



Workforce Innovation and Opportunity Act (WIOA)

Agricultural Outreach Plan PY 2020 - 2023

Draft for Public Comment

Under the Workforce Innovation and Opportunity Act (WIOA), Governors must submit a state plan to the Secretary of the U.S. Department of Labor (US DOL) outlining a four-year strategy for the State's workforce development system. States must have approved state plans in place to receive funding for core programs. Vermont will submit a plan on March 31, 2020 describing how it will implement WIOA Title I (Adult, Youth Dislocated Worker, and Rapid Response Programs), WIOA Title II (Adult Education and Family Literacy Programs), WIOA Title III (Wagner-Peyser Employment Service Programs), Title IV (Vocational Rehabilitation Programs), as well as its Jobs for Veterans and Trade Assistance Act programs for program years 2020 – 2023.

The Agricultural Outreach Plan (AOP) is included in the Title III Wagner-Peyser Employment Services requirements. The plan exists as responses to the questions provided by the US DOL (in black font). In developing the AOP, the Vermont Department of Labor (VDOL) as the recognized State Workforce Agency (SWA) must solicit information and suggestions from National Farmworker Jobs Program (NFJP) grantees, other appropriate MSFW groups, public agencies, agricultural employer organizations, and other interested organizations.

Organizations must be provided with at least 30 days for review and comment. **Please provide comments related to this plan using the following email before 12:00pm on March 30, 2020:**

Labor.PublicComment@vermont.gov

VDOL will consider any comments received in formulating its final proposed AOP; inform all commenting parties in writing whether their comments have been incorporated and, if not, the reasons therefore; and transmit the comments and recommendations received and its responses with the submission of the AOP.

Relevant regulations and definitions related to the delivery of MSFW services and the submission of this plan can be located at <https://www.doleta.gov/wioa/resources> and 20 C.F.R § 651, 652, 653, and 658.

Agricultural Outreach Plan (AOP). Each State agency must develop an AOP every four years as part of the Unified or Combined State Plan required under sections 102 or 103 of WIOA. The AOP must include—

Assessment of Need. Provide an assessment of the unique needs of farmworkers in the area based on past and projected agricultural and farmworker activity in the State. Such needs may include but are not limited to: employment, training, and housing.

Agriculture has long been an important part of Vermont's economy. The industry has a tremendous direct and indirect economic impact on the State. Some of Vermont's top commodities are: dairy, maple syrup, apples, assorted field crops, and strawberries. Heavy activity months are from March through October. The majority of agricultural activity continues to be from small family farm producers.

Given this nature of the agricultural business in the State, it is unlikely that more than a handful of migrant workers will travel Vermont to harvest crops in the next program year. Generally, workers come from the local communities and return to their permanent residence in the same day. This virtually eliminates the on-site housing needs for Vermont farmworkers, although if a referral is required, it will be made to Pathstone, the NFJP 167 grantee, for housing assistance.

There is a growing trend towards business diversity for the producers in Vermont. VDOL works with the Vermont Agency of Agriculture, Food and Markets (AAFM) and the private sector to provide information on labor laws for agricultural employers. VDOL works to educate stakeholder partners on eligibility requirements for services so that workers and employers understand how VDOL and US DOL intersect in serving both populations.

With the recent reorganization of VDOL's management of its business services, VDOL anticipates partnering with AAFM in 2021 and 2022 to offer agricultural employer information sessions to assist employers in adapting to the changing market while complying with the labor regulations. An additional topic of concern for agricultural employers is when younger workers and college students enter the agriculture workforce, and how the agricultural employers are expected to navigate the regulations regarding internships.

VDOL will continue efforts to create and strengthen relationships with other State agencies, non-profit and private organizations such as the Northeast Organization Farming Association of Vermont (NOFA), Migrant Justice Organization, the University of Vermont Extension Service, and the Vermont Sustainable Jobs Fund to develop a more complete and comprehensive outreach plan into both the employer and farmworker populations in Vermont. These relationships will provide the basis for reaching out to farmworkers to assess and address their employment, training, and housing needs.

An assessment of the agricultural activity in the State means: 1) identifying the top five labor-intensive crops, the months of heavy activity, and the geographic area of prime activity;

2) Summarize the agricultural employers' needs in the State (i.e. are they predominantly hiring local or foreign workers, are they expressing that there is a scarcity in the agricultural workforce); and 3) Identifying any economic, natural, or other factors that are affecting agriculture in the State or any projected factors that will affect agriculture in the State.

Agricultural activity in the State has not changed significantly from the previous years. Most of the seasonal farm work in the State is in producing vegetables, strawberries, raspberries, blueberries, and apples. As most farms in Vermont are of a small, family run farm, there is not an increasing need for MSFW. Most of the labor is family or local labor that can return to their homes at the end of the day. With the lack of MSFW activity, larger farms find it difficult to fill their needs and turn to the H-2A Visa Program. Productivity has varied depending on the weather.

An assessment of the unique needs of farmworkers means summarizing Migrant and Seasonal Farm Worker (MSFW) characteristics (including if they are predominantly from certain countries, what language(s) they speak, the approximate number of MSFWs in the State during peak season and during low season, and whether they tend to be migrant, seasonal, or year-round farmworkers).

This information must take into account data supplied by WIOA Section 167 National Farmworker Jobs Program (NFJP) grantees, other MSFW organizations, employer organizations, and State and/or Federal agency data sources such as the U.S. Department of Agriculture and the U.S. Department of Labor (DOL) Employment and Training Administration.

A review of the previous year's Migrant Seasonal Farm Worker (MSFW) activity in the State indicates the MSFW activity in Vermont is extremely low. At the end of the 4th quarter of PY2018, 13 of the approximately 15,000 registrants in the Vermont Joblink (VJL) MIS system identified themselves as MSFWs. Vermont primarily sees MSFW's from Jamaica and Puerto Rico responding to H-2A job orders. The majority of identified crop workers (about 525) in the state are through the H-2A program and as so, are not included in the MSFW count. The number of domestic MSFWs in Vermont is difficult to estimate and could be understated as some of these workers cannot be located or may be incorrectly self-reported in the Vermont MIS Vermont Joblink. Some of the workers may meet the guidelines of seasonal farm workers, the number of which is anticipated to be approximately 100 or less. This takes into account information from PathStone, the National Farmworkers Jobs Program (NFJP), Workforce Innovation and Opportunity Act (WIOA) section 167 grantee.

In order to conduct more effective outreach to Vermont farmworkers, and identify their employment, training, and supportive service needs, the VDOL will strengthen its existing partnerships with other State agencies, non-profit and private agriculturally focused organizations to educate them about the career and workforce services available through the labor exchange and WIOA One-Stop system and help them learn how to make an effective referral to the system.

The number of H-2A workers is expected to continue to increase. It is anticipated that approximately 75 job orders will be placed to hire approximately 525 to 575 workers to work primarily with the crop activity in vegetables, strawberries, raspberries, blueberries, and apples.

Outreach Activities. The local offices outreach activities must be designed to meet the needs of MSFWs in the State and to locate and contact MSFWs who are not being reached through normal intake activities. Describe the State agency's proposed strategies for:

Contacting farmworkers who are not being reached by the normal intake activities conducted by the employment service offices.

MSFW outreach is primarily performed in partnership by the state's WIOA 167 provider, Pathstone. Additionally, VDOL's One-Stop Career Center staff have been trained on how to conduct MSFW outreach and ensure that services are being delivered appropriately. The SMA will continue to unify and coordinate the federally required labor exchange activities of the MSFW outreach program, the Foreign Labor Certification (FLC) Program, and the SMA system requirements. Coordination of these MSFW-centered programs will allow the VDOL to increase productivity of Wagner-Peyser funded activities and to more accurately evaluate and report services provided to agricultural workers and employers.

VDOL does not anticipate a significant increase in the number of eligible MSFWs in Vermont. Going forward, the outreach activities will be conducted proportionate to the number of MSFWs identified statewide. The VDOL estimates that the number of days of outreach contact, including visits to working, living, and gathering areas, will range from 10-15. The number of days of outreach will be distributed appropriately according to the crop activity throughout the program year. For example, in October through December, visits will most likely be concentrated on apple orchards that package apples. June – August will be concentrated on berry farms, and August – October will be on vegetable farms.

The State Monitor Advocate's (SMA) duties will be performed in conjunction with regular monitoring of WIOA, JVSG, TAA and FLC programs, along with annual monitoring of EOO and fiscal practices. This includes Department-wide and on-going review of statewide delivery of services and protections afforded to MSFWs. Coordinate efforts to assure that all VDOL American Job Center (AJC) offices are reviewed at least once a year.

The SMA will also:

- Consult with local offices to ensure accurate reporting of MSFW-related information,
- Review Wagner-Peyser directives, manuals and operating instructions relating to MSFWs,
- Participate in federal monitoring reviews,
- Review and report on at least a quarterly basis, all agency statistical data through the LEARS reporting system and other MSFW-related data,
- Respond to the regional USDOL as required or requested,

- Prepare an annual summary report of statewide services to MSFWs
- Oversee the operation and performance of the ES Complaint system,
- Review and update VDOL's MSFW outreach plan and training tools
- Review the outreach workers monthly outreach summaries,
- Serve as an advocate to improve services to MSFWs within the ES

Local VDOL staff will conduct field visits to the working and living areas of MSFWs to provide employment services. An explanation of workforce services available to MSFWs, including the availability of referrals to agricultural and nonagricultural employment, training, and supportive services, and other job development services will be provided in a language readily understood by them.

Each outreach worker will maintain a log of daily contacts which will include the number of MSFWs contacted and details of assistance provided. The name of the individual contacted will be recorded in all cases where an application for work is taken, a referral to a job is made, and/or a complaint is filed. Detailed reports relative to the number of MSFWs, their office of registration, and services provided can be retrieved through the reporting section of VJL after an account is established for the worker.

Staff will also meet and work with community-based organizations and other employment-related agencies to coordinate other services to MSFWs. When necessary, staff will raise issues as appropriate to ensure that the development of new systems/strategies for service delivery among all partners includes meeting the needs of MSFW customers.

The monitoring reviews that are performed by the SMA take place in the VDOL's One-Stop Career Centers and are further assurance that local systems are in compliance with the equity indicators and minimum service levels for MSFWs.

Providing technical assistance to outreach workers. Technical assistance must include trainings, conferences, additional resources, and increased collaboration with other organizations on topics such as One-Stop center services (i.e. availability of referrals to training, supportive services, and career services, as well as specific employment opportunities), the employment service complaint system, information on the other organizations serving MSFWs in the area, and a basic summary of farmworker rights, including their rights with respect to the terms and conditions of employment.

Vermont is currently not classified as a significant MSFW state. Formerly, the SMA conducted all outreach activities and efforts. The Department is shifting the delivery of outreach and employment services to the field staff, focusing in Franklin, Addison, Bennington, Rutland, Orange, Lamoille, Windsor, and Orleans counties. The SMA will attend various training conferences to become more familiar with best practices and assist in disseminating information on services available through the WIOA One Stop Network, the complaint system, and information on the entities serving MSFWs in Vermont. Outreach staff will provide information on farmworker rights. Training has been and will continue to be provided to all VDOL One-Stop Career staff through the State by the SMA. The most recent

statewide training sessions were carried out in September of 2018. The training targets both new and existing staff and provides programmatic updates and best practices. Staff training is recorded and is available to staff statewide. VDOL will also work with partner organizations to inform them of MSFWs in the area and programs and services provided.

Outreach workers will be familiar with working and living conditions of the migrant and seasonal farm workers. If they observe, have reason to believe, or are in receipt of information regarding an apparent violation of employment related laws or employment service regulations by an employer, the outreach worker shall document the apparent violation and provide the information to the corresponding VDOL Regional Manager. They will provide assistance in the preparation of job service and non-job service complaints. Complaints will be recorded using the Employment Services (ES) Complaint Log and resolved using the ES Complaint System.

Increasing outreach worker training and awareness across core programs including the Unemployment Insurance (UI) program and the training on identification of UI eligibility issues.

Outreach Workers will be trained on core programs along with specialty trainings designed to help them in their specific jobs. Training will be provided in the areas of resume development, customer service, sales, and career development facilitator. The current outreach worker is already knowledgeable in the appropriate circumstances for referral of an MSFW to unemployment insurance. Training will be provided to any potential new outreach workers as necessary to assist outreach workers in assessing when an MSFW ought to be referred to unemployment insurance for assistance and an eligibility determination.

Providing State merit staff outreach workers professional development activities to ensure they are able to provide high quality services to both jobseekers and employers.

Professional development opportunities are available for VDOL outreach staff such as resume writing certification, career development training, labor market information training, and career pathway growth awareness. VDOL is focused on improving and standardizing professional development opportunities for all staff in providing basic and individualized career services and employment support.

Coordinating outreach efforts with NFJP grantees as well as with public and private community service agencies and MSFW groups.

VDOL has developed an MOU with Pathstone, the JFJP grantee, to address the coordination of outreach efforts in Vermont. The MOU sets out responsibilities to ensure most effective and efficient utilization of US DOL funds for the administration and operation of the Migrant

Seasonal Farm Worker outreach programs. It describes that both organizations will coordinate outreach, require participants to be registered in VJL, refer eligible participants in appropriate WIOA One-Stop partner programs, share information and collaborate on special projects, training, and professional development activities.

The VDOL SMA will coordinate in person visits with Pathstone at least annually. Further, VDOL leadership will support public and private community service agencies and MSFW groups by attending meetings, providing services, making resources available, and helping in other ways when requested. In addition, staff will continue to foster cooperation with other governmental and community-based organizations in providing information and promoting the MSFW program at appropriate meetings and through other avenues.

Services provided to farmworkers and agricultural employers through the One-Stop delivery system. Describe the State agency's proposed strategies for:

Providing the full range of employment and training services to the agricultural community, both farmworkers and agricultural employers, through the One-Stop delivery system. This includes:

How career and training services required under WIOA Title I will be provided to MSFWs through the One-Stop centers; How the State serves agricultural employers and how it intends to improve such services.

Outreach workers will inform MSFWs of and refer them to verified employment opportunities and the Employment Services Complaint System. Outreach workers will encourage the MSFWs to utilize the VDOL One-Stop Career Centers to obtain the full range of employment services; however, on-site assistance will also be offered in the preparation of applications, on a limited basis.

Outreach workers will refer individual MSFWs, or family members, who may be eligible, to WIOA and supportive services VDOL One-Stop Career Centers or other appropriate agencies. Further, the outreach workers will make follow-up contacts as necessary and appropriate to provide, to the maximum extent possible, the foregoing described services. MSFWs also will be shown how to use VJL, an internet-based workforce data management and service delivery system. Through VJL, MSFWs can establish a labor exchange account, develop a resume, and apply for jobs.

In the event that a lack of English language skills is identified as a barrier to services, and/or training, translation services will be offered through VDOLs One-Stop Career Centers. Pathstone is also a partner of the WIOA One-Stop network and can provide additional services to migrants and seasonal farm workers. In the coming program years, efforts will be initiated to establish closer cooperation and service collaboration with partners such as Pathstone, to ensure greater alignment of intensive and training services to MSFWs.

Outreach to agricultural employers is an on-going process. This is critical to maintaining interpersonal contact with the employers. Examples of services provided to agricultural employers by VDOL staff include:

- Local, regional and national recruitment assistance
- Screening job applicants
- Connection and coordination of services with government and community agencies
- Technical assistance with foreign labor certification
- Soliciting and filling job orders
- Disseminating information on farm-related rules and regulations
- Conducting prevailing wage and prevailing practice surveys
- Providing pre-occupancy inspections of migrant housing as required for H-2A applications
- Referring complaints to proper enforcement agencies
- Assisting employers in obtaining work-related posters and notices
- Participating in agricultural related meetings and notifying farmers of these meetings

Many contacts with agricultural employers are made as a result of referrals from other agencies such as the Vermont Agency of Agriculture or other Farm Associations, as well as by word-of-mouth from other workers or farmers. Continued efforts will be made in the upcoming year to increase the market penetration of agricultural employers.

The most basic service provided to agricultural employers is the filling of job openings. Job orders from agricultural employers are entered in VJL and qualified candidates are referred. All H-2A order users are mandated to take all qualified United States referrals through the workforce system. In addition, training is being provided to VDOL One-Stop Career Center staff throughout the state to encourage local domestic U.S. workers to apply for H-2A jobs.

Marketing the employment service complaint system to farmworkers and other farmworker advocacy groups.

The VDOL will educate farmworkers about the complaint system through in-person visits to farms by staff, and by posting a poster on-site that informs readers of the complaint system. Staff will also continue to make partner organizations aware of the complaint system during meetings and formal contacts.

The VDOL published a Vermont farmworker wage, hour, and housing factsheet in collaboration with several partner organizations (available on the VDOL's website in both English and Spanish):

https://labor.vermont.gov/sites/labor/files/doc_library/Vermont-Farm-Labor-Wage-and-Hour-and-Housing-Fact-Sheet.pdf

https://labor.vermont.gov/sites/labor/files/doc_library/Vermont-Farm-Labor-Wage-and-Hour-and-Housing-Fact-Sheet.pdf

Marketing the Agricultural Recruitment System to agricultural employers and how it intends to improve such publicity.

Services available to farmers and farmworkers are available online at www.labor.vermont.gov and the Vermont Job Link website at www.vermontjoblink.com. These websites include useful phone numbers and services provided to both farmworkers and agricultural employers.

The VDOL recognizes the importance of the agricultural industry in the State of Vermont and has devoted resources to meet the labor needs of agricultural employers and MSFWs. Funding for agricultural services comes from Wagner-Peyser (W-P) and the Foreign Labor Certification (FLC) grant. The funds provided by USDOL to the VDOL support the workforce development services and activities including the processing of Agricultural and Food Processing Clearance Orders (Agricultural Recruitment System), H-2A-related job orders, conducting housing inspections, agricultural Prevailing Wage and Prevailing, Normal and Common Practice surveys, collecting agricultural crop and labor information, carrying out outreach activities, field checks, field visits, and processing complaints.

A number of employment-related services for businesses are available at the Vermont's local One-Stop Career Centers. These include:

- Posting of jobs
- Assistance with small and large-scale recruitment activities
- Help planning job fairs
- Testing and assessment of job candidates
- Labor market information
- Information on training grants and tax credits

VDOL has recently reorganized its Workforce Development Division to include a Manager of Business Services. Over the coming year, this individual will become trained in the MSFW program and include greater outreach to agricultural employers.