2. Jason and Melody are both farmworkers in southern California, where they are able to find work in the fields year-round. The 12-month eligibility determination period used is immediately prior to enrollment. Jason and Melody's total family income during that period exceeds the poverty guidelines, and they do not qualify for public assistance.

Do Jason and Melody meet the income test for NFJP? No. Jason and Melody do not meet the definition of low-income individuals under WIOA. If their status changes, Jason and Melody can always return for a re-evaluation.

TIP! Oftentimes farmworkers have other qualities that would make them a good fit for other WIOA programs. When someone is determined eligible for NFJP, case managers can explore co-enrollment options with other programs, like the WIOA Adult or Youth programs (see co-enrollment in [sections 5.5](#) and [6.4](#)). If a farmworker is determined ineligible, a case manager should still refer him or her to various partner programs for services.

4.6 Who is Considered a Dependent of Eligible Farmworkers?

Dependents of eligible migrant and seasonal farmworkers are eligible for NFJP. A dependent is an individual who:

- 1) Was claimed as a dependent on the qualifying farmworker's federal income tax return for the previous year;
OR
- 2) Is the spouse of the qualifying farmworker;
OR
- 3) If not claimed as a dependent for federal income tax purposes, is able to establish a relationship as the farmworker's:
 - Child, grandchild, great grandchild, including legally adopted children;
 - Stepchild;
 - Brother, sister, half-brother, half-sister, stepbrother, or stepsister;
 - Parent, grandparent, or other direct ancestor (but not foster parent);
 - Foster child;
 - Stepfather or stepmother;
 - Uncle or aunt;
 - Niece or nephew; or
 - Father-in-law, mother-in-law, son-in-law; daughter-in-law, brother-in-law, or sister-in-law;

AND

The individual receives more than half of his/her total support from the eligible farmworker's family during the eligibility determination period [20 CFR §685.110]. This eligibility determination period refers to the 12-month period in which the farmworker (and not the dependent) performed agricultural labor at least 50% of the time or for 50% of his/her wages.

Tip! A parent not meeting eligibility does not necessarily mean that his or her dependent will not meet eligibility. The dependent child's eligibility should be evaluated independent of the parent(s). For example, if the migrant and seasonal farmworker does not meet work authorization or selective service registration requirements (for male farmworkers), but meets all other NFJP eligibility requirements, his/her dependent who does have work authorization and meets selective service requirements (for male dependents) can be enrolled in the program as long as the farmworker is otherwise eligible.¹²

4.7 What Are the Selective Service Registration Requirements for NFJP?

All male applicants for NFJP must meet Selective Service registration requirements. While this section provides basic information, the Selective Service requirements and grantee responsibilities are fully explained in [TEGL No. 11-11, Change 2](#).

4.7.1 What Are the Basic Requirements for Selective Service?

Men born on or after January 1, 1960 are required to register with Selective Service within 30 days of their 18th birthday (i.e., 30 days before or 30 days after their birthday.) This includes males who are:

- Citizens of the US;
- Non-citizens, including illegal aliens, legal permanent residents, seasonal agricultural workers, and refugees, who take up residency in the US before their 26th birthday; and/or
- Dual nationals of the US and another country regardless of whether they live in the US.

For US citizens, Selective Service registration is not required if the man falls within one of the following categories:

- Men who are serving in the military on full-time active duty;
- Men attending the service academies (however, if they turn 18 before actually attending the academy or leave the Academy and active military duty prior to their 26th birthday, they are required to register at that time);
- Disabled men who are continually confined to a residence, hospital or institution; and/or
- Men who are hospitalized, institutionalized, or incarcerated are not required to register during their confinement; however, they must register within 30 days after being released if they have not yet reached their 26th birthday.

For non-US citizens, Selective Service registration is not required if the man falls within one of the following categories:

- Non-US male who came into this country for the first time after his 26th birthday. Acceptable forms of supporting documentation include:
 1. Date of entry stamp in his passport;
 2. I-94 with date of entry stamp on it; or
 3. Letter from the US Citizenship and Immigration Services (USCIS) indicating the date the man entered the United States presented in conjunction with documentation establishing the individual's age.
- Non-US male who entered the US illegally after his 26th birthday. He must provide proof that he was not living in the U.S. from age 18 through 25.
- Non-US male on a valid non-immigrant visa.

This list is not intended to be exhaustive. Please visit the Selective Service website for more information about the registration requirements at www.sss.gov. The Selective Service System also provides a quick reference chart showing who must register located at

<https://www.sss.gov/portals/0/PDFs/WhoMustRegisterChart.pdf>

4.7.2 How Do Grantees and Participants Verify That Selective Service Requirements Are Met?

In order to participate in NFJP, all males born on or after January 1, 1960 must present documentation showing compliance with the Selective Service registration requirement. Acceptable documentation to determine a person's Selective Service registration status includes:

- Selective Service Acknowledgement letter;
- Form DD-214 "Report of Separation" showing the person was on active duty the entire time between ages 18-26;
- Screen printout of the Selective Service Verification site:
 - <https://www.sss.gov/Registration/Check-a-Registration/Verification-Form> for males who have already registered, this website can be used to confirm their Selective Service

number as well as the date of registration by entering a last name, social security number, and date of birth);

- Selective Service Registration Card;
- Selective Service Verification Form (Form 3A); and/or
- Stamped Post Office Receipt of Registration.

Tip! If an individual is not coming up in the online system, staff have the option of calling the Selective Service office directly to check their records: **(847) 688-6888**. After speaking with a representative to confirm the applicant is in their system, the NFJP grantee will send in the applicant's completed Selective Service registration form via fax with "Attn to: _____" and write in the name of the representative from the phone call. This will prompt a faxed letter from Selective Service within 24-48 hours with confirmation of the individual's SS registration, after which he will be eligible to enroll with NFJP.

Registration Requirements for Males Under 26. Before being enrolled in NFJP, all males who are not registered with the Selective Service and have not reached their 26th birthday must register through the Selective Service website at <https://www.sss.gov/>. If a male turns 18 while participating in any applicable services, registration with Selective Service must be completed no later than 30 days after he becomes 18 in order to continue to receive WIOA Title I-funded services. If a man under the age of 26 refuses to register with the Selective Service, NFJP services must be suspended until he registers.

Registration Requirements for Males 26 Years and Over. Before enrolling in NFJP, all males who are 26 years of age or older, must provide (1) documentation of compliance with the Selective Service registration requirement; (2) documentation showing they were not required to register; or (3) if they were required to but did not register, documentation establishing that their failure to register was not knowing and willful.

The grantee may require that males 26 years and over who failed to comply with the Selective Service registration requirement request a Status Information Letter before making a determination that the failure to register was knowing and willful. Alternatively, an entity may initiate its process to determine if the failure to register was knowing and willful without first having the applicant request the Status Information Letter. Further information on requesting Status Information Letters and determining that failure of the individual to register was not "knowing and willful" can be found in [TEGL No. 11-11](#). This guidance provides a series of questions for grantees to determine if there is a knowing and willful failure to register. Individuals may be eligible for services if they are able to provide, and the grantee determines, that there was not a knowing and willful failure to register according to the definitions provided in TEGL No. 11-11 Change 1 and Change 2.

NFJP grantees must set a policy for potential participants who are males 26 years old or older who failed to register with the Selective Service. The policy may either (1) request a Status Information Letter from a potential participant before making a determination of knowing and willful failure to register; or (2) initiate the process to determine if the potential participant's failure to register was knowing and willful without the first requesting a Status Information Letter.

4.8 Intake, Eligibility Determination Systems, and Enrollment

In designing their intake processes, the NFJP service provider should ask strength-based questions that determine what supports participants need in place, what their career interests are, etc. Screening is only helpful, as in the following section, to determine as soon as possible whether the participant is *not* a low-income farmworker and that he/she should be referred elsewhere.

4.8.1 Sample Pre-eligibility Questions

Before starting an intake for an MSFW, it is helpful to ask a few pre-screening questions to determine if the individual meets basic eligibility requirements for NFJP. Here are a few examples:

1. Are you a citizen of the United States, or a lawfully admitted permanent resident alien, refugee, asylee or parolee, or other individual legally authorized to work in the United States?
2. Are you registered with the Selective Service (if male and 18+)? If not, why?
3. Are you married to someone who works in seasonal farmwork? In this case, the spouse must meet requirements 1 and 2 above, while the farmworker may or may not meet requirements 1 and 2 above.
4. Are you the dependent of an eligible farmworker? In this case, the dependent must meet requirements 1 and 2 above, while the farmworker may or may not meet requirements 1 and 2 above.

If a participant does *not* meet the definition of farmworker, the caseworker should always refer him/her to other WIOA programs for services.

4.8.2 Sample Intake Questions

1. Are you a farmworker or have you worked on a farm within the past 24 months? Have you or anyone in your family worked on a farm or in food processing in the last 2 years?
2. Tell me about the work you have done in the last 2 years.
 - a. How long did you work there?
 - b. What were your job duties?
3. Did you have other employment where you were paid in cash?
4. In the last two years, did you ever travel to work on a farm? If so, in which state(s)? Have you moved or traveled and stayed away from your home to work?
5. Are you a veteran or spouse of a veteran?
6. Do you receive public assistance – e.g., TANF, food stamps (SNAP), general assistance (state/local government), refugee cash assistance, Supplemental Security Income (SSI)?
7. Are you currently in school?
8. Identifying additional barriers to employment:
 - a. Have you been involved with the justice system (i.e., ex-offender)?
 - b. Are you homeless?
 - c. Do you have transportation?
 - d. Are you a single parent with sole custody of your child(ren)?
 - e. Do you have a disability?
 - f. Can you read/write/speak English at a functional level?
 - g. Is there anything that affects the type of work you are able to do?

Tip! The above questions are examples of an *informal assessment*, which is not the same as a formal *career assessment* (see [Chapter 5](#) of this guide). When conducting an *informal* assessment, questions can be structured to draw out more information than what is needed to fill in the blanks or check the boxes on an application. This information can help staff identify a need for referrals, other family members who may benefit from participation in the program, and hidden barriers.

Below are further helpful tips for informal assessments from NFJP grantee OIC of Washington (<https://www.yvoic.org/>).

Ask this		Not this
Who lives in your home?	vs	How many people are in your family?
What kinds of services would help you the most?	vs	What do you want to do?
Do you have enough money to meet your financial obligations this month?	vs	Can you afford to participate in training?
Can you tell me about your personal career goals? (If the participant doesn't know, try asking about their interests, skills, and values.) ¹⁵	vs	What kind of job do you want to find?
How did you decide that was the type of work/training you would like?	vs	What do you know about that?
Have you done work either for pay or on your own that relates to this?	vs	Do you have experience?
May I have your email address?	vs	Do you know how to use a computer?
Who is the one person who always knows how to get in contact with you?	vs	Do you have a message number?
What personal abilities are you most proud of?	vs	What do you know how to do?
What has prevented you from reaching your goals in the past?	vs	Why do you want to do this?
Which organizations have you worked with or are you currently working with towards your goals?	vs	Have you been in a program before?
Have you had any major life changes in the last few months?	vs	What is your motivation?
What do you think the biggest changes in your life would be if you got a year-round, full-time job?	vs	Are you sure you want to work year-round?

4.8.3 Eligibility Determination Systems

To qualify as eligible for NFJP, an individual must meet eligibility requirements on the date of application for enrollment. Grantee staff must make a determination of eligibility that is based on all the available information. Those employees should sign a statement of eligibility determination on every completed application. Absent such a certification, the grantee does not have a documented record of the applicant's eligibility [[TEGL No. 25-04, Attachment](#)].

¹⁵ Individualized Learning Plans (ILPs) can aid in career exploration. The How-to Guide to ILPs is online at <http://www.ncwd-youth.info/ilp/how-to-guide/>.

An applicant's eligibility determination shall be valid for 60 days from the date of initial application. After that initial 60-day period has elapsed, if the individual is not an enrolled participant, the grantee must update information to re-certify the applicant. [\[TEGL No. 18-16\]](#)

NFJP grantees are required to have an eligibility determination system that enables the generation of a record supporting eligibility determinations and enrollment decisions, including program participant status, low-income status, etc. The document "[SOURCE DOCUMENTATION REQUIREMENTS FOR NATIONAL FARMWORKER JOB PROGRAM \(NFJP\)](#)" found in Attachment D to [TEGL No. 22-15](#) contains examples of acceptable forms of source documentation:

- Number of individuals in the family: Birth certificate, family Bible, IRS 1040 forms;
- Qualifying for service as a dependent: Pay stubs, W-2 forms, IRS 1040 forms, case manager/counselor intake notes, self-attestation;
- Employment status: Pay stub, case notes showing information collected from participant;
- Pre-program earnings: Pay stubs, W-2 forms, employer payroll records, IRS 1040 forms, administrative/UI wage records, self-attestation, detailed case management notes (please see the [pop-out on self-attestation](#) in the following section).

For a detailed case study in eligibility determination, see [Appendix J](#).

4.9 NFJP Enrollment

NFJP Eligibility TEGL No. 18-16 clearly states that, to be a program participant, an individual must complete the following requirements:

1. An eligibility determination; and
2. A career assessment (see [Chapter 5](#)).
3. They also must receive at least 1 of the following 5 NFJP program elements:
 - a. career services
 - b. training services
 - c. housing assistance services
 - d. youth services, and/or
 - e. certain staff-assisted related assistance services (see [section 4.9.1](#) below).

These individuals will be included in either adult or youth performance calculations as appropriate. See [TEGL No. 18-16](#) for more details.

4.9.1 Reportable Individual vs. Participant

Participant. [TEGL No. 18-16](#) clarifies that "individuals who are enrolled in *certain* related assistance activities that require significant involvement of grantee staff are also considered participants," in addition to those enrolling in career and training services (program elements a,b,c, and d, above) [20 CFR 685.400(b)]. Specifically, "'certain related assistance' activities are those that require an eligibility determination and a career assessment, as described above, and are directly related to education, training, career, and/or employment outcomes. These activities may include, but are not limited to:

- School dropout prevention and recovery activities;

- Self-employment and related business or micro-enterprise development or education; and
- Occupational career and technical education.

Reportable Individual. TEGL No. 18-16 also says that “an individual who receives only related assistance services that 1) do not require significant involvement of grantee staff time; and 2) do not require a career assessment by grantee staff of an individual’s skills, education, or career objectives (including all emergency assistance services) will be considered a “reportable individual,” as defined in 20 CFR §677.150(b). *Such individuals are not included in performance calculations as program participants.* For example, the Labor Department does not consider pesticide and worker safety training (which neither requires a significant involvement of grantee staff time, nor career assessments) to be the kind of related assistance that requires the individual to be included in the performance calculations.” For more information, see [Section 8.1 Definitions for Performance Measures](#).

For information on the various types of career & training services and whether or not each service triggers an individual’s inclusion in performance reporting as a participant, as well as the applicable PIRL data element numbers, please see [Attachment 7, Tables A and B, to TEGL No. 10-16, Change 1](#).

What are Self-Attestation, Self-Certification, and Staff Determination?

Self attestation occurs when a participant states his or her status for a particular data element and then signs and dates a form acknowledging this status. The key steps for self-attestation are: (a) the participant identifying his or her status for permitted elements and (b) the signing and dating of a form attesting to this self-identification. The form and signature can be on paper or in the grantee management information system, with an online signature.

Self certification relates to a required statement that all applicants must sign certifying that the information provided to the grantee, for purposes of determining an applicant's eligibility to receive services, is true and accurate to the best of his/her knowledge. The statement should include language advising the applicant that intentionally providing false information, in order to be determined eligible, is grounds for immediate termination from the program.

Staff Determination is a signed statement made *by staff*, which documents applicant eligibility. Grantee staff who interview applicants for the purpose of determining eligibility must make these determinations based on all available information. Grantees must apply the standards that are in effect the date of the NFJP participants' application. Those staff should sign a statement of eligibility determination on every completed application. This certification serves to document eligibility, and, absent such a certification, the grantee does not have a documented record of the applicant's eligibility.

4.10 What Are the Verification Requirements for Emergency Assistance?

Emergency assistance is a type of related assistance that addresses the immediate needs of farmworkers and their families. In providing emergency assistance, NFJP grantees may use an abbreviated eligibility determination process. According to [TEGL No. 18-16](#), “when an individual receives emergency assistance only (and no other NFJP services), an applicant’s self-certification is accepted as sufficient documentation of eligibility.”

Individuals who receive only emergency assistance services are considered reportable individuals and are not included in performance calculations.

4.10.1 Serving H-2A Workers

[TEGL 18-16](#) states that, under certain circumstances, NFJP grantees may provide emergency assistance to H-2A Temporary Agricultural Workers (H-2A workers) to address an immediate and short-term need. Providing other types of direct services to H-2A workers is not allowable.

NFJP grantees are expected to leverage available alternative resources and coordinate continuously with [State Monitor Advocates](#), Farm Labor Specialists, and other community-based partners whenever possible, to raise awareness with respect to any underlying issues preventing the H-2A workers from receiving similar benefits or assistance, as required by the agricultural employer’s certified job order or work contract with the H-2A workers.

TIP! The SMA-NFJP MOU might include a process for sharing services needed by or provided to H-2A workers. For more information, see [Section 3.5.4](#).

5 – What are the Adult Service Components of NFJP?



NFJP services are provided through a case-management approach emphasizing customer choice and may include: appropriate career services and training; related assistance, which includes emergency assistance; and supportive services which include allowance payments. Housing grantees are responsible for providing housing assistance to eligible MSFWs. [20 CFR §685.310 and 330].

Each grantee is responsible for meeting these requirements and for providing services in accordance with the service delivery strategy described in its approved grant plan. These services must reflect the needs of the MSFW population in the service area and include the services and training necessary to achieve each participant's employment goals or housing needs [20 CFR §685.300].

Grantees are also responsible for fulfilling the responsibilities of One-stop partners listed at 20 CFR §678.420. These include providing applicable career services, further described below.

TIP! *Eligible MSFWs are not required to receive career services prior to receiving training services. [20 CFR §685.350]*

5.1 Career Services

The applicable career services to be delivered by required One-stop partners, including NFJP, are those services listed below that are authorized under each partner's program [20 CFR §678.425-430].

Basic Career Services:

1. Eligibility determinations;
2. Outreach, intake, and orientation to the information and services available through the AJC system;
3. Initial assessment of skill levels, aptitudes, abilities, and supportive service needs;
4. Labor exchange services, including
 - (a) Job search and placement assistance and career counseling; and
 - (b) Appropriate recruitment and other business services on behalf of employers;
5. Provision of referrals to and coordination of activities with other programs and services;
6. Labor market information, including listings of job vacancies and the skills needed to obtain these jobs, and the occupations that are in demand in the local area and the earnings and skill requirements for such occupations;
7. Information about the performance and cost of eligible training providers;
8. Information about how the local workforce investment area is performing on performance measures;
9. Information about supportive services available in the area and referral to these services;
10. Information about applying for unemployment compensation; and
11. Assistance with establishing eligibility for non-WIOA programs of financial aid for training and education programs.

Individualized career services are to be provided by local areas as appropriate to help individuals to obtain or retain employment, and may include:

- 1) Comprehensive and specialized assessments of skill levels and service needs, which may include use of diagnostic testing and other assessment tools, in-depth interviewing and evaluation to identify employment barriers and appropriate employment goals;¹⁶
- 2) Developing an individual employment plan (IEP);
- 3) Group counseling;
- 4) Individual counseling;
- 5) Career planning;
- 6) Short-term pre-vocational services, including the development of learning skills, communication skills, interviewing skills, punctuality, personal maintenance skills, and professional conduct;
- 7) Internships and work experiences that are linked to careers;
- 8) Workforce preparation activities;
- 9) Financial literacy services: educating participants on how to create budgets; set up bank accounts; manage spending, credit, and debt; make informed financial decisions; understand identity theft and the significance of credit reports and scores; etc.;
- 10) Out-of-area job search and relocation assistance; and
- 11) English language acquisition and integrated education and training programs.

What is an individual employment plan?

An IEP is a document that identifies the participant's employment goals, the appropriate achievement objectives, and the appropriate combination of services for the participant to achieve the employment goals, including providing information on eligible providers of training services and career pathways to attain career objectives.

Follow-up services must be provided, as appropriate, including counseling regarding the workplace, for participants in adult or dislocated worker workforce investment activities who are placed in unsubsidized employment, for up to 12 months after the first day of employment [20 CFR 678.430(c)].

5.1.1 Work Experience

An internship or work experience is a planned, structured learning experience that takes place in a workplace for a limited period of time. Work experience can be conducted in the private, non-profit and public sectors. Work experience may be paid or unpaid, as appropriate and consistent with other laws, such as the Fair Labor Standards Act [20 CFR §680.180]. Labor standards apply in any work experience setting where an employee/employer relationship, as defined by the Fair Labor Standards Act, exists.

What is a Work Experience?

A planned, structured learning experience that takes place in a workplace for a limited period of time. It can help NFJP participants build on skills developed in agriculture and apply those in a different environment.

¹⁶ NFJP does not prescribe one assessment tool. Organizations should choose or develop the tool best suited to their needs and participants. Some examples might include CASAS, TABE, MyNextMove, etc. Further resources are available at <https://www.onetcenter.org/guides.html>.

5.2 Training Services

Training services might include the following (this is not an exhaustive list) [WIOA sec. 134(C)(3)(D) and 167(D) and 20 CFR §680.200]:

- (1) Occupational skills training, including training for nontraditional employment;
- (2) On-the-job training (OJT);
- (3) Incumbent worker training;
- (4) Programs that combine workplace training with related instruction, which may include cooperative education programs;
- (5) Training programs operated by the private sector;
- (6) Skills upgrading and retraining;
- (7) Entrepreneurial training;
- (8) Transitional jobs;
- (9) Job readiness training provided in combination with services listed above;
- (10) Adult education and literacy activities, including activities of English language acquisition and integrated education and training programs, provided concurrently or in combination with training services; and
- (11) Customized training conducted with a commitment by an employer or group of employers to employ an individual upon successful completion of the training.

5.2.1 On-the-Job Training

NFJP grantees may utilize on-the-job training (OJT) as a training strategy to increase participant skills and to incentivize hiring of participants. OJT is provided under a contract between the grantee with an employer in the public, non-profit, or private sectors. Through the OJT contract, occupational training is provided for the

WIOA participant in exchange for the reimbursement, typically up to 50 percent of the wage rate of the participant, for the extraordinary costs of providing the training and supervision related to the training. In limited circumstances, the reimbursement may be up to 75 percent of the wage rate of the participant [WIOA sec. 134(c)(3)(h) and 20 CFR §680.700].

What is On-the-Job Training?

Training by an employer that is provided to a paid participant while engaged in productive work that provides knowledge or skills essential to the full and adequate performance of the job.

The OJT contract must be limited to the period of time required for the participant to become proficient in the occupation for which the training is being provided. In determining the appropriate length of time, NFJP grantees should give consideration to the skill requirements of the occupation, the academic and occupational skill level of the participant, prior work experience, and the participant's individual employment plan [WIOA sec. 3(44) and 20 CFR §680.700].

NFJP grantees must not contract with an employer who has exhibited a pattern of failing to provide OJT participants with continued long-term employment with wages, benefits, and working conditions equal

to those provided to regular employees who have worked a similar length of time and are doing the same type of work [WIOA sec. 194(4) and 20 CFR §680.700].

5.2.2 Incumbent Worker Training

Incumbent worker training must increase an employer's competitiveness and be conducted with the employer's commitment to retain or avert the layoffs of the incumbent worker(s) trained.

To qualify as an incumbent worker, the individual needs to be employed, meet the Fair Labor Standards Act requirements for an employer-employee relationship, and have an established employment history with the employer for six months or more [WIOA sec. 134(d)(4) and §§680.780-820].

What is Incumbent Worker Training?

Incumbent worker training is training designed to meet an employer's special requirements to retain a skilled workforce or avert the need to lay off employees by assisting the workers in obtaining the skills necessary to retain employment.

Exception: In the event that the incumbent worker training is being provided to a cohort of employees, not every employee in the cohort must have an established employment history with the employer for six months or more as long as a majority of those employees being trained do meet the employment history requirement.

An incumbent worker does not have to meet the eligibility requirements for career and training services for adults and dislocated workers under WIOA, unless they also are enrolled as a participant in the WIOA adult or dislocated worker program.

5.2.3 Transitional Jobs

Transitional jobs are designed to [WIOA sec. 134(d)(5) and §§680.190 and 195]:

- 1) Enable an individual to establish a work history,
- 2) Demonstrate work success in an employee-employer relationship, and
- 3) Develop the skills that lead to unsubsidized employment.

What are Transitional Jobs?

Transitional Jobs are those that provide a time-limited work experience, are wage paid and subsidized, and are in the public, private, or non profit sectors for those individuals with barriers to employment who are chronically unemployed or have inconsistent work history.

5.2.4 Customized Training

Customized training is training that is designed to meet the special requirements of an employer or group of employers. The employer commits to employing the trainees upon successful completion of the training and pays for a significant cost of the training [WIOA sec. 3(14) and 20 CFR §§680.760 and 770)].

5.3 Supportive Services

Supportive services are any services provided to an individual also enrolled in career or training services. Examples of supportive services can include [WIOA sec. 3(59)]:

- Transportation
- Child care
- Dependent care
- Housing
- Needs-related payments

What are Supportive Services?

Supportive Services are those necessary to enable an individual to participate in the activities authorized under NFJP.

5.4 Related Assistance

Related assistance can include, but is not limited to, the following activities [WIOA sec. 167(d) and 20 CFR §§685.110 and 380]:

- 1) Emergency assistance;
- 2) English language and literacy instruction;
- 3) Pesticide and worker safety training;
- 4) Work clothing;
- 5) Transportation assistance;
- 6) Housing (including permanent housing); and
- 7) School dropout prevention and recovery activities.

What is Emergency Assistance?

Emergency Assistance is a form of related assistance that addresses the immediate needs of the MSFWs and their dependents.

NFJP grantees may provide related assistance such as emergency assistance, worker safety training, etc., to eligible MSFWs who are not otherwise participating in activities authorized under WIOA. The grantee must first identify and document the need for the related assistance, which may include a statement by the eligible MSFW (see [section 4.10](#)).

Emergency assistance may include, but is not limited to, the provision of necessary items like clothing, food, and transportation vouchers.

5.5 Adult Co-enrollment

NFJP grantees should design their assessments to determine whether participants might qualify for and benefit from other WIOA programs. Some of the programs likely to intersect with the unique needs and barriers of MSFWs are:

- [WIOA Adult and Dislocated Worker programs](#) – for adult or dislocated workers
- [Indian and Native American programs](#) – for Indian or Native American farmworkers
- [Vocational Rehabilitation programs](#) – for people with disabilities
- [Head Start](#) – for low-income parents of young children
- [Jobs for Veterans State Grants](#) – for those who have served in the armed forces

Adult Co-enrollment Example. Jeremiah is a 25-year-old farmworker enrolling with NFJP in the hopes of getting a higher-paying job. He has worked in the fields since he was 16 and meets the WIOA definition of low-income. He quit school in 8th grade and never got his GED. Jeremiah has also struggled off-and-on with substance abuse.

In which programs could NFJP co-enroll Jeremiah?

Jeremiah can be referred to Rehabilitative Services for substance abuse, since that is one of the first challenges he'll need to overcome. He can also be co-enrolled with a Title II Adult Basic Education provider, to obtain his GED.

Benefits of Co-Enrollment. Participating in multiple core WIOA programs concurrently can facilitate effective partnerships and cost-sharing across programs. Integrated services can also help put an individual on a smoother, more satisfying career pathway. Key to the success of these partnerships is: a clear and robust data-sharing agreement; good communication between respective case managers; and a good financial tracking system, in order to avoid duplication of costs and services.

Tip! While resources across programs should be leveraged to best serve the participant, NFJP should *not* communicate that they are a “program of last resort.” This could discourage a qualified participant from applying who could be well-served in that program.

Memorandum of Understanding. The framework for NFJP-WIOA co-enrollments should be built into each program’s MOU with the Local Workforce Development Board, as previously described in [Section 3.3.3](#).

6 – What are the NFJP Youth Services and Eligibility Requirements?



Under WIOA, NFJP grantees may provide youth services to MSFWs aged 14-24. Not all NFJP grantees propose to incorporate youth services into their program, but rather would fold all NFJP youth ages 18-24 into the adult program (see [section 5](#)).

MSFW youth may face many of the same barriers to employment that adult MSFWs do, such as lack of transportation, lack of diploma or high school equivalency, and farmworker status. In addition to these barriers, many youth participants face additional barriers, such as lack of basic life or employability skills, challenging family situations or homelessness, a history of substance abuse, or justice involvement. Because of this potential combination of barriers, many participants can best be served by programs and services that are designed specifically for youth participants.

6.1 Eligibility

A migrant and seasonal farmworker (MSFW) youth is an individual who is:

<ul style="list-style-type: none"> • between the ages of 14-24; • work authorized (see section 4.1); AND • not in violation of selective service requirements (see section 4.7) 		
<u>AND</u>		
<ul style="list-style-type: none"> • is an individually eligible MSFW (see section 4) who meets these criteria: <ul style="list-style-type: none"> • Low-income 	<u>OR</u>	<ul style="list-style-type: none"> • Is a dependent of an eligible MSFW (see section 4.6). A dependent is an individual who: <ul style="list-style-type: none"> • Was claimed as a dependent on the qualifying farmworker's federal income tax return for the previous year;
<p style="text-align: center;">AND</p> <ul style="list-style-type: none"> • A farmworker (performed QUALIFYING SEASONAL farmwork at some point in the 24 months prior to enrollment) 		<p style="text-align: center;">OR</p> <p>If not claimed as a dependent for federal income tax purposes,</p> <ul style="list-style-type: none"> • is able to establish a qualifying relationship with the farmworker (see Section 4.6); AND • The individual receives half of his/her total support from the eligible farmworker's family during the eligibility determination period (see Section 4.2).

6.2 Enrollment

When enrolling an NFJP youth participant, NFJP grantees should follow these steps (see for comparison adult enrollment in [Section 4.9](#)):

1. Make an eligibility determination;
2. Provide for an assessment;
3. Develop an individual service strategy, including which adult or youth program would be appropriate for the individual; and
4. Provide various services or activities to the youth ([See section 6.4](#)).

Depending on the applicant's age, an NFJP youth participant could fall into one of two categories:

- Age 14-24 → youth
- Age 18-24 → adult **or** youth

NFJP participants cannot be designated as both NFJP youth and adult. They must be categorized as one or the other upon enrollment, and their outcomes reported accordingly.

Participants between the ages of 14-17 automatically fall into the “youth” category, while those participants over 18 should be evaluated to determine which services will enable them to achieve the goals set forth in their IEPs. Some 18- to 24-year-olds may be best served by adult services, if, for example, they have already gained occupational skills through education or training, prior work experiences, and family responsibilities. Others would benefit from specific youth services (See [Sections 6.7.1-6.7.14](#)) based on characteristics, such as maturity, drug and alcohol abuse, homelessness, foster care status, family abuse/neglect, literacy challenges, pregnancy, and lack of employability skills. Assessments of their skills, career-readiness, literacy, and supportive service needs should be taken into consideration when determining the appropriate program(s) for young adults ([TEGL No. 21-16](#)).

6.3 Objective Assessment

In order to determine whether the youth or adult program would best meet the needs of MSFW youth, NFJP grantees can conduct an assessment of the youth's occupational skills, prior work experience, employability, and needs [20 CFR §681.440]. This can be compared to the career assessment and individual employment plan provided to NFJP adults (see “Individualized Career Services” under [Section 5.1](#).)

The methods used by the grantee to conduct an objective assessment could include [WIOA sec. 127(C)(1)(A) and 20 CFR §681.420(a)(1)]:

- Structured in-depth interviews;
- Skills and aptitude assessments;
- Performance assessments (for example, skills or work samples, including those that measure interest and capability to train in nontraditional employment);
- Interest or attitude inventories;
- Career guidance instruments;

What is an Objective Assessment?

An objective assessment is a procedure designed to comprehensively assess the skills, abilities, prior work experience, employability, interests, aptitudes, and needs of each career and training participant, for the purpose of identifying appropriate services and career pathways for participants.

- Aptitude tests; and
- Basic skills tests.

The objective assessment is an ongoing process that requires the grantee staff to remain in close consultation with each participant to continuously obtain current information about the participant's progress that may be relevant to his/her individual employment plan (see “What is an IEP?” in [Section 5.1](#)).

6.4 NFJP Youth Co-enrollment

Individuals who meet the respective program eligibility requirements may participate in NFJP and youth programs (e.g., WIOA Youth) concurrently. Co-enrollment can facilitate effective partnerships and cost-sharing across programs and can also provide the youth with access to further resources and services. NFJP should leverage these partnerships whenever possible, while also identifying and tracking the funding streams to ensure no duplication of services [20 CFR §681.430].

The WIOA regulations adjusted the upper (24) and lower (14) age ranges of eligible NFJP youth to facilitate co-enrollment across programs. Participating individuals must be eligible under the youth or adult eligibility criteria applicable to the services received.

6.4.1 Opportunities for Partnership

Many organizations in the workforce system are also serving youth. To find possible partners for referral or co-enrollment of an MSFW youth participant, go to your Local Workforce Development Board to determine whether a [Standing Youth Committee](#) has been designated (see Section 3.2.2). Standing Youth Committee members will be familiar with the local organizations who are serving youth, including those who provide services under the following USDOL grant initiatives:

- [WIOA Youth formula grants](#) – focusing primarily on Out-of-School Youth
- [YouthBuild](#) – education and construction skills for youth ages 16-24
- [REO](#) – re-entry programs and services for ex-offenders, including young adults
- [Job Corps](#) – career development services for youth ages 16-24

NFJP Youth Co-enrollment example. June applies for services under NFJP. She is 17 years old and has dropped out of school. She is interested in pursuing a career but isn’t sure yet what that would look like. June has no dependents of her own, and her family is supportive.

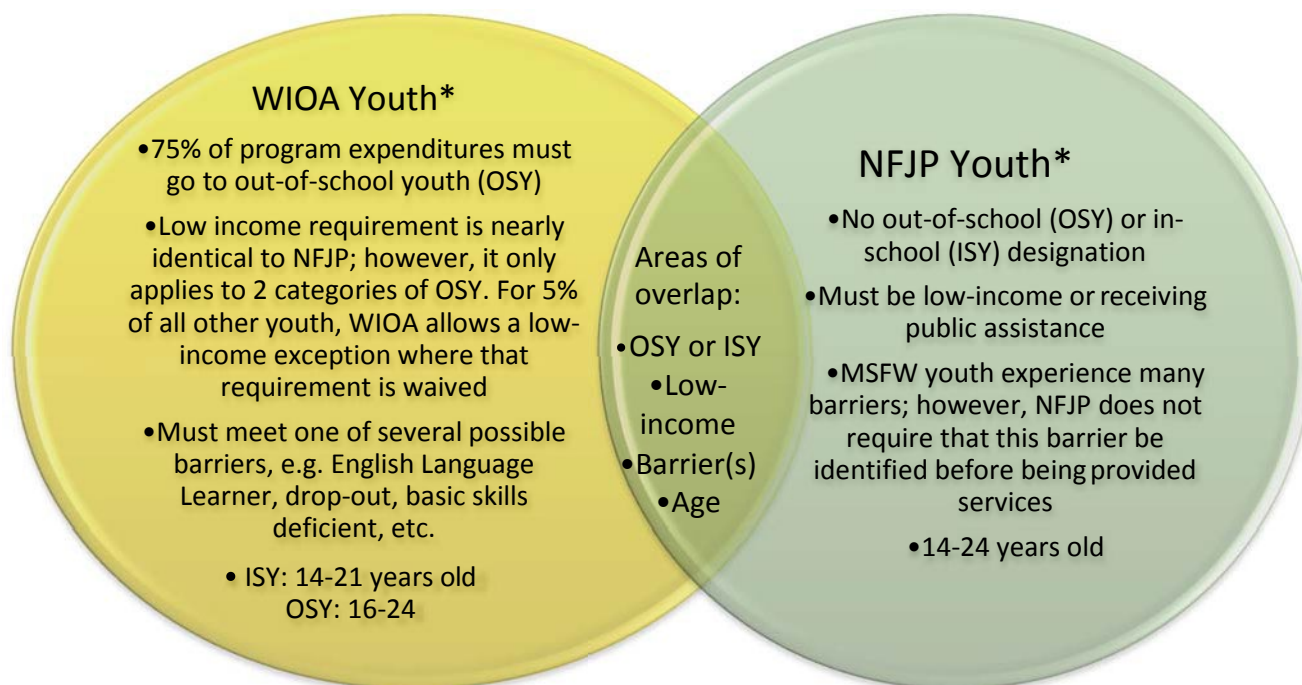
What youth programs might June be referred to and/or co-enrolled in?

YouthBuild, WIOA Youth, or Job Corps could all be viable options for this participant. Job Corps is mainly residential, so June would need to be comfortable with the idea of moving away from her family for a period of 18 months. YouthBuild is an option depending on June’s interests. The general WIOA youth program could also be an option, as long as June meets at least one of the required barriers under the program [see WIOA 129(a)(1)(B)(iii)].

6.5 NFJP Youth Eligibility vs. WIOA Youth Eligibility

WIOA Youth formula grantees are encouraged to “partner with existing local, state, or national entities, that can provide program element(s) at no cost to the local youth program” [20 CFR §681.460]. NFJP is one of those potential partners, and there is a lot of potential eligibility overlap between WIOA Youth and NFJP.

Grantees may provide services to any NFJP-eligible MSFW youth, regardless of the participant's eligibility for WIOA Title I Youth activities [20 CFR §685.370]. Furthermore, a participant who does not meet NFJP eligibility criteria, but who meets WIOA Title I Youth eligibility criteria should be referred to WIOA youth services or other programs and *cannot* be enrolled in NFJP. However, participants who qualify under both can be co-enrolled.



*Please refer to [Section 6.1](#) of this program guide and WIOA sec. 129(a) for a full description of each program’s eligibility requirements.

6.6 NFJP Youth Program Elements

Grantees may provide activities and services to NFJP youth that include but are not limited to [20 CFR §685.370]:

- Adult career services and training (as described in [section 5.1-2](#) for eligible MSFWs);
- Youth workforce investment activities specified in WIOA sec. 129;
- Life skills activities, which may include self- and interpersonal-skills development;
- Community service projects; and
- Other activities and services that conform to the use of funds for youth activities described in 20 CFR §681 (see the following section, WIOA Youth Program Elements).

6.7 WIOA Youth Program Elements

Under the WIOA Youth Program, local programs are required to offer the following 14 program elements to each participant [20 CFR §681.460]. NFJP youth participants should also have access to these 14 elements through the One-stop System, of which NFJP is a required partner. Based on each NFJP youth's IEP, referrals and co-enrollments to various desired WIOA Youth program elements not provided by NFJP can be pursued through local One-stop partners or other partner programs.

For more resources under each element such as promising practices, program models, guides, toolkits, and much more, please see [WIOA Youth Program Element Resources](#) on the Department of Youth Services' (DYS) community of practice.

6.7.1 Tutoring, Study Skills Training, Instruction, and Dropout Prevention

Tutoring, study skills training, and instruction lead to a high school diploma includes services such as providing academic support, helping a youth identify areas of academic concern, assisting with overcoming learning obstacles, or providing tools and resources to develop learning strategies. Tutoring, study skills training, and instruction can be provided one-on-one, in a group setting, or through developed resources and workshops.

Dropout prevention strategies intended to lead to a high school diploma include activities that keep a young person in-school and engaged in a formal learning and/or training setting. Strategies include, but are not limited to, tutoring, literacy development, active learning experiences, after-school opportunities, and individualized instruction.

6.7.2 Alternative Secondary School and Dropout Recovery Services

Alternative secondary school services are services that assist youth who have struggled in traditional secondary education. Dropout recovery services are those that assist youth who have dropped out of school. Both types of services help youth to re-engage in education that leads to the completion of a recognized high school equivalent.

Examples of activities under this program element include:

- Basic education skills training
- Individualized academic instruction
- English as a Second Language training
- Credit recovery
- Counseling and educational plan development

6.7.3 Paid and Unpaid Work Experience

A WIOA Youth work experience is a planned, structured learning experience that takes place in a workplace for a limited period of time, and may take place in the private for-profit sector, the non-profit sector, or the public sector. Work experiences provide the youth participant with opportunities for career exploration and skill development [20 CFR §681.600].

A key difference for WIOA youth work experiences (as compared to work experiences for adults and dislocated workers [as discussed in Section 5.1.1](#)), is that they include academic and occupational education. The educational component may occur concurrently or sequentially with the work experience. This means that workforce preparation activities, basic academic skills, and hands-on occupational skills training are to be taught within the same time frame and connected to training in a specific occupation, occupational cluster, or career pathway.

Some types of work experiences might include:

- Summer employment;
- Pre-apprenticeship programs;
- Internships and job-shadowing;
- OJT opportunities.

A pre apprenticeship program is one that includes:

- 1) Training and curriculum that aligns with the skill needs of area employers;
- 2) access to educational and career counseling and other supportive services;
- 3) hands on, meaningful learning activities;
- 4) opportunities to obtain at least one industry recognized credential; and
- 5) a partnership with an RA program that assists in placing the individuals completing the pre apprenticeship program

More on Registered Apprenticeship can be found on the RA CoP: <https://apprenticeshipusa.workforcegps.org/>

6.7.4 Occupational Skills Training

Occupational Skills Training is an organized program of study that provides specific vocational skills that lead to proficiency in performing actual tasks and technical functions required by certain occupational fields at entry, intermediate, or advanced levels [20 CFR §681.540 and WIOA sec. 123]. Such training must:

- (1) Be outcome-oriented and focused on an occupational goal specified in the individual service strategy;
- (2) Be of sufficient duration to impart the skills needed to meet the occupational goal; and
- (3) Lead to the attainment of a recognized postsecondary credential.

6.7.5 Education Offered Concurrently with Workforce Preparation

Educational opportunities offered to WIOA youth must be offered concurrently with and in the same context as workforce preparation activities and training for a specific occupation or occupational cluster. This should reflect an integrated education and training (IET) model where basic skills and occupational training are taught within the same time frame and connected to a specific occupation, occupational cluster, or career pathway [20 CFR §681.630].

6.7.6 Leadership Development Opportunities

Leadership development opportunities are opportunities that encourage responsibility, confidence, employability, self-determination, and other positive social behaviors through [20 CFR §681.520]:

- Exposure to postsecondary educational possibilities;

- Community and service learning projects;
- Peer-centered activities, including peer mentoring and tutoring;
- Organizational and teamwork training;
- Training in decision-making;
- Citizenship training, including life skills like parenting and work behavior;
- Civic engagement activities that promote the quality of life in a community; and
- Other leadership activities that place youth in leadership roles, such as serving on a Standing Youth Committee.

What is a Standing Youth Committee?

Under WIOA, standing youth committees can be established by Local WDBs to provide information and to assist with planning, operational, oversight, and other issues relating to the provision of services to youth. See “Standing Committees” under Section 3.2.2.

6.7.7 Youth Supportive Services

Supportive Services for WIOA youth are services that enable an individual to participate in WIOA activities. These include, but are not limited to [20 CFR §681.570, WIOA sec. 3(59)]:

- Linkages to community services;
- Assistance with transportation;
- Assistance with child care and dependent care;
- Assistance with housing;
- Needs-related payments;
- Assistance with educational testing;
- Reasonable accommodations for youth with disabilities;
- Legal aid services;
- Referrals to health care;
- Assistance with uniforms or other appropriate work attire and work-related tools, including such items as eyeglasses and protective eye gear;
- Assistance with books, fees, school supplies, and other necessary items for students enrolled in postsecondary education classes; and
- Payments and fees for career and training-related applications, tests, and certifications.

6.7.8 Adult Mentoring

Adult mentoring for WIOA youth must last at least 12 months and may take place both during the program and following exit from the program. It must be a formal relationship between a youth participant and an adult mentor that includes structured activities through which the mentor offers guidance, support, and encouragement to develop the competence and character of the mentee. It may also be offered in the workplace where the youth is matched with an employer or employee of a company.

Group mentoring and mentoring remotely are acceptable, provided the youth is additionally matched with an individual mentor with whom he/she interacts face-to-face [20 CFR §681.490].

6.7.9 Follow-up Services

Follow-up services are critical services provided after a WIOA youth exits the program to help ensure the youth is successful in employment and/or postsecondary education and training. Exit is recorded for a youth when 90 consecutive days of no services are received, retroactive to the last date of service. Follow-up services may include regular contact with a youth participant's employer, including assistance in addressing work-related problems that arise [20 CFR §681.580]. Follow-up services do not extend exit, and for WIOA youth may also include:

- Supportive services;
- Adult mentoring;
- Financial literacy education;
- Services that provide labor market and employment information about in-demand industry sectors or occupations available in the local area, such as career awareness, career counseling, and career exploration services; and
- Activities that help youth prepare for and transition to postsecondary education and training.

All WIOA youth participants must be offered an opportunity to receive follow-up services that align with their individual service strategies. Furthermore, follow-up services must be provided to all participants for a minimum of 12 months, unless the participant declines to receive follow-up services or the participant cannot be located or contacted. Follow-up services may be provided beyond 12 months at the state or local WDB's discretion, even if the participant by then is older than 24. The types of services provided and the duration of services must be determined based on the needs of the individual; therefore, the type and intensity of follow-up services may differ for each participant. Follow-up services must include more than only a contact attempted or made for securing documentation in order to report a performance outcome.

Comparatively, follow-up services for participants in adult or dislocated worker programs who are placed in unsubsidized employment must be provided for up to 12 months after the first day of employment. See follow-up services under [Section 5.1](#).

6.7.10 Comprehensive Guidance and Counseling

Comprehensive guidance and counseling provides individualized counseling to participants. This includes drug and alcohol abuse counseling, mental health counseling, and referral to partner programs, as appropriate. When referring participants to necessary counseling that cannot be provided by the local WIOA Youth program or its service providers, the grantee must coordinate with the organization it refers to in order to ensure continuity of service [20 CFR §681.510].

6.7.11 Financial Literacy Education

Financial literacy education refers to activities that provide WIOA youth with the knowledge and skills they need to achieve long-term financial stability. This education encompasses information and activities on a range of topics, such as creating budgets; setting up checking and saving accounts; managing spending, credit, and debt; understanding credit reports and credit scores; and protecting against identify theft.

The financial literacy education program element may include activities that [20 CFR §681.500]:

- Support the ability of participants to create budgets, initiate checking and savings accounts at banks, and make informed financial decisions;
- Support participants in learning how to effectively manage spending, credit, and debt, including student loans, consumer credit, and credit cards;
- Teach participants about the significance of credit reports and credit scores; what their rights are regarding their credit and financial information; how to determine the accuracy of a credit report and how to correct inaccuracies; and how to improve or maintain good credit;
- Support a participant's ability to understand, evaluate, and compare financial products, services, and opportunities and to make informed financial decisions;
- Educate participants about identity theft, ways to protect themselves from identify theft, and how to resolve cases of identity theft, and in other ways understand their rights and protections related to personal identity and financial data;
- Support activities that address the particular financial literacy needs of non-English speakers, including providing support through the development and distribution of multilingual financial literacy and education materials;
- Support activities that address the particular financial literacy needs of youth with disabilities, including connecting them to benefits-planning and work-incentives counseling;
- Provide financial education that is age appropriate, timely, and provides opportunities to put lessons into practice, such as providing access to safe and affordable financial products that enable money management and savings; and
- Implement other approaches to help participants gain the knowledge, skills, and confidence to make informed financial decisions that enable them to attain greater financial health and stability by using high quality, age-appropriate, and relevant strategies and channels, including, where possible, timely and customized information, guidance, tools, and instruction.

6.7.12 Entrepreneurial Skills Training

Entrepreneurial skills training provides the basics of starting and operating a small business, and develops the skills associated with entrepreneurship. Such skills may include, but are not limited to, the ability to [20 CFR §681.560]:

- (1) Take initiative;
- (2) Creatively seek out and identify business opportunities;
- (3) Develop budgets and forecast resource needs;
- (4) Understand various options for acquiring capital and the trade-offs associated with each option;
and
- (5) Communicate effectively and market oneself and one's ideas.

Approaches to teaching youth entrepreneurial skills include, but are not limited to, the following:

- (1) Entrepreneurship education that provides an introduction to the values and basics of starting and running a business. Entrepreneurship education programs often guide youth through the development of a business plan and also may include simulations of business start-up and operation.

- (2) Enterprise development that provides support and services that incubate and help youth develop their own businesses. Enterprise development programs go beyond entrepreneurship education by helping youth access small loans or grants needed to begin business operation, and by providing more individualized attention to the development of viable business ideas.
- (3) Experiential programs that provide youth with experience in the day-to-day operation of a business. These programs may involve the development of a youth-run business that young people participating in the program work in and manage; or they may facilitate placement in apprentice or internship positions with adult entrepreneurs in the community.

6.7.13 Services that Provide Labor Market Information

Labor market information refers to services that provide labor market and employment information about in-demand industry sectors or occupations available in the local area and includes career awareness, career counseling, and career exploration services.

Labor market information also identifies employment opportunities, and provides knowledge of job market expectations, including education and skill requirements and potential earnings. Numerous tools and applications are available that are user-friendly and can be used to provide labor market and career information to youth. These tools can be used to help youth make appropriate decisions about education and careers.

6.7.14 Postsecondary Preparation and Transition Activities

These services include helping youth explore postsecondary education options, including technical training schools, community colleges, four-year colleges and universities, and Registered Apprenticeship programs.

Examples of other postsecondary preparation and transition activities include:

- Assisting youth to prepare for SAT/ACT testing;
- Assisting with college admission applications;
- Searching and applying for scholarships and grants;
- Filling out the proper financial aid applications and adhering to changing guidelines; and
- Connecting youth to postsecondary education programs.

7 – What Are the Reporting Requirements for NFJP Grantees?



NFJP grantees are required to submit program and financial reports to the US Department of Labor’s Employment & Training Administration (ETA). The information in these reports are used by ETA to gather information on grant activities, conduct oversight on the use of grant funds, and inform technical assistance activities. These reports are also used to explain to Congress and other stakeholders how NFJP meets a critical need for career and training services and improves the lives of farmworkers and their families.

All reporting forms are included at the end of this guide in Appendix B. All quarterly program and financial reports must be submitted within 45 days after the end of each quarter. A timeline for financial reporting forms can be found at https://doleta.gov/grants/pdf/ETA-9130_Financial_Reporting_Resources.pdf. Report submission due dates are as follows:

Quarter Start Date	Quarter End Date	Report Submission Due Date
January 1	March 31	May 15
April 1	June 30	August 14
July 1	September 30	November 14
October 1	December 31	February 14

7.1 What Are the Quarterly Program Reporting Requirements for NFJP?

NFJP grantees are required to submit four quarterly progress reports each calendar year containing updates on the implementation and progress specified in each grant Statement of Work (SOW). A progress report for NFJP grantees consists of both a quarterly performance report (QPR) and a quarterly narrative report (QNR). Information reported in the individual sections of the QNR include:

- Contact information
- Summary of grant progress
- Progress of grant timeline
- Development and implementation of effective practices and program model strategies
- Status update on match and/or leveraged resources (*if applicable*)
- Status update on strategic partnership activities
- Status update on employer engagement strategies
- Key issues and technical assistance needs
- Significant activities, accomplishments, and success stories
- Evidence and evaluation
- Additional information

According to DOL, the purpose of the QNR is to garner “not only a qualitative overview of how requirements of the SOW were met, but also participant information not captured using quantitative

data alone. It is appropriate to describe activities, events, and partnership successes or hurdles that impact the grant during the reporting quarter.”

A program planning table is to be included with the QNR. For the QNR template and other reporting forms, please see Appendix B.

All quarterly reports are submitted to the grantee’s FPO and to the email address NFJP@dol.gov.

Performance Reporting Handbook. DOL has also developed a Performance Reporting Handbook that gives further detailed information on performance reporting requirements for both Career & Training and Housing grantees. Also covered in the Handbook are NFJP performance outcome measures, DOL data standards, the WIPS and the PIRL. For a copy of the handbook, go to the Agricultural Connection at <https://farmworker.workforcegps.org>.

7.1.1 The WIOA Participant Individual Record Layout (PIRL)

For the quarterly performance report, grantees must collect demographic, service, and outcome data for participants. This data is submitted to ETA on a quarterly basis in a csv file format called the [WIOA Participant Individual Record Layout \(PIRL\)](#). The PIRL is the data layout that provides a standardized set of data elements, definitions, and reporting instructions that will be used to describe the characteristics, activities, and outcomes of WIOA participants. This data is submitted quarterly into the Workforce Integrated Performance System (WIPS), which then aggregates the data and generates the QPR, also known as the DOL-only ETA Form 9173, for the grantee to certify. The WIPS data are used by ETA to calculate the common performance measures for entered employment, median earnings, etc., which are discussed in the next chapter. The electronic file of individual records is submitted to ETA within 45 days after the end of each quarter.

OMB Control Number 1205-0521 Expiration Date: 06-30-2019					ETA-9172															
DATA ELEMENT NO.	DATA ELEMENT NAME	DATA TYPE/ FIELD LENGTH	DATA ELEMENT DEFINITIONS/INSTRUCTIONS	CODE VALUE	REQUIREMENTS BY PROGRAM OF PARTICIPATION ¹															
					Reportable Individual	Unemployed/Unemployed	WIOA Adults	WIOA Dislocated Workers	WIOA Youth	Dislocated Worker (DFW)	TANF	Individual Service Worker (ISW)	Indian Self-Determination Act (ISDA)	Energy Employment (EE)	Opportunity Fund (OF)	Opportunity Fund (OF)	Opportunity Fund (OF)	Opportunity Fund (OF)	Opportunity Fund (OF)	Opportunity Fund (OF)
SECTION A - INDIVIDUAL INFORMATION																				
SECTION A.01 - IDENTIFYING DATA																				
N/A	OES Number	IN 9	Record a unique nine integer number for each record's support processing	000000000 (No hyphens)	R	R	R	R	R	R	R	R	R	R	R	R	R	R	R	R
100	Unique Individual Identifier (UID)	AN 12	Record the unique identification number assigned to the participant. At a minimum, this identifier for a person must be the same for each program entry and exit (i.e., "period of participation") that an participant has during a program year so that a unique count of participants may be calculated for the program year. NOTE: For Titles I, II, and III, unless specifically directed in program guidance, this field cannot contain a social security number.	000000000000	R	R	R	R	R	R	R	R	R	R	R	R	R	R	R	R
101	State Code of Residence (IND)	AN 2	Record the 2-letter FIPS alpha code of the state of the primary domicile of the participant. For example, the State of Alabama would be represented as "AL." Primary domicile is that location established or claimed as the permanent residence or "home" of the participant. If primary domicile is outside the United States, use the following numeric codes: 77 = All Other Countries 88 = Mexico 99 = Canada For persons on active military duty, states should record the two-letter APO/FPO/Post Office (APO) or Fleet Post Office (FPO) as defined by the Military Postal Service Agency: A2 (37th Office) for Armed Forces Europe which includes Canada, Middle East, and Africa A3 (37th Office - 9646) for Armed Forces Pacific AA (37th 3420) for Armed Forces (Central and South) Americas	AL	R	R	R	R	R	R	R	R	R	R	R	R	R	R	R	R
102	Country Code of Residence	IN 3	Record the 3-digit FIPS Code of the Country of the primary domicile of the participant. Primary domicile is that location established or claimed as the permanent residence or "home" of the participant. If primary domicile is outside the United States, use the following codes: 777 = All Other Countries 888 = Mexico 999 = Canada	000	R	R	R	R	R	R	R	R	R	R	R	R	R	R	R	R
103	Zip Code of Residence	IN 5	Record the 5-digit zip code of the primary domicile of the participant. Primary domicile is that location established or claimed as the permanent residence or "home" of the participant. If primary domicile is outside the United States, use the following codes: 77777 = All Other Countries 88888 = Mexico 99999 = Canada For persons on active military duty, states should record the zip code associated with the APO or FPO as defined by the Military Postal Service Agency.	00000	R	R	R	R	R	R	R	R	R	R	R	R	R	R	R	R

The PIRL captures individual records (one per row) containing data elements (in each column) that provide demographic, service and outcome data on participants who participate in or exit the program, or who receive related assistance as reportable individuals, such as:

- Dates of participation
- Demographic characteristics
- Farmworker status (Migrant or Migrant and Seasonal)
- Employment status
- Wages after exit
- Credentials obtained
- Measurable skills gains
- Whether or not the participant receives benefits from other programs, such as TANF, food stamps, or unemployment insurance
- Barriers to employment, such as limited English language proficiency or ex-offender status
- Categories of services received, such as type of training or related assistance
- Co-enrollment or concurrent participation in other WIOA or AJC partner programs

There is a WIPS User Resource Library Information Page located on the DOL/ETA performance website at <https://doleta.gov/performance/wips/>. This page contains general information about the system, details regarding usage, best practices, recent enhancements, NFJP program-specific layout or schema (a subset of all PIRL data elements), and a list of frequently asked questions (FAQs). This page is regularly updated to reflect the most recent system information, and system users can find specific and detailed information here on topics including the most updated list of edit checks, new data upload layouts, and release notes.

Social Security Numbers. Grantees should continuously collect and track participant-level data, which includes participant social security numbers (SSNs). These SSNs will be used by ETA to perform wage record matching and report long-term employment outcome measures WIOA indicators. If the applicant has no SSN or refuses to provide it, a substitute number may be assigned during intake. Grantees should make every effort to obtain a valid SSN prior to termination and record with transmittal. SPECIAL NOTE: Possession of a social security number is not a prerequisite for participation. Individuals may not be denied services for not providing a social security number. To avoid duplication with social security numbers, grantee assigned numbers should be limited to no more than 8 digits, and the first two digits should be 99.

What is Personally Identifiable Information (PII)?

TEGL 39-11 defines PII as “information that can be used to distinguish or trace an individual’s identity,” such as social security numbers or names and birthdates. ETA requires its grantees to follow special precautions in order to prevent this data from falling into the wrong hands. For more information, see “TEGL 39-11: Guidance on the Handling and Protection of PII.”

The PIRL contains hundreds of individual data elements and is used across multiple WIOA programs; NFJP grantees use a tailored version of the PIRL (the NFJP schema) with only the data elements that are required for NFJP participants. To submit this data, Grantees should compile a .csv file using the required PIRL data elements in numerical order, then upload that file to the Workforce Integrated Performance System (WIPS). Grantees are required to utilize unique identifiers, so that each participant and reportable individual has a unique number associated with their record (row).

7.1.2 What are the Quarterly Financial Reporting Requirements?

Grantees are required to submit reports about grant-related financial expenditures on a quarterly basis. NFJP grantees use Revised ETA Form 9130 (J) to prepare their financial reports. A copy of ETA Form 9130 (J) and related instructions are in [Appendix B](#) and available at <https://www.doleta.gov/grants/pdf/ETA-9130-J.pdf>. Financial reports are due no later than 45 calendar days after the end of each reporting period.

When organizations get a grant, they receive a grant award letter from ETA. The grant award letter includes instructions on how to receive a password and PIN (Personal Identification Number) to access the financial reporting system (<https://www.etareports.doleta.gov/>). Once the information requested in the award letter is sent to ETApasword.pin@dol.gov, grantees receive confirmation of the password and PIN in separate messages. Please note that the password and PIN used for the financial reporting

New Reporting Line Items - NFJP Supportive Services Expenditures.

Supportive services are outlined in WIOA sec. 167 (d) as an allowable expenditure for eligible migrant and seasonal farmworkers. Program costs, which are all other costs not defined as administrative (WIOA sec. 3(1)), must be classified and reported in the following categories:

- To better understand and meet financial reporting requirements, grantees should consult ETA's [Grantee Handbook](#). In addition, ETA offers a number of on-line training tutorials, archived Webinars, and other informational resources aimed at answering grantees' most frequently asked questions. These resources are available at

https://www.workforcegps.org/events/2016/07/01/14/37/Overview_of_the_Revised_WIOA_ETA-9130_Financial_Reports_and_Instructions and
https://www.doleta.gov/grants/financial_reporting.cfm.

7.2 What are the Annual Reporting Requirements?

Once a year, grantees are required to submit the following:

- Revised program plans;
- Data validation information; and
- SF-424 and 424A.

7.2.1 Data Validation

Data validation policy and source documentation guidance for WIOA-reporting ETA discretionary grants is still being developed and will be issued in forthcoming guidance. Grantees should follow [TEGL 22-15](#) in the interim for guidance on allowable forms of source documentation.

Data validation is designed to accomplish the following goals:

- Detect and identify problems with a grantee's WIPS data to enable the grantee to correct the problems;
- Ensure that critical program and performance data are reasonably accurate by calculating an error rate for each data element validated;
- Provide tools that help grantees analyze the causes of their performance successes and failures by displaying participant data organized by performance outcomes; and
- Minimize the burden on grantees in conducting the validation by providing standardized software and by selecting the smallest possible validation samples necessary to compute valid error rates.

7.3 What is the Process for Submitting a Grant Modification?

In the Notification of Obligation (NOO), the requirements and conditions of the grant award are spelled out, including reporting requirements and the grant modification process. Please refer to this document for information specific to your grant.

Below are the main types of grant modifications. When preparing to submit a grant modification, grantees should first get in contact with their FPO, and, in some cases, get their program office (nfjp@dol.gov) concurrence.

- SOW modification: any change to the Statement of Work (SOW) must be submitted for prior approval to the grant officer.
- NCE: no-cost extensions, or NCEs, are extensions of the grant period of performance (POP) without any additional issuance of funds. An NCE must be submitted 4-6 months in advance of the end of period of performance.
- Budget modification:
 - Any budget changes impacting the Statement of Work and agreed upon outcomes or deliverables require a request for modification and prior approval from the Grant Officer;
 - Transfer of funds among direct cost categories or programs, functions and activities is restricted such that, if the cumulative amount of such transfers exceeds or is expected to exceed 10 percent of the total budget as last approved by the Federal awarding agency, the recipient must receive prior approval from the Grant Officer. [2 CFR §200.308(e)]
- Contact information; such as street address, phone number, or other contact information for the grant.
- Point of Contact or Authorized Representative: since the Point of Contact (POC) and Authorized Representative perform critical functions to a grant, it is important that this information is submitted for prior approval to the Grant Officer as soon as possible.
- Equipment Approval: equipment is defined in the uniform guidance as tangible personal property (including information technology systems) having a useful life of more than one year and a per-unit acquisition cost of \$5000 or more. [2 CFR 200 §200.33]

8 – What are the NFJP Performance Outcome Measures?



The goal of the National Farmworker Jobs Program (NFJP) is to help migrant and seasonal farmworkers attain greater economic stability by entering careers that offer higher wages and year-round stable employment. Six primary indicators are used to assess whether the NFJP program meets those goals – whether participants get jobs, whether they continue to be employed, and their earnings in their employment.

To assess these indicators, the Employment & Training Administration (ETA) uses six common measures: employment rate in 2nd quarter after exit, employment rate in the 4th quarter after exit (this is not a retention measure – it can be with any employer), median earnings in the 2nd quarter after exit, credential attainment rate, measurable skills gains, and effectiveness in serving employers. These joint measures are used for performance accountability for all employment and training programs across Titles I, II, III and IV, including ETA discretionary grant programs, such as NFJP. Grantees should refer to [Training and Employment Guidance Letter 10-16, Change 1](#) for full information on the joint performance accountability requirements across core programs. For further details on WIOA and NFJP performance outcome measures, refer to the *NFJP Performance Reporting Handbook*.

Workforce Innovation and Opportunity Act (WIOA) Adult Performance Measures Single Nationwide Targets PY 2016 ¹⁷	Performance Targets
Employment Rate 2 nd Quarter After Exit	69.9%
Employment Rate 4 th Quarter After Exit	66.0%
Median Earnings 2 nd Quarter After Exit	\$5,180
Credential Attainment within 4 Quarters After Exit	53.2%
Comparable rates for dislocated workers would be: 71.3% (ER, 2 nd Quarter), 71.5% (ER, 4 th Quarter), \$6,754 (ME), and 49.3% (CR).	
WIOA Youth Performance Measures	Performance Targets
Employment or in Education/ Training Rate 2 nd Quarter After Exit	68.9%
Employment or in Education/ Training Rate 4 th Quarter After Exit	61.4%
Median Earnings 2 nd Quarter After Exit	No Target Set
Credential Attainment within 4 Quarters After Exit	65.5%

¹⁷ Note that these performance targets reflect goals set for PY 2016. To find information about goals from previous or future program years, see www.doleta.gov.

8.1 What are the Key Definitions for the Performance Measures?

Understanding the definitions of a few key terms is critical to correctly reporting on the common measures, as well as the program reports discussed in [Section 7](#).

Note: Information in this section and the rest of Chapter 8 is taken from [Training and Employment Guidance Letter 10-16, Change 1](#).

8.1.1 Program Participants

What is the Definition of Participant? A participant is a reportable individual who has received services other than information-only services or activities (further described below), after satisfying all applicable programmatic requirements for the provision of services, such as eligibility determination. Programs must include participants in their performance calculations.

Who is Not a Participant? An individual who only uses the self-service system, or who receives information-only services or activities that do not require an assessment by a staff member of the individual's skills, education, or career objectives, is not a participant. Virtually-accessed services that provide a level of support beyond independent job or information seeking, however, do not qualify as self-service.

When Does Program Participation occur? For all indicators, except Measurable Skill Gains, participation in a program begins when the individual becomes a participant and ends on the participant's date of exit from the program. (Exit is defined below.) This is also often referred to as the "period of participation." A new period of participation is counted each time a participant re-enters and exits the program—even if both exits occur during the same program year.

8.1.2 Reportable Individuals

What is a Reportable Individual? A reportable individual is one who has taken action that demonstrates an intent to use program services and who meets specific reporting criteria of the program, including:

- (1) Individuals who provide identifying information;
- (2) Individuals who only use the self-service system; or
- (3) Individuals who only receive information-only services or activities.

The Departments of Labor and Education will not negotiate levels of performance or impose sanctions based on the outcomes of reportable individuals, because only "participants" are included in the

performance indicators. However, the Departments require inclusion of certain information about reportable individuals in the state annual performance reports and associated WIOA performance reporting instruments or program-specific performance reporting instruments. For example, the Departments will track the number of individuals taking part in self-services, receiving information-only services or activities, or failing to complete the program requirements for eligibility or participation. Collecting such information allows the Departments to identify the individuals who engaged with the system on an initial level but who do not complete the requirements to become participants.

How Should Programs Report Unique Participants? The Departments have determined it necessary to calculate the unique number of participants being served each program year, by each core program. As a result, it is likely that many states and programs will need to modify their data systems and processes to be able to track each period of participation (i.e., a duplicate count) while also retaining the ability to calculate an unduplicated count of individual participants across multiple periods of participation in any given program year.

To meet this requirement, states must:

1. Develop systems to track multiple periods of participation within a program year;
2. Calculate a unique count of individual participants across multiple periods of participation in any given program year; and
3. Establish a unique identification number that will be retained by the same individual across multiple programs.

What is a Unique Identifier? Note that the Departments will not accept a SSN as a form of unique identifier, unless specifically noted and required under the particular program.

8.1.3 Exit

What is the Definition of Exit? A participant's exit date is the last date of service. The last day of service cannot be determined until at least 90 consecutive days have elapsed since the participant last received services; services that extend exit do not include self-service, information-only services, activities, or follow-up services. Exiting a participant requires that there are no plans to provide that participant with future services.

What is the Definition of a Common Exit? Common exit occurs when a participant, enrolled in multiple partner programs, has not received services from any DOL-administered program in which the participant is enrolled, to which the state's common exit policy applies, for at least 90 days, and no future services are planned.

8.1.4 Employment

What is the Definition of Employment? Employment describes when an individual is working in a paid, unsubsidized job or is working 15 hours or more a week in an unpaid job on a farm or business operated by a family member or participant.

What is the Definition of an Incumbent Worker? To qualify as an incumbent worker, the individual worker needs to be employed in a situation that meets the Fair Labor Standards Act requirements for an employer-employee relationship and have an established employment history with the employer for 6 months or more.

Exception: In the event that the incumbent worker training is being provided to a cohort of employees, not every employee in the cohort must have an established employment history with the employer for 6 months or more as long as a majority of those employees being trained do meet the employment history requirement.

8.2 What are the Common Measures?

This section reviews the common measures used to assess NJFP performance, as well as performance of other ETA programs. For each, the method of calculation and any specific operational parameters are provided. Please consult WIOA indicators of performance at [Attachment 10, TEGL 10-16, Change 1](#) for further details.

8.2.1 Employment Rate – 2nd Quarter After Exit:

This measure captures the percentage of participants who are in unsubsidized employment during the second quarter after exit from the program.

For Title I Youth, the indicator is the percentage of participants in education or training activities, or in unsubsidized employment during the second quarter after exit.

Methodology

Calculation includes all program participants, except those participating in the Title I Youth program (which is discussed separately below):

The number of participants who exited during the reporting period who are found to be employed, either through direct UI wage record match, federal or military employment records, or supplemental wage information, in the second quarter after the exit quarter

Divided by

The number of participants who exited during the reporting period

8.2.1 b Youth Entered Employment/Education/Training Rate – 2nd Quarter after Exit (YOUTH)

The employment rate for Title I Youth is slightly different from the adult. Under WIOA, a Title I Youth in education or training programs would count positively towards both Employment Rate Measures (2nd and 4th quarter), as would employment.

Therefore, for Title I Youth, the indicator is the percentage of participants in education or training activities, or in unsubsidized employment, during the second quarter after exit.

Methodology

Calculation includes all Title I Youth program participants:

The number of Title I Youth program participants who exited during the reporting period who are found to be employed, either through direct UI wage record match, federal or military employment records, or supplemental wage information, OR found to be enrolled in secondary education, postsecondary education, or occupational skills training (including advanced training) in the second quarter after the exit quarter

Divided by

The number of Title I Youth program participants who exited the program during the reporting period

Operational Parameters:

Title I Youth who are in the AmeriCorps program or Job Corps program in the second quarter after exit are counted as a success in the training portion of the indicator.

8.2.2 Employment Rate – 4th Quarter after Exit

Employment Rate – Fourth Quarter After Exit is the percentage of program participants who are in unsubsidized employment during the fourth quarter after exit from the program.

Methodology:

Calculation includes all program participants, except those participating in the Title I Youth program (which is discussed separately below):

The number of participants who exited during the reporting period who are found to be employed, either through direct UI wage record match, federal or military employment records, or supplemental wage information, in the fourth quarter after the exit quarter

Divided By

The number of participants who exited during the reporting period

8.2.2 b Employment/Education/Training Rate – 4th Quarter after Exit (YOUTH)

Title I Youth Education and Employment Rate – Fourth Quarter After Exit is the percentage of program participants who are in education or training activities, or in unsubsidized employment, during the fourth quarter after exit from the program.

Methodology

Calculation includes all Title I Youth program participants who exit from the program:

The number of Title I Youth program participants who exited the program during the reporting period who are found to be employed, either through direct UI wage record match, federal or military employment records, or supplemental wage information, OR found to be enrolled in secondary education, postsecondary education, or occupational skills training (including advanced training) in the fourth quarter after the exit quarter

Divided By

The number of Title I Youth program participants who exited the program during the reporting period

Operational Parameters:

Title I Youth who are in the AmeriCorps program or Job Corps program in the fourth quarter after exit are counted as a success in the training portion of the indicator.

8.2.3 Median Earnings

Median Earnings – 2nd Quarter After Exit is the median earnings of program participants who are in unsubsidized employment during the second quarter after exit from the program, as established through direct UI wage record match, federal or military employment records, or supplemental wage information.

Methodology:

To calculate the median earnings for all participants employed in the second quarter after exit from any of the core programs, including the Title I Youth program:

Total quarterly earnings, for all participants employed in the second quarter after exit, are collected by either direct wage record match or supplemental wage information. The collected quarterly wage information values are listed in order, from the lowest to the highest value. The value in the middle of this list is the median earnings value, where there is the same quantity of numbers above the median number as there is below the median number.

Consult the Wage Conversion Chart ([Appendix E or Attachment 3, TEGL 16—10, Change 1](#)) to convert supplemental wage information values that do not represent the total amount a participant earned in the second quarter after exit.

For example:

Converting hourly rate to quarterly wages:
Hourly rate (\$xxx.xx/hour)
<i>multiplied by</i>
hours worked per week on average (xx.x)
<i>multiplied by</i>
13 weeks per quarter
<i>equals</i>
quarterly wages

The example input values in red must be replaced with the appropriate information collected from the participant to calculate the reportable quarterly wage.

When collecting supplemental wage information for the median earnings indicator, programs must only report those wages that are actually paid to the participant during the quarter, not projected amounts based on the wage conversion chart [[See TEGL 26-16 on the use of supplemental wage information](#)].

Operational Parameters:

The following participants and any associated earnings figures are excluded from the calculation for median earnings:

- Participants who have exited and are not employed in the second quarter after exit (PIRL 1602 – Employed in 2nd Quarter After Exit Quarter – with code value 0)
- Participants who have exited a program and for whom earnings information is not yet available:
 - PIRL 1602 – Employed in 2nd Quarter After Exit Quarter – with code 09 (information not yet available); or
 - PIRL 1603 – Type of Employment Match 2nd Quarter After Exit Quarter – with code value 5 (information not yet available); or
 - PIRL 1704 – Wages 2nd Quarter After Exit Quarter – with code value 999999.99 or blank.

There is a two quarter lag built into the reporting times for the wage- and employment-based indicators to allow time for reporting participant exit and conducting direct wage record match. After two quarters, if the information is still not available, wages will be converted to \$0 permanently. Wages reported as \$0 will indicate that the participant was not employed in the second quarter after exit, thereby counting as a negative outcome in the Employment Rate 2nd Quarter After Exit indicator and excluding that participant from the Median Earnings 2nd Quarter After Exit indicator.

- Participants who have exited from a program and who have \$0 income.
- Participants who have exited a program and are in subsidized employment.

8.2.4 Credential Attainment Rate

Credential Attainment Rate is the percentage of those participants enrolled in an education or training program (excluding those in OJT and customized training) who attained a recognized postsecondary credential or a secondary school diploma, or its recognized equivalent, during participation in or within one year after exit from the program.

A participant who has attained a secondary school diploma or its recognized equivalent is included in the percentage of participants who have attained a secondary school diploma or its recognized equivalent only if the participant also is employed or is enrolled in an education or training program leading to a recognized postsecondary credential within one year after exit from the program.

Methodology:

Calculation includes all participants who exited from a program and were in either a postsecondary education or training program (other than OJT and customized training) OR in a secondary education program at or above the 9th grade level without a secondary school diploma or its equivalent:

The number of participants who exited during the reporting period who obtained a recognized postsecondary credential during the program or within one year after exit PLUS those who were in a secondary education program and obtained a secondary school diploma or its recognized equivalent during the program or within one year after exit and were also employed, or in an education or training program leading to a recognized postsecondary credential within one year after exit

Divided By

The number of participants enrolled in an education or training program (excluding those in OJT and customized training) who exited during the reporting period.

Operational Parameters:

Definition of Credential: This indicator measures attainment of two types of credentials: either a recognized postsecondary credential, or a secondary school diploma or its recognized equivalent. A recognized postsecondary credential is defined as a credential consisting of an industry-recognized certificate or certification, a certificate of completion of an apprenticeship, a license recognized by the state involved or federal government, or an associate or baccalaureate degree, as well as graduate degrees. A recognized postsecondary credential is awarded in recognition of an individual's attainment of measurable technical or industry/occupational skills necessary to obtain employment or advance within an industry/occupation. These technical or industry/occupational skills generally are based on standards developed or endorsed by employers or industry associations. Neither certificates awarded by workforce development boards (WDBs) nor work readiness certificates are included in this definition because neither type of certificate documents the measurable technical or industry/occupational skills necessary to gain employment or advance within an occupation. Likewise, such certificates must recognize technology or industry/occupational skills for the specific industry/occupation rather than

general skills related to safety, hygiene, etc., even if such general skills certificates are broadly required to qualify for entry-level employment or advancement in employment.

Who is Included in the Calculation of the Credential Attainment Indicator? Participants who exit and are in a postsecondary education or training program, or who are in a secondary education program (at or above the 9th grade level) without a secondary school diploma or equivalent, are included in the credential attainment indicator, subject to the “Special Rule” below. However, participants enrolled in work-based OJT or customized training are excluded from this indicator because such training does not typically lead to a credential.

Special Rule Relating to Secondary School Diplomas and Recognized Equivalents in the Calculation of the Credential Attainment Indicator: Participants who obtain a secondary school diploma or its recognized equivalent must also meet an additional condition before they are counted as a successful outcome and included in the numerator of the credential attainment indicator. These participants must be employed or enrolled in an education or training program leading to a recognized postsecondary credential within one year following exit.

Title I Adult: All adult program participants who received training that was not OJT or customized training are included in the credential attainment indicator.

Title I Youth: All in-school youth (ISY) are included in the credential attainment indicator since they are attending secondary or postsecondary school. Only out-of school youth (OSY) who participate in one of the following are included in the credential attainment indicator:

- The program element occupational skills training;
- Secondary education during participation in the Title I Youth program;
- Postsecondary education during participation in the Title I Youth program;
- Title II-funded adult education during participation in the Title I Youth program;
- YouthBuild during participation in the Title I Youth program; or
- Job Corps during participation in the Title I Youth program.

*Note: NFJP Youth are not defined as either ISY or OSY. However, NFJP grantees can still use the above list to help them determine whether youth participants should be included in the credential attainment indicator.

Exclusions from the Measure: Participants who exited a program and who were enrolled in the following are excluded from the credential attainment indicator:

- a. OJT only;
- b. Customized training only; or
- c. The title III Employment Service program (Wagner-Peyser) only.

8.2.5 Measurable Skills Gains

The Measurable Skill Gains indicator is the percentage of participants who, during a program year, are in education or training programs that lead to a recognized postsecondary credential or employment and who are achieving measurable skill gains, defined as documented academic, technical, occupational, or other forms of progress, towards such a credential or employment.

The measurable skill gains indicator is used to measure interim progress of participants who are enrolled in education or training services for a specified reporting period. Therefore, it is not an exit-based measure. Instead, it is intended to capture important progressions through pathways that offer different services based on program purposes and participant needs and can help fulfill the vision for a workforce system that serves a diverse set of individuals with a range of services tailored to individual needs and goals. Depending upon the type of education or training program in which a participant is enrolled, documented progress is defined as one of the following:

1. Documented achievement of at least one educational functioning level of a participant who is receiving instruction below the postsecondary education level;
2. Documented attainment of a secondary school diploma or its recognized equivalent;
3. Secondary or postsecondary transcript or report card for a sufficient number of credit hours that shows a participant is meeting the state unit's academic standards;
4. Satisfactory or better progress report, towards established milestones, such as completion of OJT or completion of one year of an apprenticeship program or similar milestones, from an employer or training provider who is providing training; or
5. Successful passage of an exam that is required for a particular occupation or progress in attaining technical or occupational skills as evidenced by trade-related benchmarks, such as knowledge-based exams.

Examples:

1. A participant is enrolled in a 4-year registered apprenticeship program: the measurable skill gains indicator tracks the skills the participant gains throughout the reporting period, not just at the end of the 4-year training program.
2. Low-skilled adult participants of an adult education program: the measurable skill gains indicator provides an opportunity to track and report gains in reading, writing, mathematics, and English proficiency.

Documenting Progress for Types of Measurable Skill Gains

1. Documented Achievement of at Least One Educational Functioning Level of a Participant Who is Receiving Instruction Below the Postsecondary Level. Programs may measure educational functioning level gain in one of three ways:

- (a) States may compare the participant's initial educational functioning level, as measured by a pre-test, with the participant's educational functioning level, as measured by a post-test;
- (b) States that offer adult high school programs that lead to a secondary school diploma or its recognized equivalent may measure and report educational gain through the awarding of credits or Carnegie units; or
- (c) States may report an educational functioning level gain for participants who exit a program below the postsecondary level and enroll in postsecondary education and training during the program year. A program below the postsecondary level applies to participants enrolled in a basic education program.

2. Documented Attainment of a Secondary School Diploma or its Recognized Equivalent. Programs may document attainment of a secondary school diploma or its recognized equivalent if the participant obtains certification of attaining passing scores on all parts of a state-recognized high school equivalency test, or the participant obtains a diploma or state-recognized equivalent documenting satisfactory completion of secondary studies or an alternate diploma, including a high school or adult secondary school diploma.

3. Secondary or Postsecondary Transcript or Report Card for a Sufficient Number of Credit Hours That Shows a Participant is Meeting the State Unit's Academic Standards. For secondary education, this gain may be documented through receipt of a secondary transcript or report card for one semester showing that the participant is achieving the state unit's policies for academic standards. For postsecondary education, this gain must demonstrate a sufficient number of credit hours—which is at least 12 hours per semester or, for part-time students, a total of at least 12 hours over the course of two completed consecutive semesters during the program year— that shows a participant is achieving the state unit's academic standards (or the equivalent for other than credit hour programs).

4. Satisfactory or Better Progress Report, Towards Established Milestones, Such as Completion of OJT or Completion of One Year of an Apprenticeship Program or Similar Milestones, from an Employer or Training Provider Who is Providing Training. Documentation for this gain may vary, as programs should identify appropriate methodologies based upon the nature of services being provided, but progress reports must document substantive skill development that the participant has achieved. The gain may be documented by a satisfactory or better progress report from an employer or training provider. Progress reports may include training reports on milestones completed as the individual masters the required job skills, or steps to complete an OJT or apprenticeship program. Increases in pay resulting from newly acquired skills or increased performance also can be used to document progress.

5. Successful Passage of an Exam That is Required for a Particular Occupation or Progress in Attaining Technical or Occupational Skills as Evidenced by Trade-related Benchmarks, such as Knowledge-based Exams. Documentation for this gain may include passage of a component exam in a Registered Apprenticeship program, employer-required knowledge-based exam, satisfactory attainment of an element on an industry or occupational competency-based assessment, or other completion test necessary to obtain a credential.

Methodology:

Calculation includes all participants:

The number of program participants during the reporting period who are in an education or training program that leads to a recognized postsecondary credential or employment and are achieving measurable skill gains based on attainment of at least one type of gain

Divided By

The number of program participants during the reporting period who are in an education or training program that leads to a recognized postsecondary credential or employment.

Participants who, during any point in the program year, are in an education or training program that leads to a recognized postsecondary credential or employment are included in the denominator. This includes participants who continue to receive services as well as those who have participated during the reporting period and have exited the program. Data for the denominator in this calculation is drawn from *PIRL 1811: Date Enrolled During Program Participation in an Education or Training Program Leading to a Recognized Postsecondary Credential or Employment*.

The **numerator** is the number of program participants defined above who achieved at least one type of gain. A participant may have achieved more than one type of gain in a reporting period; however, only one gain per participant in a reporting period may be used to calculate success on the measurable skill gains indicator. A measurable skill gain can be counted at least once per participant per period of participation per program year. Grantees are encouraged to record multiple skill gains, as participants earn new skill sets and to utilize all of the five types of documented skill gains on a frequent basis throughout the program year.

Operational Parameters:

All participants who, during a program year, are in an education or training program that leads to a recognized postsecondary credential or employment are counted in the calculation of this indicator. The following participants in education or training programs are included:

Title I Adult and Dislocated Worker – All participants who are in a title I adult or dislocated worker-funded training program are included in the measurable skill gains indicator (which includes funding a training program for a secondary school program equivalent). This includes all participants in work-based training.

Title I Youth – All ISY are included in the measurable skill gains indicator since they are attending secondary or postsecondary school. Only OSY who are in one of the following are included in the indicator:

- The program element occupational skills training;
- Secondary education during participation in the Title I Youth program;
- Postsecondary education during participation in the Title I Youth program;
- Title II-funded adult education during participation in the Title I Youth program;
- YouthBuild program during participation in the Title I Youth program; or
- Job Corps during participation in the Title I Youth program.

*Note: NFJP Youth are not defined as OSY or ISY. However, NFJP Youth who are in programs mentioned above – programs that result in measurable skills gains - would logically be included in the indicator.

Additional Operational Parameters:

- Participants are only included in the denominator one time per reporting period (i.e., program year), regardless of how many skill gains they achieve in a given program year unless the individual has more than one period of participation in a given program year. Likewise, participants are only included in the numerator one time per reporting period (i.e., program year), regardless of how many skill gains they achieve in a given program year unless the individual has more than one period of participation in a given program year;
- A participant who exits the program and re-enrolls in the program during the same program year and is in an education or training program will be in the denominator two times for that particular program year;
- The measurable skill gains indicator is different from the other indicators because it is not exit-based, meaning that a participant can achieve a measurable skill gain while still participating in a program; and
- Programs should not delay enrollment or services to participants until a new program year even if programs believe there is insufficient time for the participant to make any type of measurable skill gain by the end of that program year.

For performance accountability purposes, the measurable skill gains indicator calculates the number of participants who attain at least one type of gain during each period of participation within a given program year. Since this indicator is not exit-based, each unique program entry date and new reporting period or program year (not exit date) triggers inclusion in the calculation. Participants will achieve a successful outcome in the indicator as long as they attain one type of gain applicable to the core programs. See the example below for how this would apply in a typical scenario.

Chris enters an American Job Center and becomes a participant on October 2, 2016 (PY16). He exits the program on February 10, 2017. During this time, Chris achieves two types of gain under the measurable skill gain indicator.

He re enters the program as a participant on June 11, 2017 (PY16). By the end of the program year (June 30, 2017), he is still in his second participation period. During this time, Chris obtains an additional type of gain under the measurable skill gain indicator.

In this example, Chris has two periods of participation and two positive outcomes on the measurable skill gains indicator. Although two types of gain were achieved in the first period of participation, only one of the two types of gains counts toward the indicator in the first participation period. During the second period of participation, another type of gain was achieved before the end of the program year, which counts as another positive outcome towards the measurable skill gains indicator.

Operational Parameters – Individual Core Programs:

The appropriate types of measurable skill gains for each core program are detailed in the table below. These parameters are intended to focus performance accountability under measurable skill gain on the services that are allowable under the respective statutory provisions.

Operational Parameters – Individual Core Programs	
Core Program	Type of Measurable Skill Gains
Title I – Adult	<ul style="list-style-type: none">▪ Measured by achievement of any of the 5 types of measurable skill gains▪ No specific measurable skill gain types required for specific adult or dislocated worker participants
Title I – Youth	<ul style="list-style-type: none">▪ Measured by achievement of any of the 5 types of measurable skill gains▪ No specific measurable skill gains types required for specific youth participants▪ Type of skill gain should be based on the youth’s individual service strategy

8.2.6 Effectiveness in Serving Employers

This measure is still in development; no standardized indicator will be implemented before program year 2019. Therefore, the information in this section is directed to the states, not NFJP grantees. However, NFJP grantees should be aware of the three approaches to this measure that are being tested, as they may be asked to provide the necessary data to their partners at the State Workforce Agencies or Workforce Development Boards.

For more information about this performance measure and when it will be implemented, please see the Performance Accountability guidance in TEGl No. 10-16, Change 1.

8.2.7 What are the Exclusions from the Common Measures?

The common measures policy recognizes circumstances that are beyond the control of both the participant and the program. For NFJP, a participant falling into any of the following categories, either at the time of exit or during the 4-quarter measurement period following the exit quarter, may be excluded from the common measures:

- The participant is residing in an institution or facility providing 24-hour support, such as a prison or hospital, during the course of receiving services as a participant.
- The participant is receiving medical treatment *and* that treatment is expected to last longer than 90 days and precludes entry into unsubsidized employment or continued participation in the program.
- The participant is deceased.
- The participant is a member of the Nation Guard or a military reserve unit and is called to active duty for at least 90 days.
- The participant is a criminal offender in a correctional institution under Section 225 of WIOA.
- **Youth participants only:** The participant is in the foster care system and exits the program because the participant has moved from the area as part of such a program or system.

9 – What are NFJP Grantee Obligations and Regulatory Requirements?



As with any federal grant, there are several statutory and regulatory requirements with which NFJP grantees need to be familiar and ensure compliance. This section provides a brief overview of these requirements.

9.1 What is the Statute Authorizing NFJP?

The authorizing statute is the Workforce Innovation and Opportunity Act (WIOA), Section 167. This section of the law authorizes the Secretary of Labor to issue grants every four years on a competitive basis to qualifying entities to assist migrant and seasonal farmworkers. Among other things, WIOA Section 167 describes the types of services that may be provided and who is eligible for the program, outlines NFJP's role in the public workforce system, authorizes the Secretary to issue regulations to carry out this section of the law, and establishes key definitions.

9.2 What are the WIOA Regulations That Pertain to NFJP Grantees?

The Department of Labor issued regulations to carry out NFJP as authorized by the WIOA statute. These regulations are published in the Code of Federal Regulations (CFR).

9.2.1 WIOA NFJP Regulations

The primary set of regulations that govern NFJP can be found in 20 CFR §685. In general, these regulations detail the requirements for NFJP and how the program will operate. They cover specific areas of the program including: the purpose of NFJP, key definitions, entities eligible to receive NFJP grants, role of NFJP in the AJC network, participant eligibility, use of funds, services, performance accountability, and requirements for grant plans.

9.2.2 Other WIOA Regulations Pertaining to NFJP

In addition to the regulations specifically pertaining to NFJP, there are additional regulations under WIOA that apply to NFJP grantees [20 CFR §685.140]. These include:

General Administrative Provisions. Regulations at 20 CFR §683 cover the administrative requirements of all entities funded under Title I of WIOA, including NFJP grantees. These regulations include subsections on: funding and close-out; administrative rules, costs, and limitations; reporting requirements; oversight and resolution of findings; grievance procedures, complaints, and state appeals processes; and administrative adjudication and judicial law.

Partnership Responsibilities for the Public Workforce System. The WIOA regulations [20 CFR §678 and 679] pertaining to responsibilities of American Job Center partners apply to NFJP grantees. Regulations

Nondiscrimination Provisions. The nondiscrimination provisions of WIOA section 188 apply to NFJP grantees. The regulations implementing these provisions are found at 29 CFR §38. In general, WIOA Section 188 outlines the prohibition against discrimination on the basis of age, disability, sex, race, color, national origin, religion, and certain non-citizens.

Cost principles are a set of government-wide rules – codified in 2 CFR §200 – that define the conditions under which educational institutions, non-profit organizations and government agencies may charge costs within federally-funded grants. These principles provide guidance to help grantees determine

Uniform Administrative Requirements – codified by ETA regulations at 2 CFR §2900 – set forth standards for obtaining consistency and uniformity across federal agencies in the administration of grants and agreements with state and local governments, hospitals, higher educational institutions, and other non-profit organizations. Provisions are applied by federal agencies to grant recipients, who in turn apply the provisions to subcontractors performing substantive work under their grants and agreements. Financial management, cost sharing, procurement, and records

retention are among the topics covered under the Uniform Administrative Requirements.

The Council on Financial Assistance Reform (COFAR) has published many helpful resources to aid in better understanding the Uniform Guidance and they are located at <https://cfo.gov//grants/uniform-guidance/>. The FAQs will be especially useful in addressing common questions that people have and these are located at <https://cfo.gov/wp-content/uploads/2015/09/9.9.15-Frequently-Asked-Questions.pdf>.

Implementation of the Uniform Guidance will require recipients and subrecipients to review and update **all** financial and administrative policies, procedures and systems for compliance with the new regulations. However, some provisions, such as the procurement standards, have a delayed effective date to allow grant recipients and subrecipients enough time to make the necessary changes to their policies and systems. Additional information on the grace period can be found at 2 CFR §200.110.

Go to <https://www.doleta.gov/grants/pdf/2016.2.2%20UG%20quick%20reference%20sheet.pdf> for a printable, interactive Uniform Guidance Quick Reference Sheet.

Please refer to [TEGL No. 15-14 Implementation of the New Uniform Guidance Regulations](#) and the [ETA Grantee Handbook](#) for more information on OMB Circulars, cost principles, and uniform administrative requirements.

9.4 What Other Requirements Pertain to NFJP Grantees?

In addition to the statutory and regulatory requirements, there are several other requirements relevant to an NFJP grantee. This section highlights some of these. Grantees are encouraged to reference ETA's [Grantee Handbook](#) for further explanation about grant requirements.

9.4.1 Grant Award Package

When a grantee is notified of a grant award, it receives a grant award package from ETA's Office of Grants Management sent to the Authorized Representative on the grant application. The grant award package includes several parts that outline requirements for the grant:

- **Grantee's Statement of Work (SOW)**, which includes a project description, timelines, deliverables, and outcomes. The SOW comes from either the proposal or from the grant plan created in non-competition years.
- **Budget Information**, which includes a completed version of Form SF-424 (Application for Federal Assistance), along with a copy of the budget narrative submitted in the original grant proposal.
- **Assurances and Certifications**, which contains signed assurance and certification forms required of all ETA grantees.
- **Special Clauses and Conditions**, which includes information on budget line item flexibility and the grant's indirect cost rate (ICR) or cost allocation plan (CAP). There is also information on

equipment purchases, program income, intellectual property rights, financial and performance reporting requirements, evaluation, line item budget flexibility, and procurement.

- **Notification of Obligation (NOO)**, which is the first page of the grant agreement and contains basic information about the parameters of the grant such as the grant program name, recipient information, ETA information, grant amount, period of performance, relevant regulations and cost principles, and required signatures.
- **Administrative Cost Information**, including the specific administrative costs limitation that applies to the grantee. The cap on administrative costs for NFJP grants is 15 percent.
- **Funding Opportunity Announcement (FOA)**, which provides a framework for the grant program and should be used by the grantee to confirm the requirements of the grant. The requirements outlined in the FOA are considered an integral part of a grant's requirements. Elements of the FOA include information about: industry focus and occupational targets, award amount range, period of performance, allowable activities and eligible participants, partnership requirements, standard federal grantee obligations, monitoring and audits, and public announcements.

9.4.2 ETA Advisories/Training and Employment Guidance Letters (TEGLs)

ETA maintains an advisory system to disseminate the agency's interpretations of federal laws, program policy, administrative requirements, and other relevant technical information to grantees. All ETA advisories may be viewed and downloaded from <http://wdr.doleta.gov/directives/>. Of particular importance to grantees are the following types:

- **Training and Employment Guidance Letters (TEGLs)** transmit policy and operational guidance. These have the force of regulation and must be followed.
- **Training and Employment Notices (TENs)** communicate announcements of meetings, publications, or general information. These are informational in nature.

Most TEGLs relevant to NFJP grantees are posted on the DOLETA's website at <http://www.doleta.gov/farmworker/html/tegl.cfm>.

For a listing of current TEGLs and TENs relevant to the National Farmworker Jobs Program, please see [Appendix I](#).

Appendix A – Glossary of Acronyms

AEFLA – Adult Education and Family Literacy Act
AFOP – Association of Farmworker Opportunity Programs
AJC – American Job Center
AOP – Agricultural Outreach Plan
CAP – Cost Allocation Plan
CEO – Chief Elected Official
CFR – Code of Federal Regulations
CMC – Competency Model Clearinghouse
CNA – Certified Nurse Assistant
COFAR – Council on Financial Assistance Reform
DACA – Deferred Action for Childhood Arrivals
DYS – Division of Youth Services
E&T – Employment and Training
ELL – English Language Learner
ES – Employment Services
ESL – English as a Second Language
ETA – Employment and Training Administration
FAQ – Frequently Asked Question
FLSA – Fair Labor Standards Act
FOA – Funding Opportunity Announcement
FPO – Federal Project Officer
HHS – Health and Human Services
ICR – Indirect Cost Rate
IEP – Individual Employment Plan
IFA – Infrastructure Funding Agreement
IRS – Internal Revenue Service
ISY – In-school youth
LFM – Local funding mechanism
LLSIL – Lower Living Standard Income Level
LMI – Labor Market Information
LPN – Licensed Practical Nurse
LWDB – Local Workforce Development Board
MA – Monitor Advocate
MOU – Memorandum of Understanding
MSFW – Migrant and/or Seasonal Farmworker
NAACP – National Association for the Advancement of Colored People
NAWS – National Agricultural Workers Survey (a DOL source of farmworker demographic data)
NFJP – National Farmworker Jobs Program
NMA – National Monitor Advocate

NOO – Notice of Obligation
OJT – On-the-Job Training
OMB – Office of Management and Budget
OSHA – Occupational Health and Safety Act
OSY – Out-of-school Youth
PIN – Personal Identification Number
PIRL – Participant Individual Record Layout
POC – Point of Contact
POP – Period of Performance
PY – Program Year
QNR – Quarterly Narrative Report
QPR – Quarterly Progress Report
RA – Registered Apprenticeship
REO – Reentry Employment Opportunities
ReXO – Reintegration of Ex-Offenders
RMA – Regional Monitor Advocate
RN – Registered Nurse
SCSEP – Senior Community Service Employment Program
SF – Standard Form
SFM – State Funding Mechanism
SMA – State Monitor Advocate
SOW – Statement of Work
SS – Selective Service
SSN – Social Security Number
SWA – State Workforce Agency
SWDB – State Workforce Development Board
TAA – Trade Adjustment Assistance
TANF – Temporary Assistance for Needy Families
TEGL – Training and Employment Guidance Letter
TEN – Training Employment Notice
UI – Unemployment Insurance
USC – United States Code
USCIS – United States Customs and Immigration Services
USDOL – United States Department of Labor
VR – Vocational Rehabilitation
WDB – Workforce Development Board
WIA – Workforce Investment Act (predecessor to WIOA)
WIASPR – Workforce Investment Act Standardized Participant Record
WIOA – Workforce and Innovation Opportunity Act
WIPS – Workforce Integrated Performance System

Appendix B Reporting Forms

- A. Quarterly Narrative Progress Report Template
- B. Financial Status Report ETA 9130-J

APPROVED QNR TEMPLATE

Joint Quarterly Narrative Performance Report Template

* Report Due Date: Forty-five (45) days after the end of each quarter

DOL GRANT PROGRAM NAME: _____

Program Year: _____

Quarter End Date: _____

Date Report Submitted: _____

The information provided in this quarterly narrative progress report will be used to help the Employment and Training Administration (ETA) monitor the progress of the grant and identify promising practices and challenges of the grantee in implementing the grant. The information collected here provides a more comprehensive assessment of the progress of grantees in meeting expected milestones, performance indicators, and program requirements. It also provides additional qualitative information to ETA regarding the activities of grantees as it relates to WIOA implementation or implementation of other discretionary grant programs, timeliness of program deliverables, technical assistance needs, innovative or promising practices in the field, and the use of evaluation for program accountability, assessment, and improvement.

Additionally, please note that, per the Uniform Guidance (2 CFR 200.328), grantees must inform DOL as soon as the following types of conditions become known and should not wait for a quarterly report deadline:

- (1)** Problems, delays, or adverse conditions which will materially impair the ability to meet the objective of the Federal award. This disclosure must include a statement of the action taken, or contemplated, and any assistance needed to resolve the situation.
- (2)** Favorable developments which enable meeting time schedules and objectives sooner or at less cost than anticipated or producing more or different beneficial results than originally planned.

Section I. Contact Information.

DOL Grant FOA (<i>optional</i>):	
Grant Number:	
Grant Recipient Name:	
Grant Project Name:	
Grant Project Address:	
Grant Period of Performance:	
Point of Contact (Name, Phone Number, and Email):	

Section II. Summary of Grant Progress.

- A. This section is an executive summary of grant activities, including planned and actual progress. Grant activities should be aligned with the goals and objectives outlined in your grant Statement of Work (SOW) and ETA approved work plan/timeline. For the current quarter, please include a description of all:
- services supported by the grant;
 - key activities completed, including partnership development and coordination;
 - performance improvement efforts being undertaken to meet goals for the performance year if projected goals for the quarter are not currently being met; and
 - additional activities performed by both the grantee and any sub-grantees, if applicable.
- B. This update may include additional information about service and training activities and outcomes to supplement the data submitted on the Quarterly Performance Report.

- C. In accordance with the funding opportunity under which the grant was awarded, grantees that are providing supportive services and specialized participant services, should include:
- a description of the type(s) of services offered in the quarter,
 - how they were delivered, and
 - how they contributed to a participant's ability to fully participate in grant-funded activities.
- D. Those grantees who have no changes to report on the above items relative to previous reports should indicate so, in addition to indicating the reason for their lack of changes.
- E. Additionally, for Senior Community Service Employment Program (SCSEP) grantees, please provide information on the current quarter regarding:
- additional training activities outside of community service assignments; and
 - types of host agencies that are being recruited.

Section III. Progress of Grant Timeline.

- A. Provide any updates for the progress of the ETA approved grant timeline/work plan, including program activities, key deliverables and products available this quarter and in future quarters for broad dissemination to the workforce system, if applicable. This includes identifying products and deliverables available for broad distribution via ETA-hosted web sites and other communication vehicles.
- B. Utilize the timeline in the grant's SOW to identify all major program activities and training for the reporting quarter. The timeline will paint a picture of project flow that includes start and end dates, schedule of activities, and projected outcomes. It is important that the timeline be updated each quarter noting the actual date of each activity's completion as accomplished.
- C. The following items will be assessed during the progress of the grant: project goals, benchmarks, milestones, special events, important deadlines, and deliverables.
- D. Include any challenges or concerns the project has encountered that may have affected or slowed grant progress of the timeline/work plan and how the project intends to resolve them.
- E. Describe the next steps or key areas of emphases planned for the project in the next quarter.

- F. Also use this section to collect additional information that details the status of capacity building activities and/or the development of deliverables occurring under the grant (if applicable), highlighting those that have been completed, and assessing how well the capacity building strategies of the program are meeting the training needs of the targeted industries through previously identified impact measures. Grantees who have nothing to report should indicate so.

Section IV. Development and Implementation of Effective Practices and Program Model Strategies.

- A. Describe how your program model is working towards/has realized the program's intended purpose as well as the goals/objectives and activities outlined in your grant application and work plan. Examples may include developing and implementing an outreach campaign, designing education and training programs, identifying industry sectors and engaging employers, aligning policies and programs, measuring systems change and performance, developing new or enhancing existing curriculum or industry training, and creating new career assistance tools and resources.
- B. Grantees may also describe any lessons learned and how those lessons learned will be integrated into ongoing grant activities.
- C. Those grantees who have no progress to report on the above items should indicate so.

Section V. Status Update on Match and/or Leveraged Resources *(if applicable)*.

Please use this section of the narrative to provide an update on the status of all match and/or leveraged resources.

- A. Identify any funding needs and sources, and report the cumulative amount of any match and/or leveraged resources provided by the grantee and partners each quarter. Match resources are required resources, from non-Federal funds, that support the allowable grant activities. Only grants with a match requirement should report on match. Leveraged resources are those additional resources the grantee and its partners may be providing to support the implementation of the grants. Leveraged resources may take the form of cash or in-kind donations. Please indicate any new leveraged resources that may be used to sustain the project after the life of the grant, if applicable.
- B. The update may include:
- organizations that contributed the resources;
 - ways in which the resources were used during the current quarter;

- cumulative amount of match and/or leveraged resources; and
- type of match and/or leveraged resources contributed to the project.

C. Grantees should indicate if they have no required match or additional leveraged resources on which to report. Please note that both match and leveraged resources must also be reported on the Financial Status Report (ETA-9130) quarterly, if applicable.

Section VI. Status Update on Strategic Partnership Activities *(if applicable)*.

The purpose of this section is to describe how the partnership is working together to implement the project and to communicate the dynamic growth and development of the strategic partnership, including cross-agency partnerships. This section is not intended to be a list of every partner meeting or communication, but rather should reflect the results and outcomes from such interactions and their impact on the project. Completing this section of the report allows grantees to reflect critically on their partnerships and contributes to broader discussions among grantees on partnership development and management.

- A. Report the critical aspects of the grant partnership activities, including establishing and maintaining strategic partnerships, during the reporting period.
- B. This section may:
 - discuss how partners have been engaged during the current phase of the project;
 - outline specific roles and contributions of each partner during this quarter;
 - identify any challenges encountered/resolved in the development and management of the partnership; and
 - report new partners that may have been brought into the project or identify any previous partners that may have left the project. Grantees who have nothing to report should indicate so.

Section VII. Status Update on Employer Engagement Strategies.

A key element of the Workforce Innovation and Opportunity Act and affiliated workforce programs is to strengthen employer engagement in the workforce system and to ensure employers have an active role in workforce system activities. The purpose of this section is to share information related to promising practices and strategies that have strengthened existing employer partnerships.

- A. Report the efforts that have been undertaken to receive feedback from local area employers to identify their employee pipeline needs and engage local employers to interview, assess, train, and/or hire program participants. Examples may include:
- increased employer involvement including employers serving as mentors,
 - program staff and employers identifying ways to encourage continuous improvement to hire program participants;
 - new employer partnerships (e.g., increased number of employers); and
 - positive employment outcomes for program participants (e.g., employers support the hiring and advancement of program participants).

Section VIII. Key Issues and Technical Assistance Needs.

- A. Summarize significant opportunities, issues, or challenges (such as under-enrollment) encountered during the quarter and any resolution of issues and challenges identified in previous quarters. Furthermore, describe actions taken or plans to address issues,
- B. Describe questions you have for ETA, as well any technical assistance needs.
- C. Additionally, for SCSEP grantees, this section should include information on recruitment of eligible applicants, meeting the most in need goal, and over/under enrollment challenges.
- D. Grantees who have nothing to report should indicate so.

Section IX. Significant Activities, Accomplishments, and Success Stories.

This section is intended to provide additional, more in-depth information than the summary section about promising approaches, new processes, and/or lessons learned.

- A. Report on any other significant activities and accomplishments.
- B. Describe in detail promising approaches, innovative processes, lessons learned, and grant- and participant-level success stories in this section each quarter, as appropriate.
- C. Additionally, if appropriate, please highlight one or two grant- or participant-level “success stories” from the grant per quarter, with the participant’s express permission (if providing a participant success story).
- In documenting success stories, please describe:
 - background, problem, issue, or concern prior to project involvement;
 - response or intervention provided by the project;
 - results and outcomes, including who benefited and what changed or improved; and

- evidence of the success, including how the data was obtained and the methods used to measure success.
- D. Grantees can also include promising practices and success stories as additional documents for upload.
- E. Grantees who have nothing to report should indicate so.

Section X. Evidence and Evaluation.

This section is intended to provide information to DOL on how evidence and evaluations are being developed and applied. This information may help DOL to plan for future evaluation needs.

- A. Describe how the grantee is using or planning to use data, evidence, and evaluation findings to make improvements to programs and strategies? In this explanation, please include a discussion on accomplishments, strategies being implemented, and any barriers to success.
- B. Please provide an update on participation and status of any evaluations required as part of the funding announcement or award. Please include any requests for technical assistance related to these requirements.
- C. Please include information if the grantee is participating in any studies or evaluations not required as part of the grant award, including any internal evaluations? Please describe the study, any data sources, and whether a third party is managing this project.
- D. As part of the evaluations described above, or as a separate stand-alone data analysis project, is the grant using, or does it have plans or a desire to use, administrative data to better understand the grant program or the population it serves? If so, what data sources has the grant been able to use or planned/desired to use? If so, what research or management questions do/can these data help the grant answer?

Section XI. Additional Information *(if applicable)*.

- A. Provide other grant-specific information considered to be important yet not captured in other sections of the quarterly narrative report. For example, the specific outcomes included in the SOW that are not reflected in the quarterly performance report.
- B. Additionally, for SCSEP grantees, this section should include information on the:
 - status of the activities described in their training and supportive services waiver request,

- progression on special projects, and
- status of any complaints/grievances.

C. H-1B grantees are asked to report any outcomes in this section that may or may not be reflective of outcomes that are reflected in the Quarterly Performance Report form.

Paperwork Reduction Act Disclosure Statement

According to the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless such collection displays a valid OMB control number. The control number for this collection is 1205-0448. Public reporting burden for this collection of information, which is required to obtain or retain benefits, is estimated to average 10 hours per quarterly response, including time for reviewing instructions, gathering and maintaining the data needed, and completing and reviewing the Quarterly Narrative Report. Send comments regarding the burden estimate or any other aspect of this collection of information, including suggestions for reducing this burden, to Jenn Smith, Office of Workforce Investment, Room N-4508, Employment and Training Administration, U.S. Department of Labor, 200 Constitution Avenue NW, Washington, DC 20210.

Note: Please do not return the completed ETA-9179 to this address.

U.S. DOL ETA FINANCIAL REPORT (ETA - 9130 (J))

1. Federal Agency and Organizational Element to Which Report is Submitted		2. Federal Grant or Other Identifying Number Assigned by DOL		OMB Approval No. 1205-0461 Expires 09/30/2019	
3. Recipient Organization (Name and complete address including Zip code)					
4a. Unique Entity Identifier	4b. EIN	5. Recipient Account Number or Identifying Number	6. Final Report <input type="checkbox"/> Yes <input type="checkbox"/> No	7. Basis of Reporting <input type="checkbox"/> Accrual	
8. Project/Grant Period From: (MM/DD/YYYY)		To: (MM/DD/YYYY)	9. Reporting Period End Date (MM/DD/YYYY)		
10. Transactions			Cumulative		
Federal Cash:					
a. Cash Receipts					
b. Cash Disbursements					
c. Cash on Hand (line a minus b)			\$ -		
Federal Expenditures and Unobligated Balance:					
d. Total Federal Funds Authorized					
e. Federal Share of Expenditures					
f. Total Administrative Expenditures					
g. Federal Share of Unliquidated Obligations					
h. Total Federal Obligations (sum of lines e and g)			\$ -		
i. Unobligated Balance of Federal Funds (line d minus h)			\$ -		
Recipient Share:					
j. Total Recipient Share Required					
k. Recipient Share of Expenditures					
l. Remaining Recipient Share to Be Provided (line j minus k)			\$ -		
Program Income:					
m. Total Program Income Earned					
n. Program Income Expended in Accordance with the Addition Method					
o. Unexpended Program Income (line m minus line n)			\$ -		
11. Additional Expenditure Data Required					
a. Other Federal Funds Expended					
b. Related Assistance Expenditures					
c. Supportive Service Expenditures					

d. Other Program Services Expenditures							
12. Remarks: (Attach any explanations deemed necessary or information required by Federal sponsoring agency in compliance with governing legislation.)							
13. Indirect Expenditures							
a. Type of Rate	b. Rate	c. Rate Approval Date	d. Period From (MM/DD/YYYY)	Period To (MM/DD/YYYY)	e. Base	f. Amount Charged	g. Federal Share
h. Totals:					\$ -	\$ -	\$ -
14. Certification: By signing this report, I certify to the best of my knowledge and belief that the report is true, complete, and accurate, and the expenditures, disbursements and cash receipts are for the purposes and objectives set forth in the terms and conditions of the Federal award. I am aware that any false, fictitious, or fraudulent information, or the omission of any material fact, may subject me to criminal, civil or administrative penalties for fraud, false statements, false claims or otherwise. (U.S. Code Title 18, Section 1001 and Title 31, Sections 3729–3730 and 3801–3812).							
a. Typed or Printed Name and Title of Authorized Certifying Official						c. Telephone (Area code, number, and extension)	
						d. Email Address	
b. Signature of Authorized Certifying Official						e. Date Report Submitted (MM/DD/YYYY)	
						15. Agency Use Only:	

Prescribed by OMB Uniform Guidance 2 CFR 200.

Persons are not required to respond to this collection of information unless it displays a currently valid OMB number. Public reporting burden for this collection of information, which is required to obtain or retain benefits (2 CFR 200.327 and WIOA Section 185(e)(2)), is estimated to average 45 minutes per response, including time for reviewing instructions, searching existing data sources, gathering and maintaining the data needed, and completing and reviewing the collection of information. The reason for the collection of information is general program oversight, evaluation and performance assessment. Send comments regarding the burden estimate or any other aspect of this collection of information, including suggestions for reducing this burden, to ETA Office of Management and Administrative Services, Rm N-4653, U.S. Department of Labor, Washington DC 20210.

ETA-9130 (J)



FEDERAL REGISTER

Vol. 81
No. 161

Friday,
August 19, 2016

Part VI

Department of Labor

Employment and Training Administration

20 CFR Parts 603, 651, 652, et al.

Workforce Innovation and Opportunity Act; Final Rule

PART 685—NATIONAL FARMWORKER JOBS PROGRAM UNDER TITLE I OF THE WORKFORCE INNOVATION AND OPPORTUNITY ACT

Authority: Secs. 167, 189, 503, Public Law 113–128, 128 Stat. 1425 (Jul. 22, 2014).

Subpart A—Purpose and Definitions

§685.100 What is the purpose of the National Farmworker Jobs Program and the other services and activities established under the Workforce Innovation and Opportunity Act?

The purpose of the NFJP and the other services and activities established under WIOA sec. 167 is to strengthen the ability of eligible migrant and seasonal farmworkers (MSFWs) and their dependents to obtain or retain unsubsidized employment, stabilize their unsubsidized employment and achieve economic self-sufficiency, including upgraded employment in agriculture. This part provides the regulatory requirements applicable to the expenditure of WIOA secs. 167 and 127(a)(1) funds for such programs, services, and activities.

§685.110 What definitions apply to this program?

In addition to the definitions found in §675.300 of this chapter, the following definitions apply to programs under this part:

Allowances means direct payments made to participants during their enrollment to enable them to participate in the career services described in WIOA sec. 134(c)(2)(A)(xii) or training services as appropriate.

Dependent means an individual who:

- (1) Was claimed as a dependent on the eligible MSFW's Federal income tax return for the previous year; or
- (2) Is the spouse of the eligible

MSFW; or

- (3) If not claimed as a dependent for Federal income tax purposes, is able to establish:

- (i) A relationship as the eligible

MSFW's;

- (A) Child, grandchild, great grandchild, including legally adopted children;

- (B) Stepchild;

- (C) Brother, sister, half-brother, half-sister, stepbrother, or stepsister;

- (D) Parent, grandparent, or other direct ancestor but not fosterparent;

- (E) Foster child;

- (F) Stepfather or stepmother;

- (G) Uncle or aunt;

- (H) Niece or nephew;

- (I) Father-in-law, mother-in-law, son-in-law; or

- (J) Daughter-in-law, brother-in-law, or sister-in-law; and

- (ii) The receipt of over half of his/her total support from the eligible MSFW's family during the eligibility determination period.

Eligibility determination period means any consecutive 12-month period within the 24-month period immediately preceding the date of application for the MSFW program by the applicant MSFW.

Eligible migrant farmworker means an eligible seasonal farmworker as defined in WIOA sec. 167(i)(3) whose agricultural labor requires travel to a job site such that the farmworker is unable to return to a permanent place of residence within the same day; and dependents of the migrant farmworker, as described in WIOA sec. 167(i)(2).

Eligible migrant and seasonal farmworker means an eligible migrant farmworker or an eligible seasonal farmworker, also referred to in this regulation as an “*eligible MSFW*,” as defined in WIOA sec. 167(i).

Eligible MSFW youth means an eligible MSFW aged 14–24 who is individually eligible or is a dependent of an eligible MSFW. The term *eligible MSFW youth* is a subset of the term *eligible MSFW* defined in this section.

Eligible seasonal farmworker means a low-income individual who for 12 consecutive months out of the 24 months prior to application for the program involved, has been primarily employed in agricultural or fish farming labor that is characterized by chronic unemployment or underemployment; and faces multiple barriers to economic self-sufficiency; and dependents of the seasonal farmworker as described in WIOA sec. 167(i)(3).

Emergency assistance is a form of “related assistance” and means assistance provided by grantees that addresses immediate needs of eligible MSFWs and their dependents. An applicant's self-certification is accepted as sufficient documentation of eligibility for emergency assistance.

Family, for the purpose of reporting housing assistance grantee indicators of performance as described in in §685.400, means the eligible MSFW(s) and all the individuals identified under the definition of *dependent* in this section who are living together in one physical residence.

Farmwork means work while employed in the occupations described in §651.10 of this chapter.

Grantee means an entity to which the Department directly awards a WIOA grant to carry out programs to serve eligible MSFWs in a service area, with funds made available under WIOA sec. 167 or 127(a)(1).

Housing assistance means housing services which contribute to safe and sanitary temporary and permanent housing constructed, supplied, or maintained with NFJP funding.

Lower living standard income level means the income level as defined in WIOA sec. 3(36)(B).

Low-income individual means an individual as defined in WIOA sec. 3(36)(A).

MOU means Memorandum of Understanding.

National Farmworker Jobs Program (NFJP) is the Department of Labor- administered workforce investment program for eligible MSFWs established by WIOA sec. 167 as a required partner of the One-stop delivery system and includes both career services and training grants, and housing grants.

Recognized postsecondary credential means a credential as defined in WIOA sec. 3(52).

Related assistance means short-term forms of direct assistance designed to assist eligible MSFWs retain or stabilize their agricultural employment. Examples of related assistance may include, but are not limited to, services such as transportation assistance or providing work clothing.

Self-certification means an eligible MSFW's signed attestation that the information he/she submits to demonstrate eligibility for the NFJP is true and accurate.

Service area means the geographical jurisdiction, which may be comprised of one or more designated State or sub-State areas, in which a WIOA sec. 167 grantee is designated to operate.

Supportive services means the services defined in WIOA sec. 3(59). *Technical assistance* means the guidance provided to grantees and grantee staff by the Department to improve the quality of the program and the delivery of program services to eligible MSFWs.

§685.120 How does the Department administer the National Farmworker Jobs Program?

The Department's Employment and Training Administration (ETA) administers NFJP activities required under WIOA sec. 167 for eligible MSFWs. As described in §685.210, the Department designates grantees using procedures consistent with standard Federal government competitive procedures.

§685.130 How does the Department assist grantees to serve eligible migrant and seasonal farmworkers?

The Department provides guidance, administrative support, technical assistance, and training to grantees for the purposes of program implementation, and program performance management to enhance services and promote continuous improvement in the employment outcomes of eligible MSFWs.

§685.140 What Workforce Innovation and Opportunity Act (WIOA) regulations apply to the programs authorized under WIOA?

The regulations that apply to programs authorized under WIOA sec. 167 include but are not limited to:

- (a) The regulations found in this part;
- (b) The general administrative requirements found in part 683 of this chapter, including the regulations concerning Complaints, Investigations and Hearings found at part 683, subparts D through H, of this chapter, which cover programs under WIOA sec. 167; (c) Uniform Guidance at 2 CFR part 200 and the Department's exceptions at 2 CFR part 2900 pursuant to the effective dates in 2 CFR parts 200 and 2900;
- (d) The regulations on partnership responsibilities contained in parts 679 (Statewide and Local Governance) and 678 (the One-stop System) of this chapter; and
- (e) The Department's regulations at 29 CFR part 38, which implement the nondiscrimination provisions of WIOA sec. 188.

Subpart B—The Service Delivery System for the National Farmworker Jobs Program

§685.200 Who is eligible to receive a National Farmworker Jobs Program grant?

To be eligible to receive a grant under this section, an entity must have:

- (a) An understanding of the problems of eligible MSFWs;
- (b) A familiarity with the agricultural industries and the labor market needs of the proposed service area; and
- (c) The ability to demonstrate a capacity to administer and deliver effectively a diversified program of workforce investment activities, including youth workforce investment activities, and related assistance for eligible MSFWs.

§685.210 How does an eligible entity become a grantee?

To become a grantee and receive a grant under this subpart, an applicant must respond to a Funding Opportunity Announcement (FOA). Under the FOA, grantees will be selected using standard Federal government competitive procedures. The entity's proposal must include a program plan, which is a 4- year strategy for meeting the needs of eligible MSFWs in the proposed service area, and a description of the entities experience working with the broader workforce delivery system. Unless specified otherwise in the FOA, grantees may serve eligible MSFWs, including eligible MSFW youth, under the grant. An applicant whose application for funding as a grantee under this section is denied in whole or in part may request an administrative review under §683.800 of this chapter.

§685.220 What is the role of the grantee in the One-stop delivery system?

In those local areas where the grantee operates its NFJP as described in its grant agreement, the grantee is a required One-stop partner, and is subject to the provisions relating to such partners described in part 678 of this chapter. Consistent with those provisions, the grantee and Local Workforce Development Board (WDB) must develop and enter into an MOU which meets the requirements of §678.500 of this chapter, and which sets forth their respective responsibilities for providing access to the full range of NFJP services through the One-stop delivery system to eligible MSFWs.

§685.230 Can a grantee's designation be terminated?

Yes, a grantee's designation may be terminated by the Department for cause:

- (a) In emergency circumstances when such action is necessary to protect the integrity of Federal funds or to ensure the proper operation of the program. Any grantee so terminated will be provided with written notice and an opportunity for a hearing within 30 days after the termination; or
- (b) By the Department's Grant Officer, if the recipient materially fails to comply with the terms and conditions of the award. In such a case, the Grant Officer will follow the administrative regulations at §683.440 of this chapter.

§685.240 How does the Department use funds appropriated under the Workforce Innovation and Opportunity Act for the National Farmworker Jobs Program?

At least 99 percent of the funds appropriated each year for WIOA sec. 167 activities must be allocated to service areas, based on the distribution of the eligible MSFW population determined under a formula established by the Secretary. The Department will award grants pursuant to §685.210 for the provision of services to eligible MSFWs within each service area. The Department will use a percentage of the funds allocated for State service areas for housing grants, specified in a FOA issued by the Department. The Department will use up to one percent of the appropriated funds for discretionary purposes, such as technical assistance to eligible entities and other activities prescribed by the Secretary.

Subpart C—The National Farmworker Jobs Program Services to Eligible Migrant and Seasonal Farmworkers

§685.300 What are the general responsibilities of grantees?

- (a) The Department awards career services and training grants and housing grants through the FOA process described in §685.210. Career services and training grantees are responsible for providing appropriate career services, training, and related assistance to eligible MSFWs. Housing grantees are responsible for providing housing assistance to eligible MSFWs.
- (b) Grantees will provide these services in accordance with the service delivery strategy meeting the requirements of §685.310 and as described in their approved program plan described in §685.420. These services must reflect the needs of the MSFW population in the service area and include the services that are necessary to achieve each participant's employment goals or housing needs.
- (c) Grantees are responsible for coordinating services, particularly outreach to MSFWs, with the State Workforce Agency as defined in §651.10 of this chapter and the State's Monitor Advocate.
- (d) Grantees are responsible for fulfilling the responsibilities of One-stop partners described in §678.420 of this chapter.

§685.310 What are the basic components of a National Farmworker Jobs Program service delivery strategy?

The NFJP service delivery strategy must include:

- (a) A customer-focused case management approach;

- (b) The provision of workforce investment activities to eligible MSFWs which include career services and training, as described in WIOA secs. 167(d) and 134, and part 680 of this chapter;
- (c) The provision of youth workforce investment activities described in WIOA sec. 129 and part 681 of this chapter may be provided to eligible MSFW youth;
- (d) The arrangements under the MOUs with the applicable Local WDBs for the delivery of the services available through the One-stop delivery system to MSFWs; and
- (e) Related assistance services.

§685.320 Who is eligible to receive services under the National Farmworker Jobs Program?

Eligible migrant farmworkers (including eligible MSFW youth) and eligible seasonal farmworkers (including eligible MSFW youth) as defined in §685.110 are eligible for services funded by the NFJP.

§685.330 How are services delivered to eligible migrant and seasonal farmworkers?

To ensure that all services are focused on the customer's needs, services are provided through a case-management approach emphasizing customer choice and may include: Appropriate career services and training; related assistance, which includes emergency assistance; and supportive services, which includes allowance payments. The basic services and delivery of case-management activities are further described in §§685.340 through 685.390.

§685.340 What career services may grantees provide to eligible migrant and seasonal farmworkers?

- (a) Grantees may provide the career services described in WIOA secs. 167(d) and 134(c)(2), and part 680 of this chapter to eligible MSFWs.
- (b) Grantees may provide other services identified in the approved program plan.
- (c) The delivery of career services to eligible MSFWs by the grantee and through the One-stop delivery system must be discussed in the required MOU between the Local WDB and the grantee.

§685.350 What training services may grantees provide to eligible migrant and seasonal farmworkers?

- (a) Grantees may provide the training activities described in WIOA secs. 167(d) and 134(c)(3)(D), and part 680 of this chapter to eligible MSFWs. These activities include, but are not limited to, occupational-skills training and on-the-job training (OJT). Eligible MSFWs are not required to receive career services prior to receiving training services.
 - (1) When providing OJT services NFJP grantees may reimburse employers for the extraordinary costs of training by up to 50 percent of the wage rate of the participant for OJT.
 - (2) Grantees also may increase the OJT reimbursement rate up to 75 percent of the wage rate of a participant under certain conditions, provided that such reimbursement is being provided consistent with the reimbursement rates used under WIOA sec. 134(c)(3)(H)(i) for the local area(s) in which the grantee operates its program.
- (b) Training services must be directly linked to an in-demand industry sector or occupation in the service area, or in another area to which an eligible MSFW receiving such services is willing to relocate.
- (c) Training activities must encourage the attainment of recognized postsecondary credentials as defined in §685.110 when appropriate for an eligible MSFW.

§685.360 What housing services may grantees provide to eligible migrant and seasonal farmworkers?

- (a) Housing grantees must provide housing services to eligible MSFWs.
- (b) Career services and training grantees may provide housing services to eligible MSFWs as described in their program plan.
- (c) Housing services may include the following:
 - (i) Permanent housing that is owner-occupied, or occupied on a permanent, year-round basis (notwithstanding ownership) as the eligible MSFW's primary residence to which he/she returns at the end of the work or training day.
 - (i) Types of permanent housing may include rental units, single family homes, duplexes, and other multi-family structures, dormitories, group homes, and other housing types that provide short-term, seasonal, or year-round housing opportunities in permanent structures. Modular structures, manufactured housing, or mobile units placed on permanent foundations and supplied with appropriate utilities, and other infrastructure also are considered permanent housing.
 - (ii) Permanent housing services include but are not limited to: Investments in development services, project management, and resource development to secure acquisition, construction/renovation and operating funds, property management services, and program management. New construction, purchase of existing structures, and rehabilitation of existing structures, as well as the infrastructure, utilities, and other improvements necessary to complete or maintain those structures also may be considered part of managing permanent housing.

(2) Temporary housing that is not owner-occupied and is used by MSFWs whose employment requires occasional travel outside their normal commuting area.

(i) Types of temporary housing may include: Housing units intended for temporary occupancy located in permanent structures, such as rental units in an apartment complex or in mobile structures that provide short-term, seasonal housing opportunities; temporary structures that may be moved from site to site, dismantled and re-erected when needed for farmworker occupancy, closed during the off-season, or handled through other similar arrangements; off-farm housing operated independently of employer interest in, or control of, the housing; or on-farm housing located on property owned by an agricultural employer and operated by an entity such as an agricultural employer or a nonprofit organization; and other housing types that provide short-term, seasonal, or temporary housing opportunities in temporary structures.

(ii) Temporary housing services include but are not limited to: Managing temporary housing which may involve property management of temporary housing facilities, case management, and referral services, and emergency housing payments, including vouchers and cash payments for rent/lease and utilities.

(d) Permanent housing developed with NFJP funds must be promoted and made widely available to eligible MSFWs, but occupancy is not restricted to eligible MSFWs. Temporary housing services must only be provided to eligible MSFWs.

(e) Except as provided in paragraph (f) of this section, NFJP funds used for housing assistance must ensure the provision of safe and sanitary temporary and permanent housing that meets the Federal housing standards at part 654 of this chapter (ETA housing for farmworkers) or 29 CFR 1910.10 (OSHA housing standards).

(f) When NFJP grantees provide temporary housing assistance that allows the participant to select the housing, including vouchers and cash payments for rent, lease, and utilities, NFJP grantees are not required to ensure that such housing meets the Federal housing standards at part 654 of this chapter or 29 CFR 1910.10.

§685.370 What services may grantees provide to eligible migrant and seasonal farmworkers youth participants aged 14– 24?

(a) Based on an evaluation and assessment of the needs of eligible MSFW youth, grantees may provide activities and services that include but are not limited to:

- (1) Career services and training as described in §§685.340 and 685.350;
- (2) Youth workforce investment activities specified in WIOA sec. 129;
- (3) Life skills activities which may include self- and interpersonal skills development;
- (4) Community service projects; and (5) Other activities and services that conform to the use of funds for youth activities described in part 681 of this chapter.

(b) Grantees may provide these services to any eligible MSFW youth, regardless of the participant's eligibility for WIOA title I youth activities as described in WIOA sec. 129(a).

§685.380 What related assistance services may be provided to eligible migrant and seasonal farmworkers?

Related assistance may include short-term direct services and activities. Examples include emergency assistance, as defined in §685.110, and those activities identified in WIOA sec. 167(d), such as: English language and literacy instruction; pesticide and worker safety training; housing (including permanent housing), as described in §685.360 and as provided in the approved program plan; and school dropout prevention and recovery activities. Related assistance may be provided to eligible MSFWs not enrolled in career services, youth services, or training services.

§685.390 When may eligible migrant and seasonal farmworkers receive related assistance?

Eligible MSFWs may receive related assistance services when the grantee identifies and documents the need for the related assistance, which may include a statement by the eligible MSFW.

**Subpart D—Performance
Accountability, Planning, and Waiver Provisions**

§685.400 What are the indicators of performance that apply to the National Farmworker Jobs Program?

(a) For grantees providing career services and training, the Department will use the indicators of performance common to the adult and youth programs, described in WIOA sec. 116(b)(2)(A).

(b) For grantees providing career services and training, the Department will reach agreement with individual grantees on the levels of performance for each of the primary indicators of performance, taking into account economic conditions, characteristics of the individuals served, and other appropriate factors, and using, to the extent practicable, the statistical adjustment model under WIOA sec. 116(b)(3)(A)(viii). Once agreement on the levels of

performance for each of the primary indicators of performance is reached with individual grantees, the Department will incorporate the adjusted levels of performance in the grant plan. For the purposes of performance reporting, eligible MSFWs who receive any career services, youth services, training, or certain related assistance are considered participants as defined in §677.150 of this chapter and must be included in performance calculations for the indicators of performance. Eligible MSFWs who receive only those services identified in §677.150(a)(3)(ii) or (iii) of this chapter are not included in performance calculations for the indicators of performance described in WIOA sec. 116(b)(2)(A).

(c) For grantees providing housing services only, grantees will use the total number of eligible MSFWs served and the total number of eligible MSFW families served as indicators of performance. Additionally, grantees providing permanent housing development activities will use the total number of individuals served and the total number of families served as indicators of performance.

(d) The Department may develop additional performance indicators with appropriate levels of performance for evaluating programs that serve eligible MSFWs and which reflect the State service area economy, local demographics of eligible MSFWs, and other appropriate factors. If additional performance indicators are developed, the levels of performance for these additional indicators must be negotiated with the grantee and included in the approved program plan.

(e) Grantees may develop additional performance indicators and include them in the program plan or in periodic performance reports.

§685.410 What planning documents must a grantee submit?

Each grantee receiving WIOA sec. 167 program funds must submit to the Department a comprehensive program plan and a projection of participant services and expenditures in accordance with instructions issued by the Secretary.

§685.420 What information is required in the grantee program plan?

A grantee's 4-year program plan must describe:

- (a) The service area that the applicant proposes to serve;
- (b) The population to be served and the education and employment needs of the MSFW population to be served;
- (c) The manner in which proposed services to eligible MSFWs will strengthen their ability to obtain or retain unsubsidized employment or stabilize their unsubsidized employment, including upgraded employment in agriculture;
- (d) The related assistance and supportive services to be provided and the manner in which such assistance and services are to be integrated and coordinated with other appropriate services;
- (e) The performance accountability measures that will be used to assess the performance of the entity in carrying out the NFJP program activities, including the expected levels of performance for the primary indicators of performance described in §685.400;
- (f) The availability and accessibility of local resources, such as supportive services, services provided through one-stop delivery systems, and education and training activities, and how the resources can be made available to the population to be served;
- (g) The plan for providing services including strategies and systems for outreach, career planning, assessment, and delivery through One-stop delivery systems;
- (h) The methods the grantee will use to target its services on specific segments of the eligible population, as appropriate; and
- (i) Such other information as required by the Secretary in instructions issued under §685.410.

§685.430 Under what circumstances are the terms of the grantee's program plan modified by the grantee or the Department?

- (a) Plans must be modified to reflect the funding level for each year of the grant. The Department will provide instructions annually on when to submit modifications for each year of funding, which will generally be no later than June 1 prior to the start of the subsequent year of the grant cycle.
- (b) The grantee must submit a request to the Department for any proposed modifications to its plan to add, delete, expand, or reduce any part of the program plan or allowable activities. The Department will consider the cost principles, uniform administrative requirements, and terms and conditions of award when reviewing modifications to program plans.
- (c) If the grantee is approved for a regulatory waiver under §§685.460 and 685.470, the grantee must submit a modification of its grant plan to reflect the effect of the waiver.

§685.440 How are costs classified under the National Farmworker Jobs Program?

- (a) Costs are classified as follows:
 - (1) Administrative costs, as defined in §683.215 of this chapter; and
 - (2) Program costs, which are all other costs not defined as administrative.
- (b) Program costs must be classified and reported in the following categories:
 - (1) Related assistance (including emergency assistance);
 - (2) Supportive services; and (3) All other program services.

§685.450 What is the Workforce Innovation and Opportunity Act administrative cost limit for National Farmworker Jobs Program grants?

Under §683.205(b) of this chapter, limits on administrative costs for programs operated under subtitle D of WIOA title I will be identified in the grant or contract award document. Administrative costs will not exceed 15 percent of total grantee funding.

§685.460 Are there regulatory and/or statutory waiver provisions that apply to the National Farmworker Jobs Program?

- (a) The statutory waiver provision at WIOA sec. 189(i) and discussed in §679.600 of this chapter does not apply to any NFJP grant under WIOA sec. 167.
- (b) Grantees may request waiver of any regulatory provisions only when such regulatory provisions are:
 - (1) Not required by WIOA;
 - (2) Not related to wage and labor standards, non-displacement protection, worker rights, participation and protection of workers and participants, and eligibility of participants, grievance procedures, judicial review, nondiscrimination, allocation of funds, procedures for review and approval of plans; and
 - (3) Not related to the basic purposes of WIOA, described in §675.100 of this chapter.

§685.470 How can grantees request a waiver?

To request a waiver, a grantee must submit to the Department a waiver plan that:

- (a) Describes the goals of the waiver, the expected programmatic outcomes, and how the waiver will improve the provision of program activities;
- (b) Is consistent with any guidelines the Department establishes;
- (c) Describes the data that will be collected to track the impact of the waiver; and
- (d) Includes a modified program plan reflecting the effect of the requested waiver.

Subpart E—Supplemental Youth Workforce Investment Activity Funding Under the Workforce Innovation and Opportunity Act

§685.500 What is supplemental youth workforce investment activity funding?

Pursuant to WIOA sec. 127(a)(1), if Congress appropriates more than \$925 million for WIOA youth workforce investment activities in a fiscal year, 4 percent of the excess amount must be used by the Department to provide workforce investment activities for eligible MSFW youth under WIOA sec. 167.

§685.510 What requirements apply to grants funded by the Workforce Innovation and Opportunity Act?

The requirements in subparts A through D of this part apply to grants funded by WIOA sec. 127(a)(1), except that grants described in this subpart must be used only for workforce investment activities for eligible MSFW youth, as described in §685.370 and WIOA sec. 167(d) (including related assistance and supportive services).

§685.520 What is the application process for obtaining a grant funded by the Workforce Innovation and Opportunity Act?

The Department will issue a separate FOA for grants funded by WIOA sec. 127(a)(1). The selection will be made in accordance with the procedures described in §685.210, except that the Department reserves the right to provide priority to applicants that are WIOA sec. 167 grantees.

§685.530 What planning documents are required for grants funded by the Workforce Innovation and Opportunity Act?

The required planning documents will be described in the FOA.

§685.540 How are funds allocated to grants funded by the Workforce Innovation and Opportunity Act?

The allocation of funds will be based on the comparative merits of the applications, in accordance with criteria set forth in the FOA.

§685.550 Who is eligible to receive services through grants funded by the Workforce Innovation and Opportunity Act?

Eligible MSFW youth as defined in §685.110 are eligible to receive services through grants funded by WIOA sec. 127(a)(1).

[From WIOA]

WIOA § 167

Migrant and Seasonal Farmworker Programs

(a) IN GENERAL.—Every 4 years, the Secretary shall, on a competitive basis, make grants to, or enter into contracts with, eligible entities to carry out the activities described in subsection (d).

(b) ELIGIBLE ENTITIES.—To be eligible to receive a grant or enter into a contract under this section, an entity shall have an understanding of the problems of eligible migrant and seasonal farmworkers (including dependents), a familiarity with the area to be served, and the ability to demonstrate a capacity to administer and deliver effectively a diversified program of workforce investment activities (including youth workforce investment activities) and related assistance for eligible migrant and seasonal farmworkers.

(c) PROGRAM PLAN.—

(1) IN GENERAL.—To be eligible to receive a grant or enter into a contract under this section, an entity described in subsection (b) shall submit to the Secretary a plan that describes a 4-year strategy for meeting the needs of eligible migrant and seasonal farmworkers in the area to be served by such entity.

(2) CONTENTS.—Such plan shall—

(A) describe the population to be served and identify the education and employment needs of the population to be served and the manner in which the services to be provided will strengthen the ability of the eligible migrant and seasonal farmworkers and dependents to obtain or retain unsubsidized employment, or stabilize their unsubsidized employment, including upgraded employment in agriculture

(B) describe the related assistance and supportive services to be provided and the manner in which such assistance and services are to be integrated and coordinated with other appropriate services;

(C) describe the performance accountability measures to be used to assess the performance of such entity in carrying out the activities assisted under this section, which shall include the expected levels of performance for the primary indicators of performance described in section 116(b)(2)(A);

(D) describe the availability and accessibility of local resources, such as supportive services, services provided through One-stop delivery systems, and education and training services, and how the resources can be made available to the population to be served; and

(E) describe the plan for providing services under this section, including strategies and systems for outreach, career planning, assessment, and delivery through onestop delivery systems.

(3) AGREEMENT ON ADJUSTED LEVELS OF PERFORMANCE.— The Secretary and the entity described in subsection (b) shall reach agreement on the levels of performance for each of the primary indicators of performance described in section 116(b)(2)(A), taking into account economic conditions, characteristics of the individuals served, and other appropriate factors,

and using, to the extent practicable, the statistical adjustment model under section 116(b)(3)(A)(viii). The levels agreed to shall be the adjusted levels of performance and shall be incorporated in the program plan.

(4) ADMINISTRATION.—Grants and contracts awarded under this section shall be centrally administered by the Department of Labor and competitively awarded by the Secretary using procedures consistent with standard Federal Government competitive procurement policies.

(d) AUTHORIZED ACTIVITIES.—Funds made available under this section and section 127(a)(1) shall be used to carry out workforce investment activities (including youth workforce investment activities) and provide related assistance for eligible migrant and seasonal farmworkers, which may include—

(1) outreach, employment, training, educational assistance, literacy assistance, English language and literacy instruction, pesticide and worker safety training, housing (including permanent housing), supportive services, and school dropout prevention and recovery activities;

(2) followup services for those individuals placed in employment;

(3) self-employment and related business or micro-enterprise development or education as needed by eligible individuals as identified pursuant to the plan required by subsection (c);

(4) customized career and technical education in occupations that will lead to higher wages, enhanced benefits, and long-term employment in agriculture or another area; and

(5) technical assistance to improve coordination of services and implement best practices relating to service delivery through One-stop delivery systems.

(e) CONSULTATION WITH GOVERNORS AND LOCAL BOARDS.—In making grants and entering into contracts under this section, the Secretary shall consult with the Governors and local boards of the States in which the eligible entities will carry out the activities described in subsection (d).

(f) REGULATIONS.—The Secretary shall consult with eligible migrant and seasonal farmworkers groups and States in establishing regulations to carry out this section, including regulations relating to how economic and demographic barriers to employment of eligible migrant and seasonal farmworkers should be considered and included in the negotiations leading to the adjusted levels of performance described in subsection (c)(3).

(g) COMPLIANCE WITH SINGLE AUDIT REQUIREMENTS; RELATED REQUIREMENT.—Grants made and contracts entered into under this section shall be subject to the requirements of chapter 75 of subtitle V of title 31, United States Code and charging of costs under this section shall be subject to appropriate circulars issued by the Office of Management and Budget.

(h) FUNDING ALLOCATION.—From the funds appropriated and made available to carry out this section, the Secretary shall reserve not more than 1 percent for discretionary purposes, such as providing technical assistance to eligible entities.

(i) DEFINITIONS.—In this section:

(1) ELIGIBLE MIGRANT AND SEASONAL FARMWORKERS.—The term “eligible migrant and seasonal farmworkers” means individuals who are eligible migrant farmworkers or are eligible seasonal farmworkers.

(2) ELIGIBLE MIGRANT FARMWORKER.—The term “eligible migrant farmworker” means—

(A) an eligible seasonal farmworker described in paragraph (3)(A) whose agricultural labor requires travel to a job site such that the farmworker is unable to return to a permanent place of residence within the same day; and

(B) a dependent of the farmworker described in subparagraph (A).

(3) ELIGIBLE SEASONAL FARMWORKER.—The term “eligible seasonal farmworker” means—

(A) a low-income individual who—

(i) for 12 consecutive months out of the 24 months prior to application for the program involved, has been primarily employed in agricultural or fish farming labor that is characterized by chronic unemployment or underemployment; and

(ii) faces multiple barriers to economic self-sufficiency; and

(B) a dependent of the person described in subparagraph (A).

Appendix E - Wage Conversion Chart

Wage Conversion Chart					
This is a guide to convert various wage and earnings inputs to a quarterly wage as required in PIRL data elements 1703, 1704, 1705, and 1706.					
Directions: Collect the hourly/weekly/bi-weekly/monthly/annual wages from the participant and enter that value in the appropriate cell*. The example input values in red must be replaced with the appropriate information collected from the participant to calculate the reportable quarterly wage.					
As previously published, this chart is intended to be used in a comma separated values file, such as Microsoft Excel. It appears here in plain text as an informational reference.					
Convert Hourly Rate to Quarterly Wages					
Hourly Rate (\$xxx.xx)	hours worked per week on average (xx.x)	13 weeks per Quarterly Wages		quarter	
\$7.25	X 32.0	X	13	=	\$3,016.00
Convert Weekly Wages to Quarterly Wages					
Weekly Wages (\$xxxxx.xx)	13 weeks per quarter		Quarterly Wages		
\$290.00	X	13	=	\$3,770.00	
Convert Biweekly Wages to Quarterly Wages					
Biweekly Wages (\$xxxxx.xx)	6.5 biweekly pay periods per quarter		Quarterly Wages		
\$580.00	X	6.5	=	\$3,770.00	
Convert Monthly Wages to Quarterly Wages					
Monthly Wages (\$xxxxx.xx)	3 months per quarter		Quarterly Wages		
\$1,256.67	X	3	=	\$3,770.01	
Convert Annual Wages to Quarterly Wages					
Annual Wages (\$xxxxxx.xx)	4 quarters per year		Quarterly Wages		
\$15,080.00	/	4	=	\$3,770.00	

OMB Control 1205-0526, Expires: 06-30-2019

Appendix F – Innovation in Action

This is just one example of “Innovation in Action”: a unique idea by one NFJP organization, in this case PathStone Corporation, to help their participants maintain a support network after exiting the program.

PathStone Alumni Association

Mission: The mission of the Alumni Association is to connect alumni (former participants/clients/customers) to PathStone and to each other, to provide valued services to members, and to support PathStone’s mission of empowering people to achieve independence.

Purpose: The Alumni Association will provide positive support for former participants following graduation and for current participants while in training.

Alumni Member Role:

1. Partner: Alumni will partner with staff in planning events to showcase alumni success stories and serve the Association, the agency and the community.
2. Advocate: Alumni will tell their stories to participants, employers, trade organizations, civic clubs, and elected representatives.
3. Mentor: Alumni will attend Job Readiness Training sessions, tell their stories to participants and act as mentors when possible.
4. Peer Coach: Alumni will support each other by networking, sharing local/regional information, peer coaching and celebrating successes. Monthly alumni activities will foster continued engagement and success.
5. Leader: Alumni will work with PAAC members to further the PathStone mission and benefit their communities whenever possible.

Eligibility: Alumni will include all of the following:

1. Participants who are on the job for 12 months after participating in the Training and Employment program
2. Self-employed Participants who are operating their enterprise for 12 months after participating in the Self-Employment Training program
3. Participants who have resolved their IRS controversy through the Low Income Taxpayers Clinic
4. Individuals who complete and occupy their home through the Home Ownership Self-Help program
5. Individuals who successfully purchase and occupy their home through the First Time Home Owners program.

Development Plan: Participants who meet the criteria above will be contacted and encouraged to participate in a specific, outlined program that culminates with a first-ever alumni recognition dinner

and graduation. It is anticipated that the founding members of the alumni association will meet prior to program launch to help plan the program activities and the association.

Vision: The Alumni Association is an empowered group making inspiring presentations to local businesses, Civic Clubs, Mayors and elected representatives, government officials, and Funders in conjunction with PathStone staff. Alumni are present at every JRT/PX2 training to tell their story to participants and serve as mentors. The Alumni Association is actively building PathStone pride across the Island.

Appendix G – Sample SMA-NFJP MOU

REQUEST FOR A MEMORANDUM OF UNDERSTANDING/AMENDMENT

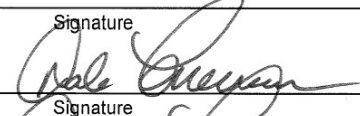
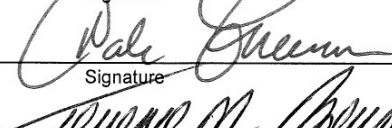
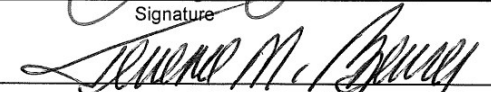
Michigan Department of Health and Human Services
Bureau of Purchasing (BOP)

Submit the completed form and draft agreement by email to the OCP mailbox (MDHHS-OCP@michigan.gov)

Section 1: Complete this section for all requests.

1. Contract Administrator (Initiator) Name Dale Freeman		Email FreemanD@michigan.gov		Phone 517-230-5614	
2. Existing Agreement? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No If yes, enter the current agreement number					
3. New Agreement Number MOU16-99011		4. Amendment Number		5. Agreement/Audit Status MOU/Vendor	
6. County of Origin					
7. Account Codes NIGP Commodity Code: N/A CS138: N/A					
INDEX 99999		PCA 99999		AOC 99999	
8. Agreement Period Begin Date: 7/1/2016 End Date: 6/30/2017					
9. Partner's Legal Name Telamon Corporation & The Michigan Workforce Development Agency					
10. Partner's Federal I.D. Number 561022483			11. Partner's Mail Code 001		
12. Partner's Address 416 N. Cedar St.			City Lansing		State MI
13. Partner Contact Donald Kuchnicki			Phone 517-323-7002		Email dkuchnicki@telamon.org
14. Organization Type <input checked="" type="checkbox"/> Private, Non-profit <input type="checkbox"/> Private, Proprietary <input type="checkbox"/> Public <input type="checkbox"/> University					
15. Summary of Agreement Establishes a protocol to share information and practices for more effective service delivery to Michigan's Migrant and Seasonal Farmworkers (MSFWs).					

Section 2: Approvals

16. Contract Administrator (Initiator) Name Dale Freeman	Signature 	Date 7/14/16
17. Local Office/Program Director Name Dale Freeman	Signature 	Date 7/14/16
18. Business Service Center/Deputy Director Terrence M. Beurer	Signature 	Date 7-18-16

AGREEMENT BETWEEN THE
WORKFORCE DEVELOPMENT AGENCY,
MICHIGAN DEPARTMENT OF HEALTH AND HUMAN SERVICES-
MIGRANT SERVICES DIVISION AND TELAMON CORPORATION

This Agreement will be in effect as of July 1, 2016 and shall remain in effect unless otherwise terminated by mutual agreement of all parties. This MOU may be modified at any time by written agreement of the parties. Such amendments will require the signature of all parties affected by such amendment. Assignment of responsibilities under this MOU by any of the parties shall be effective upon written notice to the other parties. Any assignee shall also commit in writing to the terms of this MOU.

I. PURPOSE

Establish protocol between the Workforce Development Agency (WDA), the Michigan Department of Health and Human Services (MDHHS)- Migrant Services Division and Telamon Corporation. These three entities agree to share information and conduct joint outreach whenever possible in order to better serve Migrant and Seasonal Farm Workers (MSFWs) who are located in Michigan.

II. SCOPE OF WORK

A. WDA, the MDHHS-Migrant Services Division, and Telamon NFJP agree to refer MSFWs from their respective programs to each other. Referral will be made after initial contact with the MSFW.

B. WDA agrees to share the following information regarding the MSFW:

1. Name of MSFW & Date of Birth
2. Camp location
3. Current employment (are they working)
4. Specific needs (i.e. training, cash assistance, Medicaid, etc.)
5. Family size
6. Primary language

C. Telamon agrees to share the following information regarding the MSFW:

1. Name of MSFW & Date of Birth
2. Camp location
3. Current employment (are they working)
4. Specific needs (i.e. training, cash assistance, Medicaid, etc.)
5. Family size
6. Primary language

D. The MDHHS-Migrant Services Division agrees to share the following information regarding the MSFW:

- L. Name ofMSFW & Date of Birth
2. Camp location
3. Current employment (are they working)
4. Specific needs (i.e. training, cash assistance, Medicaid, etc.)
5. Family size
6. Primary language

E. Referrals will be done via email

F. Each Agency is responsib le for conducting their own follow-up to referrals made to the other agencies.

O. Each Agency will determine internal follow-up procedures for referrals made.

H. WDA, ItlDHHS-Migrant Services Division and Telamon agree to conduct outreach as a team, whenever possible, to areas where MSFWs live and gather. All three entities will make a concelled effort to use the team approach, especially when outreach is conducted at large camps, and/or after the nonnal business day hours.

I. WDA, MDHHS-Migrant Services Division and Telamon agree to collaborate on mailings to employers in an effort to reduce the number of correspondence received by the employer. All three entities will appoint a representative to develop and coordinate an "Explanation of Services" document that highlights each entity's services and contains local contact information for each entity.

J. WDA, MDHHS-Migrant Services Division and Telamon agree to conduct at least one joint staff meeting each program year. Each entity wiU host one of these meetings, and all managers and staff from all three entities will attend.

K. WDA, MDHHS-Migrant Services Division and Telamon agree to collaborate on special projects.

III. BUDGET

Each entity is responsible for their own costs associated with their respective program. Each entity will share in the cost of producing and attending special events or projects.

IV. INDEMNIFICATION CLAUSE

Each party to this Agreement must seek its own legal representation and bear its own costs, including judgments, in any litigation that may arise from the performance of this Agreement. It is specifically understood and agreed that neither party will indemnify the other in such litigation.

V. CANCELLATION/MODIFICATION CLAUSE

WDA, MDHHS-Migrant Services Division and Telamon agree that any party has the right to cancel or modify this Agreement by giving thirty (30) days written notice to the other party. All modifications to this Agreement shall be in writing and signed by all parties. Changes will be contingent upon state and federal mandates and state policy considerations.

VI. SIGNATURES

The signatories warrant that they are empowered to enter into this Agreement and that it is hereby accepted.



Joe B. Ilig, Director
07/13/2016
Date

Office of Talent Policy and Planning
Workforce Development Agency

**Don
Kuchnicki**

Digitally signed by Don Kuchnicki
DN: cn=Don Kuchnicki, o=Telamon,
ou, email=dkuchnicki@telamon.org,
c=US
Date: 2016.07.14 08:01:35 -04'00'

Donald Kuchnicki, State Director
Telamon, NFJP Program
07/14/2016
Date



Terrence Beurer, Director
Field Operations
Department of Health and Human Services
7/18/16
Date

Appendix H – Sample SWDB – NFJP MOU

MEMORANDUM OF UNDERSTANDING BETWEEN
TELAMON CORPORATION
AND
NORTH CAROLINA DEPARTMENT OF COMMERCE,
DIVISION OF WORKFORCE SOLUTIONS

PARTIES

This Memorandum of Understanding (MOU) is made and entered into by and between Telamon Corporation-North Carolina, Employment and Training (Telamon) and North Carolina Department of Commerce, Division of Workforce Solutions (DWS).

TERM

This MOU is in effect from July 1, 2016 through June 30, 2017. This MOU may be terminated, without cause, by either party upon thirty (30) days written notice.

PURPOSE

The purpose of this MOU is to establish protocols for cooperatively serving Migrant and Seasonal Farmworkers (MSFW) in North Carolina.

RESPONSIBILITIES

A. Telamon shall have the following responsibilities under this agreement:

1. Refer eligible MSFWs and Non-MSFWs who may be eligible, to NC-DWS. This may include information sharing on a need-to-know basis to help expedite services, to verify customer needs (as available and appropriate), and to reduce duplication of effort. Information will be shared in accordance with Telamon and NC-DWS policies and procedures. Confidentiality and safe-guarding of information will be maintained at all times.
2. Accept referrals from NC-DWS and provide services to eligible MSFWs as appropriate and as funding availability permits.
3. Provide input to DWS' Monitor Advocate for Quarterly ETA/LEARS Reports, Annual Monitor Advocate Services Reports, and planning process, upon request.
4. Pursue joint cross systems training opportunities to improve and enhance the knowledge and skills of both parties.
5. Participate in the planning and coordination of a joint "annual kick-off meeting/training" at the beginning of the program year.

B. NC-DWS shall have the following responsibilities under this agreement:

1. Refer eligible MSFWs and Non-MSFWs who may be eligible, to Telamon. This may include information sharing on a need-to-know basis to help expedite services, to verify customer needs (as available and appropriate), and to reduce duplication of effort. Information will be shared in accordance with NC-DWS and Telamon policies and procedures. Confidentiality and safe-guarding of information will be maintained at all times.

2. Accept referrals from Telamon and provide services to eligible MSFWs as appropriate and as funding availability permits.
3. Provide statistics and other requested information for inclusion in Telamon funding proposals and reports.
4. Pursue joint cross systems training opportunities to improve and enhance the knowledge and skills of both parties.
5. Participate in the planning and coordination of a joint "annual kick-off meeting/training" at the beginning of the program year.

V. BUDGET

Each entity is responsible for costs associated with their respective program. Each entity will share in the costs of producing/attending special events or projects.

VI. INDEMNIFICATION CLAUSE

Each party to this Agreement must seek its own legal representation and bear its own costs, including judgements, in any litigation that may arise from the performance of this MOU. It is specifically understood and agreed that neither party will indemnify the other in such litigation.

VII. CANCELLATION/MODIFICATION CLAUSE

Both parties have the right to cancel or modify this MOU by giving thirty (30) days written notice to the other party. All modifications to this MOU shall be in writing and signed by all parties. Changes will be contingent upon state and federal mandates and state policy considerations.

VIII. SIGNATURES

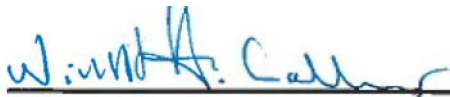
The signatories warrant that they are empowered to enter into this MOU and that it is hereby accepted.

Jennifer McEntire

Digitally signed by Jennifer McEntire
DN: cn=Jennifer McEntire, o=Telamon Corporation,
ou=Employment and Training, email=jmcentire@telamon.org,
c=US
Date: 2016.06.27 14:18:33 -0400

Jennifer McEntire, State Director
Telamon Corporation-North Carolina
Employment and Training

Date



Will Collins, Assistant Secretary
North Carolina Division of Workforce Solutions
North Carolina Department of Commerce

28, 2016

Date

Appendix I – Regulatory Guidance (TENs and TEGLs) Relevant to NFJP

TEGL Number Release Date	Title/Link
Workforce Innovation and Opportunity Act (WIOA)	
TEGL No. 9-17 Feb 16, 2018	<u>Negotiating Performance Goals for the Workforce Innovation and Opportunity Act (WIOA) Title I Programs and the Wagner-Peyser Act Employment Service as amended by Title III of WIOA, for Program Years (PYs) 2018 and PY 2019</u>
TEGL No. 6-17 Jan 24, 2018	<u>Modification Requirements for Workforce Innovation and Opportunity Act (WIOA) Unified and Combined State Plans</u>
TEGL No. 16-16, Change 1 June 16, 2017	<u>One-stop Operations Guidance for the American Job Center Network</u>
TEGL No. 19-16 March 1, 2017	<u>Guidance on Services provided through the Adult and Dislocated Worker Programs under the Workforce Innovation and Opportunity Act (WIOA) and the Wagner-Peyser Act Employment Service (ES), as amended by title III of WIOA, and for Implementation of the WIOA Final Rules</u>
TEGL No. 17-16 Jan 18, 2017	<u>Infrastructure Funding of the One-stop Delivery System</u>
TEGL No. 04-15 August 13, 2015	<u>Vision for the One-stop Delivery System under the Workforce Innovation and Opportunity Act (WIOA)</u>
TEGL No. 19-14 February 19, 2015	<u>Vision for the Workforce System and Initial Implementation of the Workforce Innovation and Opportunity Act</u>
Grant Plans	
TEGL No. 01-18 July 3, 2018	<u>Program Year 2018 Planning Guidance for National Farmworker Jobs Program Career Services and Training Grantees and Housing Grantees</u>
TEGL No. 29-16 Change 1 May 24, 2018	<u>Revised Program Year 2017 Allocations for National Farmworker Jobs Program Career Services and Training Grantees and Housing Grantees</u>
TEGL No. 29-16 June 23, 2017	<u>Program Year 2017 Planning Guidance for National Farmworker Jobs Program</u>
TEGL No. 24-14 April 7, 2015	<u>Program Year 2015 Planning Guidance for National Farmworker Jobs Program Employment and Training and Housing Grantees</u>
Performance and Reporting	
TEN 18-17 May 11, 2018	<u>System of Award Management (SAM)</u>
TEGL No. 10-16 Change 1 August 24, 2017	<u>Performance Accountability Guidance for Workforce Innovation and Opportunity Act (WIOA) Title I, Title II, Title III and Title IV Core Programs</u>
TEGL No. 26-16 June 2, 2016	<u>Guidance on the use of Supplemental Wage Information to implement the Performance Accountability Requirements under WIOA</u>
TEN No. 40-16 April 11, 2017	<u>Workforce Integrated Performance System (WIPS) User Resource Library Information Page</u>
TEN No. 42-15 Change 1 August 19, 2016	<u>Announcing the Release of the Workforce Innovation and Opportunity Act (WIOA) Final Rules and Information Collections for WIOA and Additional DOL Administered Programs</u>
TEN No. 08-16 August 24, 2016	<u>Implementation of an Integrated Performance Reporting System for Multiple Employment and Training Administration (ETA) and Veterans' Employment and Training Service (VETS) Administered Programs</u>

TEGL No. 22-15 May 12, 2016	<u>Program Year (PY) 2015/Fiscal Year (FY) 2016 and PY 2014/FY 2015 Data Validation and Performance Reporting Requirements and Associated Timelines</u>
TEGL No. 32-12 May 29, 2013	<u>National Farmworker Jobs Program Reporting Forms and Requirements</u> (Mostly out-of-date but not yet replaced with new guidance)
TEGL No. 2-16 July 14, 2016	<u>Revised ETA-9130 Financial Report, Instructions, and Additional Guidance</u>
TEGL No. 28-10 May 27, 2011	<u>Federal Financial Management and Reporting Definitions</u>
Eligibility and Services	
FAQ May 2018	<u>NFJP Program Eligibility FAQ May 2018</u>
TEGL No. 8-17 Feb 14, 2018	<u>Guidance on the Requirement for a Memorandum of Understanding (MOU) Between State Monitor Advocates (SMA) and National Farmworker Jobs Program (NFJP) Grantees</u>
TEGL No. 18-16 Jan 19, 2017	<u>Program Eligibility and Enrollment Guidance for the National Farmworker Jobs Program</u>
TEGL No. 35-14 Change 1 June 13, 2016	<u>Operating Guidance for National Farmworker Jobs Program (NFJP) Employment and Training and Housing Grantees; with a Clarification on Housing Assistance Services</u>
TEGL No. 02-14 July 14, 2014	<u>Eligibility of Deferred Action for Childhood Arrivals Participants for Workforce Investment Act and Wagner-Peyser Act Programs</u>
TEGL No. 26-13 June 18, 2014	<u>Impact of the U.S. Supreme Court's Decision in United States v. Windsor on Eligibility and Services Provided Under Workforce Grants Administered by the Employment and Training Administration</u>
TEGL 25-04 Change 4 May 13, 2014	<u>2012 NAICS Codes for Definition of Farmwork</u> [Canceled but still useful as a place to start when determining whether work performed was farmwork. Keep in mind that aquaculture IS now included as eligible farmwork.]
TEGL No. 11-11 Change 2 May 16, 2012	<u>Selective Service Registration Requirements for Employment and Training Administration Funded Programs</u>
TEGL No. 10-09 November 10, 2009	<u>Implementing Priority of Service for Veterans and Eligible Spouses in all Qualified Job Training Programs Funded in whole or in part by the U.S. Department of Labor</u>
Other Guidance	
TEGL No. 20-17 June 22, 2018	<u>Program Year (PY) 2018 Workforce and Labor Market Information Grants to States (WIGS): Program Guidance and Deliverables</u>
TEN No. 20-17 June 22, 2018	<u>Communication Plan for Designation of Significant Migrant and Seasonal Farm Worker (MSFW) States</u>
TEN No. 12-17 Jan 22, 2018	<u>Impact of a Temporary Suspension of Federal Government Services on Department of Labor's Employment and Training Administration (ETA) Funded Programs and Activities</u>
TEN No. 1-17 July 10, 2017	<u>Updated ETA 8429 – Complaint/Apparent Violation Form</u>
TEGL No. 21-16 March 2, 2017	<u>Third WIOA Title I Youth Formula Program Guidance</u>
TEGL No. 20-16 March 1, 2017	<u>Designation of Significant Migrant and Seasonal Farm Worker (MSFW) States. Significant MSFW One-stop centers. and Significant Multilingual MSFW One-stop centers</u>
TEN No. 32-16 Jan 17, 2017	<u>Release and Availability of Employment and Training Administration (ETA) National Agricultural Workers Survey Public Access Data and Reports</u>

TEGL No. 13-16 <i>Jan 13, 2017</i>	<u>Guidance on Registered Apprenticeship Provisions and Opportunities in the Workforce Innovation and Opportunity Act (WIOA)</u>
TEGL No. 15-14 <i>December 19, 2014</i>	<u>Implementation of the New Uniform Guidance Regulations</u>
TEN No. 20-13 <i>February 10, 2014</i>	<u>Notification of Publication and Webinar for the Uniform Administrative Requirements, Cost Principles, and Audit Requirements for Federal Awards; Final Rule</u>
TEGL No. 02-12 <i>July 12, 2012</i>	<u>Employment and Training Administration (ETA) Grant Recipient Responsibilities for Reporting Instances of Suspected Fraud, Program Abuse and Criminal Conduct</u>
TEGL No. 36-11 <i>June 14, 2012</i>	<u>Announcement of American Job Center Network</u>
TEGL No. 39-11 <i>June 28, 2012</i>	<u>Guidance on the Handling and Protection of Personally Identifiable Information</u>
TEGL No. 31-11 <i>May 25, 2012</i>	<u>Update on Complying with Nondiscrimination Provisions: Criminal Record Restrictions and Disparate Impact Based on Race and National Origin</u>

Appendix J – Case Management: Eligibility Determination Case Study

Miranda and her husband, Joseph, are applying for services through a National Farmworker Jobs Program in central California. Joseph had worked part of the previous year at Homestead Farms, harvesting lettuce and other crops. Miranda had also done farmwork but not in the past 24 months. Normally migrant workers, Joseph and Miranda had recently bought a home in Salinas, California, where they'd hoped to raise their growing family (two elementary-school children). Unfortunately, drought struck, wiping out the lettuce crop, and Joseph subsequently lost his job. Shortly thereafter, a wildfire wiped out their drought-stricken community and destroyed their home. All of their documents were lost in the fire. Joseph was born in Los Angeles, CA. Miranda was born in El Salvador but has work authorization.

What might an NFJP caseworker do in this worst-case scenario to qualify and enroll Joseph and Miranda?

To confirm the participant's farmworker status, the NFJP program can first send a letter to Joseph's employer, asking whether he was employed at Homestead Farms, the length of his employment, and the kinds of tasks he completed. Joseph can also request all copies this former employer may have on file for him, such as his W-2s as well as any state- or employer-issued IDs.

The case manager can then contact the local One-stop. If Joseph or Miranda applied to receive services there, the One-stop could verify that they're legally entitled to work in the U.S.

To verify low-income status, the case manager can interview the couple to determine whether they've received public assistance in the last six months. If Joseph and Miranda received TANF, for example, the case manager can seek to obtain documentation through the Department of Health & Human Services.

Joseph and Miranda should also start the process of obtaining copies of their lost documents through the state DMV (driver's license), the Social Security Administration (social security card), and the state health department (birth certificate). Miranda may have to contact family members in her home country for her birth certificate. NFJP can also refer to her to local immigrant services for help in obtaining new documents.