



Tennessee Department of Labor and Workforce Development

Migrant Seasonal Farm Worker Standard Operation Manual

May 2017



Department of
**Labor & Workforce
Development**

Migrant Seasonal Farm Worker Employee Manual

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Migrant Seasonal Farm Worker Program

The H-2A temporary agricultural program allows agricultural employers who anticipate a shortage of domestic workers to bring nonimmigrant foreign workers to the U.S. to perform agricultural labor or services of a temporary or seasonal nature. Employment is of a seasonal nature where it is tied to a certain time of year by an event or pattern, such as a short annual growing cycle, and requires labor levels above what is necessary for ongoing operations. Employment is of a temporary nature when the employer's need to fill the position with a temporary worker will, except in extraordinary circumstances, last no longer than 1 year.

The Department (U.S. DOL) must determine that:

1. There are not sufficient able, willing, and qualified U.S. workers available to perform the temporary and seasonal agricultural employment for which nonimmigrant foreign workers are being requested; and
2. Employment of H-2A workers will not adversely affect the wages and working conditions of similarly employed U.S. workers. The statute and Departmental regulations provide numerous worker protections and employer requirements with respect to wages and working conditions. The [Department's Wage and Hour Division \(WHD\)](#) has responsibility for enforcing provisions of worker contracts.

Prior to filing a petition with the [U.S. Citizenship and Immigration Services](#):

1. A job offer (ETA Form 790) must be filed with the State Workforce Agency (SWA) in the area of intended employment between 60 and 75 days before the date of need for workers.
2. An application package including the ETA Form 9142A and accepted Job Order (ETA Form 790) from the SWA and attachments along with any other supporting documentation must be filed with the Chicago NPC no less than 45 days prior to the employer's date of need.

U.S. DOL provides funding to TDWLD in order to carry out the administrative duties assigned to the SWA. This manual is written in order to standardize the services offered by the TDLWD concerning the Migrant Seasonal Farm Worker Program. Within this text are examples of documents used in the determination process, step-by-step instructions on creating Job Orders (including where to save them), and laws/guidance applicable to the program.

Labor Exchange Agriculture Reporting System (LEARS):

US Department of Labor

1) Job Order Input/Recording to Chicago National Processing Center and to H-2A Agents:

- a) State Workforce Agents (SWAs) receive information about a job order (always from the 790 Form plus attachments).
- b) Using the information in the 790 Form (and attachments) the SWAs input job orders into Jobs4TN.
 - i) For new employers, SWAs create a profile in Jobs4TN for a job order (*refer to "How to Post Job Orders" in Section 1*).
 - ii) For former employers, SWAs edit an old job order in Jobs4TN.
- c) SWAs then fill out the 790 Form and send it — and a SWA acceptance letter — to the Chicago National Processing Center (CNPC) and H-2A Agents (*refer to "H-2A Agent Contact Information" in Section 2 for a list*) within 7 days (*refer to "Two Documents Sent Immediately to Chicago National Processing Center" in Section 2*).
 - i) If the job is located outside of Tennessee, all that needs to be done is to input the job order into Jobs4TN (see above (b)(i)). Then SWAs file the documents and write the summary information on the H2-A Logs (*refer to "N Drive Spreadsheet" in Section 2*).
- d) SWAs file these two documents in their respective 'Farmer' and 'Agent' folder on the N: Drive (*refer to "Place Documents in Farmer's/Agent's File Folder" in Section 2*).
- e) Then SWAs type a summary of information into the H-2A logs on the N: Drive (*refer "H-2A Spreadsheet" under "How to Email a 790 Form and Acceptance Letter to Chicago National Processing Center [and Others]" in Section 2*).
- f) Within 30 days SWAs must also have inspected the housing for migrant workers provided by the employer. Then SWAs must send an Inspection Form to CNPC to approve the living conditions of the residence (*refer to "Housing Report" in Section 2*). SWAs must also send in a Referral Form to CNPC and to any H-2A Agent involved (*see "How to Email a Referral Report to Chicago National Processing Center [and Others]" in Section 2, also Section 3 in this manual for the Training Education and Guidance Letter (TEGL) dated 6/28/2002*).
- g) SWAs then file an Inspection Form and the Referral Letter in the appropriate 'Farmer' and 'Agent' folders.
- h) WFS regularly receives other information (e.g. certification letters, notices of audits, etc.) which are then filed in the appropriate electronic 'Farmer' folder (*refer to "Scan Documents at Copy Machine" in Section 2*).

2) Main Reporting:

- a) SWAs send regular and ongoing information (*see above sections [1][c] and [1][g]*). SWAs also answer questions from CNPC about employers on a regular basis. For this purpose documents are kept in their respective 'Farmer' and 'Agent' folders and a summary of information is put into the logs.
- b) AFS staff regularly file Prevailing Wage Reports and SWAs will be responsible for conducting a survey once per season (*refer to "Other States' Prevailing Wage" Section 2*).
- c) **Note: this report is due 45 days after the last day of each quarter:**
 - i) 1st Quarter dates are: October 1st through December 31st
 - ii) 2nd Quarter dates are: January 1st through March 31st
 - iii) 3rd Quarter dates are: April 1st through June 30th
 - iv) 4th Quarter dates are: July 1st through September 30th

The 9002A Report, 9127 Report, and the Migrant Indicator of Compliance (MIC) Report will need to be generated from Jobs4TN. The MIC Report — which reflects the amount of migrant workers in the State, how many are currently employed, and the wages earned — must also be included to analyze system performance (*more information regarding this can be found under "Sample of 9002A Form, 9127 Form, and Migrant Indicator of Compliance [MIC] Report" in the Introduction*).

3) Inspection:

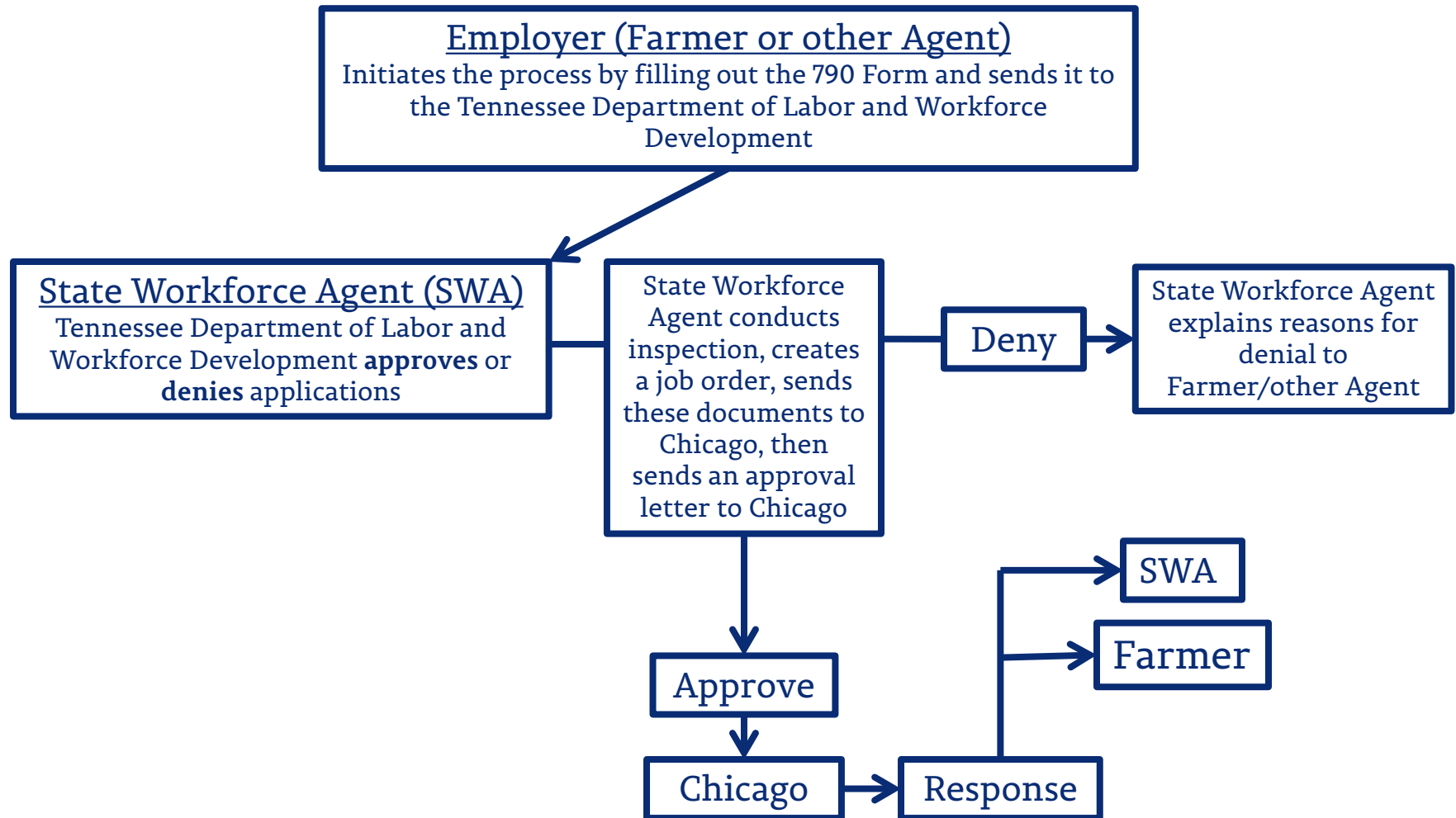
Upon notice that an employer wants to hire, SWAs have 30 days to inspect, approve, and report their findings. The inspector must call the farmer and set up an appointment immediately (*copies of these forms can be found under "Sample of 9002A Form, 9127 Form, and Migrant Indicator of Compliance [MIC] Report" in the Introduction*).

Housing for migrant workers provided by the employer must be inspected each year for any employer sending a 790 Form. For directions referring to inspection requirements and regulations refer to: <https://www.foreignlaborcert.doleta.gov/h-2a.cfm>

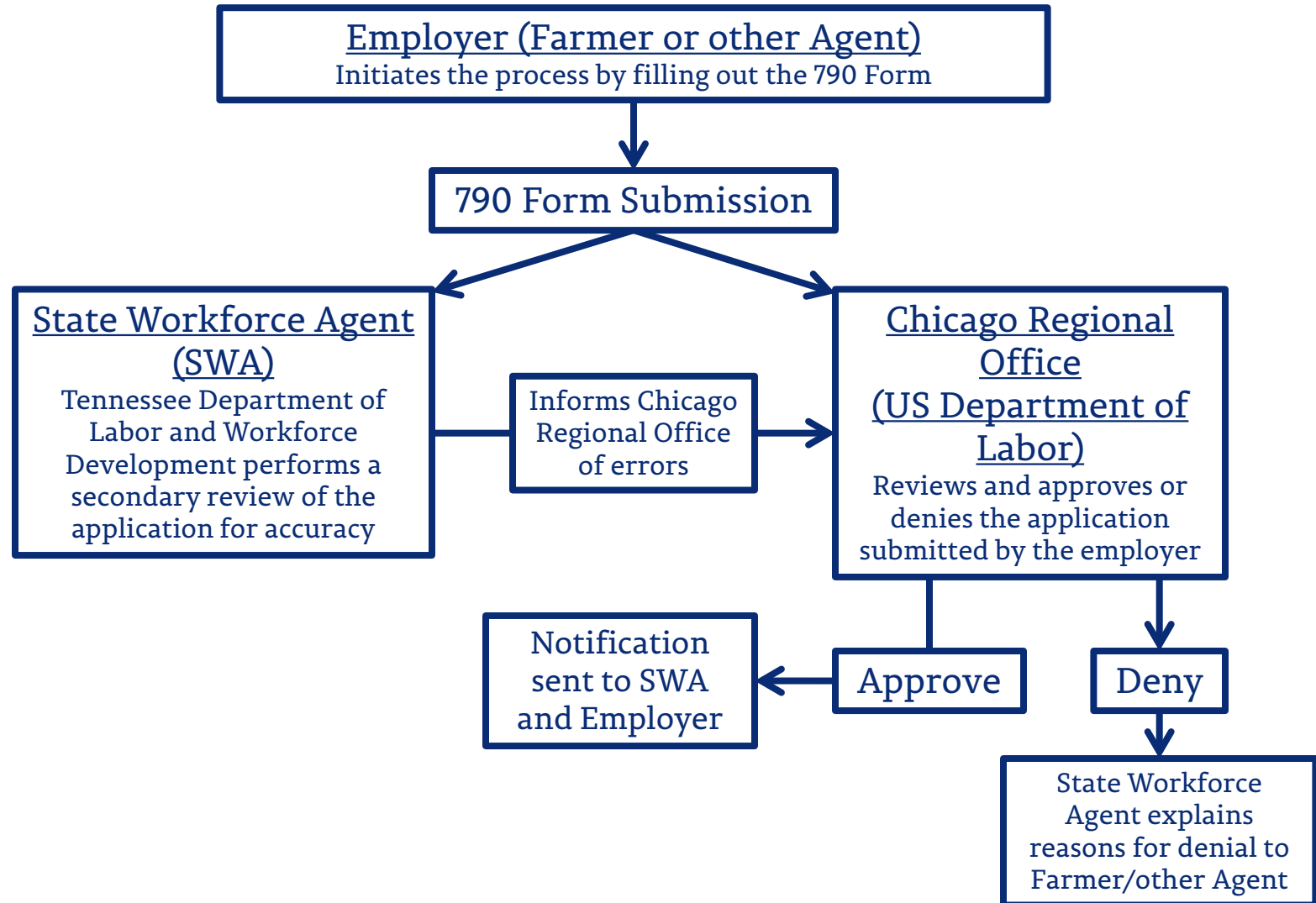
4) Compiling Legal Information and Regulations:

SWAs must use the guidance contained in all laws and pertinent TEGs to remain in compliance with the Workforce Innovation and Opportunity Act. Legal information and regulations can be found in Section 3 through 5 of this manual.

Migrant Seasonal Farm Worker H-2A Process Flow



Migrant Seasonal Farm Worker H-2B Process Flow



**Sample of 9002A Form,
9127 Form, and Migrant
Indicator of Compliance
(MIC) Report**

ETA WP 9002

The ETA WP 9002 Form is used for LEARS reporting. Highlighted is the information selected for reporting purposes.

An example of the ETA WP 9002 Form is found on the following two slides.

ETA WP 9002/VETS2 Quarterly: ETA 9002 A

Please note this data was last refreshed on 11/14/2016

Region/LWIA: LWDA 03,LWDA 04,LWDA 07,LWDA 08,West TN Career Coach,LWDA 01,LWDA 02,LWDA 05,LWDA 06,LWDA 09,LWDA 10,LWDA 11,LWDA 12,LWDA 13,Middle TN Career Coach,East TN Career Coach

ETA 9002 A Quarterly Report													OMB No. 1205-0240
Services to Participants		Report Due: 11/15/2016										Expires: 8/31/2015	
State: TN		Report Period: 1st Quarter 2016										Create Date: 11/15/2016	
Cumulative 4-Quarters Ending: 9/30/2016	A	B		C	D		E						
	Total	Employment Status at Participation		Eligible Claimant	Hispanic or Latino		Race						
		Employed	Not Employed	Total	Yes	No	American Indian or Alaska Native	Asian	Black or African - American	Native Hawaiian or other Pacific Islander	White	More Than one Race	
	1	2	3	4	5	6	7	8	9	10	11	12	
1	Total Participants	160,028	35,269	124,747	38,985	4,416	150,582	1,479	1,729	47,931	381	103,662	1,984
2	Veterans, Eligible Persons, and TSMs	9,869	2,698	7,171	1,137	382	9,188	186	80	2,470	52	6,816	199
3	TAP Workshop Veterans and TSMs	2,284	673	1,611	175	148	2,041	45	28	568	29	1,514	57
4	MSFW	158	39	119	23	14	141	6	3	13	0	130	4
5	Interstate	0	0	0	0	0	0	0	0	0	0	0	0
6	Male	81,889	18,236	63,643	19,247	2,275	76,992	773	1,014	22,156	226	55,226	951
7	Female	77,664	16,977	60,685	19,574	2,126	73,151	705	712	25,656	155	48,110	1,031
8	Youth	1,234	266	968	13	52	1,145	20	11	315	2	891	49
9	Adult (18 and over)	158,794	35,003	123,779	38,972	4,364	149,437	1,459	1,718	47,616	379	102,771	1,935
10	18-44	101,351	24,169	77,171	20,764	3,233	94,823	949	1,238	33,552	295	62,239	1,540
11	45-54	32,160	6,891	25,269	9,224	744	30,403	313	295	8,577	50	21,846	249
12	55 and over	25,283	3,943	21,339	8,984	387	24,211	197	185	5,487	34	18,686	146
13	Received Workforce Info Services	146,201	33,123	113,066	35,309	4,090	137,658	1,377	1,632	43,705	357	94,839	1,844
14	Received Staff Assisted Services	78,796	15,389	63,407	18,085	2,195	73,827	615	867	24,546	185	50,199	851
15	Career Guidance	19,769	2,779	16,990	7,868	660	18,589	171	364	5,912	52	12,770	208
16	Job Search Activities	35,152	7,175	27,977	7,236	1,044	32,878	274	507	12,046	98	21,187	380
17	Referred to Employment	29,709	6,996	22,713	4,893	1,036	27,765	238	537	10,860	98	17,169	357
18	Referred to WIOA Services	16,630	3,123	13,507	3,947	514	15,522	122	318	6,164	37	9,508	178
19	Total Exitors	209,240	47,290	161,938	49,339	5,768	196,843	1,945	2,166	61,782	497	136,205	2,573

ETA 9002 A Quarterly Report						OMB No. 1205-0240		
Services to Participants		Report Due: 11/15/2016				Expires: 8/31/2015		
State: TN		Report Period: 1st Quarter 2016				Create Date: 11/15/2016		
Cumulative 4-Quarters Ending: 9/30/2016		F				G	H	I
		Education				Persons w/ Disability	MSFW	Dislocated Workers
		In-School	Not High School Graduate	High School Graduate or GED	Post- Secondary Degree or Certification	Total	Total	Total
		13	14	15	16	17	18	19
1	Total Participants	14,171	19,127	100,787	36,930	6,686	158	61,907
2	Veterans, Eligible Persons, and TSMS	1,365	249	6,050	3,560	1,743	6	3,351
3	TAP Workshop Veterans and TSMS	629	53	1,470	759	524	1	983
4	MSFW	9	29	104	19	4		38
5	Interstate	0	0	0	0	0	0	0
6	Male	6,324	10,535	53,139	16,629	3,794	132	30,329
7	Female	7,823	8,550	47,333	20,183	2,876	26	31,353
8	Youth	1,020	107	138	0	39	3	19
9	Adult (18 and over)	13,151	19,020	100,649	36,930	6,647	155	61,888
10	18-44	11,417	11,092	67,752	20,492	3,405	127	33,725
11	45-54	1,293	4,163	18,849	9,033	1,725	15	14,525
12	55 and over	441	3,765	14,048	7,405	1,517	13	13,638
13	Received Workforce Info Services	12,908	17,045	91,551	34,781	6,147	152	57,414
14	Received Staff Assisted Services	6,693	11,405	51,821	13,471	3,016	73	23,824
15	Career Guidance	1,844	3,154	11,891	4,076	993	14	9,445
16	Job Search Activities	3,145	4,663	23,867	5,714	1,265	40	9,483
17	Referred to Employment	2,544	3,187	21,601	4,379	1,040	35	6,547
18	Referred to WIOA Services	1,552	2,208	11,325	2,583	526	13	5,016
19	Total Exiters	18,702	23,900	132,825	48,473	8,699	198	76,269

ETA Form 9127

The ETA Form 9127 is used to report on quarterly activity for the Migrant Seasonal Farm Worker (MSFW) program. This report records data such as: total number of job orders, total number of staff assisted referrals, and total number of housing inspections conducted by staff.

An example of the ETA Form 9127 is found on the following slide. The writing in blue ink indicates the reports in Jobs4TN or other spreadsheets where this data is found.

Foreign Labor Certification Quarterly Activity Report
 ETA Form 9127
 U.S. Department of Labor



State Name: Tennessee Preparer Name: Lance Butler Fiscal Year: 2017
 Report for (check one): (Q1 - Oct-Dec) (Q2 - Jan-Mar) (Q3 - Apr-Jun) (Q4 - Jul-Sep)

H-2B Workload	H-2B REGULAR	H-2B SPECIAL PROCEDURES
1. Total number of active job orders from previous report	5	
2. Total number of new job orders received	11	
3. Total number of job orders processed	11	
4. Total number of SWA staff assisted intrastate referrals	51	
5. Total number of SWA staff assisted interstate referrals	0	
6. Total number of interstate job orders transmitted to other SWAs	0	
7. Total number of interstate job orders received from other SWAs	0	
8. Total number of union contacts made	0	
9. Total number of active job orders remaining at the end of the quarter	11	
10. List the most common deficiencies noted on job orders.		
11. Provide comments or other issues noted during quarter.		
H-2A Workload	H-2A REGULAR	H-2A SPECIAL PROCEDURES
1. Total number of active job orders from previous report	34	
2. Total number of new job orders received	184	
3. Total number of job orders processed	184	
4. Total number of SWA staff assisted intrastate referrals	0	
5. Total number of SWA staff assisted interstate referrals	0	
6. Total number of interstate job orders transmitted to other SWAs	0	
7. Total number of interstate job orders received from other SWAs	0	
8. Total number of active job orders remaining at the end of the quarter	184	
9. Total number of prevailing wage surveys completed	0	
10. Total number of employment practice surveys completed	0	
11. Total number of housing inspections completed by SWA staff	352	
12. Total number of housing inspections completed by alternative method	0	
13. Total number of sleeping units inspected	774	
14. Total capacity of sleeping units inspected	3087	
15. Total number of housing self-certifications received from employers	0	

Common deficiencies would be incorrectly recording the housing address in box 3 of the 790.

17. Provide comments or other issues noted during quarter.

Public Burden 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. Public reporting burden for this collection of information is estimated to average 2 hours 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 obligation to respond to this collection is mandatory (20 CFR 653.112). Send comments regarding the burden estimate or any other aspect of this collection of information, including suggestions for reducing this burden, to the U.S. Department of Labor, Office of Foreign Labor Certification, Room C-4312, 200 Constitution Avenue, NW, Washington, D.C. 20210, or by email to ETA.OLC.Farms@dol.gov and reference the OMB Control Number 1205-0457. **Note:** Please do not return the completed ETA-9127 form to this address.

MIGRANT INDICATORS OF COMPLIANCE STATEWIDE REPORT

US DEPARTMENT OF LABOR

EMPLOYMENT AND TRAINING

OFFICE OF ADMINISTRATION AND MANAGEMENT

Part 1

PROCESSING DATE: 6/22/2017

REPORT PERIOD: FROM: 7/1/2016

REGION/LWIA:

TO: 9/30/2016

OFFICE:

DATE TYPE: Quarterly

No#	Reporting Element	Migrant Farm Workers		Migrant Food Processing Workers		Seasonal "Non-Migrant" Farm Workers		Migrant and Seasonal Farm Workers		All Non-MSFW Applicants	
		Actual Number	% of Total Apps	Actual Number	% of Total Apps	Actual Number	% of Total Apps	Actual Number	% of Total Apps	Actual Number	% of Total Apps
A. Total New and Renewal Applications											
1	Total Active Applicants	13	100.00%	3	100.00%	63	100.00%	79	100.00%	52,747	100.00%
2	Complete Applications	4	30.769%	2	66.667%	43	68.254%	49	62.025%	34,096	64.641%
3	Partial Applications	9	69.231%	1	33.333%	20	31.746%	30	37.975%	18,651	35.359%
B. Referred to Employment											
4	Total: Referred to Employment	3	23.077%	1	33.333%	17	26.984%	21	26.582%	14,444	27.384%
5	In AG Industries	1	7.692%	0	0.00%	0	0.00%	1	1.266%	95	0.18%
6	In Non-AG Industries	2	15.385%	1	33.333%	17	26.984%	20	25.316%	14,349	27.203%
C. Placed into Jobs with Wage Breakdown											
I. Placements into Employment											
7	Total Applications Placed in Jobs	1	7.692%	0	0.00%	3	4.762%	4	5.063%	1,029	1.951%
8	In Agricultural Industries	0	0.00%	0	0.00%	0	0.00%	0	0.00%	15	0.028%
9	To Last 3 Days or Less	0	0.00%	0	0.00%	0	0.00%	0	0.00%	0	0.00%
10	To Last 4 -150 Days	0	0.00%	0	0.00%	0	0.00%	0	0.00%	0	0.00%
11	To Last Over 150 Days	0	0.00%	0	0.00%	0	0.00%	0	0.00%	15	0.028%
12	In Non-AG Industries	1	7.692%	0	0.00%	3	4.762%	4	5.063%	1,014	1.922%
13	To Last 3 Days or Less	0	0.00%	0	0.00%	0	0.00%	0	0.00%	0	0.00%
14	To Last 4 -150 Days	0	0.00%	0	0.00%	0	0.00%	0	0.00%	5	0.009%
15	To Last Over 150 Days	1	7.692%	0	0.00%	3	4.762%	4	5.063%	1,009	1.913%
II. Wage Rates for Placements into Employment											
16	Under \$7.25	0	0.00%	0	0.00%	0	0.00%	0	0.00%	0	0.00%
17	\$0.01 To \$7.24	0	0.00%	0	0.00%	0	0.00%	0	0.00%	0	0.00%
18	\$6.95 And Over	1	7.692%	0	0.00%	3	4.762%	4	5.063%	970	1.839%
19	\$8.30 And Over	1	7.692%	0	0.00%	1	1.587%	2	2.532%	921	1.746%
20	\$9.41 To \$10.92	0	0.00%	0	0.00%	0	0.00%	0	0.00%	251	0.476%
21	Average Wage	16	121.385%	0	0.00%	11	16.815%	12	15.051%	13	0.024%
22	Placement recorded at \$0.00	0	0.00%	0	0.00%	0	0.00%	0	0.00%	0	0.00%
23	\$0.50 Over Minimum Wage of \$7.25	1	7.692%	0	0.00%	3	4.762%	4	5.063%	970	1.839%
D. Other Services Provided											
24	Job Development Contact	1	7.692%	0	0.00%	3	4.762%	4	5.063%	2,174	4.122%
25	Referred to Training	0	0.00%	0	0.00%	1	1.587%	1	1.266%	120	0.228%
26	Career Guidance	0	0.00%	0	0.00%	0	0.00%	0	0.00%	839	1.591%
27	Tested	0	0.00%	0	0.00%	0	0.00%	0	0.00%	282	0.535%
28	Referred to Support Services	1	7.692%	0	0.00%	10	15.873%	11	13.924%	3,840	7.28%
29	Received Staff Assisted Services	7	53.846%	1	33.333%	32	50.794%	40	50.633%	23,022	43.646%
		Migrant Farm Workers		Migrant Food Processing Workers		Seasonal "Non-Migrant" Farm Workers		Migrant and Seasonal Farm Workers		All Non-MSFW Applicants	

MIC Report Part 2

No#	Reporting Element	Migrant Farm Workers		Migrant Food Processing Workers		Seasonal "Non-Migrant" Farm Workers		Migrant and Seasonal Farm Workers		All Non-MSFW Applicants	
		Actual Number	% of Total Apps	Actual Number	% of Total Apps	Actual Number	% of Total Apps	Actual Number	% of Total Apps	Actual Number	% of Total Apps
E. Reporting for Complete Applications											
2	Complete Applications	4	100.00%	2	100.00%	43	100.00%	49	100.00%	34,096	100.00%
6	Referrals In Non-AG Industries	0	0.00%	1	50.00%	12	27.907%	13	26.531%	10,170	29.828%
12	Placements Into Non-AG Industries	0	0.00%	0	0.00%	2	4.651%	2	4.082%	342	1.003%
13	To Last 3 Days or Less	0	0.00%	0	0.00%	0	0.00%	0	0.00%	0	0.00%
14	To Last 4 -150 Days	0	0.00%	0	0.00%	0	0.00%	0	0.00%	4	0.012%
15	To Last Over 150 Days	0	0.00%	0	0.00%	2	4.651%	2	4.082%	338	0.991%
24	Job Development Contact	1	25.00%	0	0.00%	1	2.326%	2	4.082%	659	1.933%
25	Referred to Training	0	0.00%	0	0.00%	0	0.00%	0	0.00%	91	0.267%
26	Career Guidance	0	0.00%	0	0.00%	0	0.00%	0	0.00%	365	1.071%
27	Tested	0	0.00%	0	0.00%	0	0.00%	0	0.00%	106	0.311%
28	Referred to Support Services	1	25.00%	0	0.00%	8	18.605%	9	18.367%	1,708	5.009%

No#	Reporting Element	Actual Number Accomplished for Total MSFWs	Actual Percent Accomplished for Total MSFWs	Target Number Required (based on Non-MSFW served or Federal Perf)	Actual Number Accomplished for All Non-MSFW Applicants	Percent Required (based on Non-MSFW served or Federal Perf)	Met Requirement (Yes or No)
No#	Reporting Element	Actual Number	Actual Percentage	Required Number	Actual Number	Required Percentage	Met Requirement
F. MIC Performance Indicators							
I.Equity Ratio Indicators							
1	Total Active Applications	79			52,747		
4	Referred to Employment	21	26.582%	22	14,444	27.384%	NO
28	Referred to Support Services	11	13.924%	6	3,840	7.28%	YES
29	Received Staff Assisted Services	40	50.633%	34	23,022	43.646%	YES
2	Complete Applications	49			34,096		
24	Job Development Contact	2	4.082%	1	659	1.933%	YES
26	Career Guidance	0	0.00%	1	365	1.071%	NO
II.Minimum Service Level Indicators							
7	Placed in Jobs	4	5.063%	34	1,029	42.50%	NO
23	\$0.50 Over Minimum Wage of \$7.25	4	5.063%	11	970	14.00%	NO
15	Placed in Long Term Non-AG Job	4	5.063%	2	1,009	3.00%	YES

Employer Furnished Housing and Facilities

This form is completed by the inspector and a copy is then given to the farmer for their records. Furthermore, the inspector keeps records of this document and sends a copy to the State Workforce Agent (SWA).

The purpose of this form is to complete one of the steps in Foreign Labor Certification, as well as to make sure the housing provided meets necessary regulations.

U.S. DEPARTMENT OF LABOR
Employment and Training Administration

EMPLOYER FURNISHED HOUSING AND FACILITIES

1. EMPLOYER'S NAME AND ADDRESS

[Redacted]

2. HOUSING LOCATION & COUNTY

[Redacted]

3. HOUSING DESCRIPTION

Wood Frame Home

4. SLEEP ROOMS (No. & Measure)	8. Dormitory Type				b. Family Type				5. CAPACITY (Adults)	ES USE ONLY		
	1	2	3	4	1	2	3	4		Yes	No	
Length				36'7"		22'5"	15'	25'10"	47'10"	6. REGULATIONS COMPLIANCE ("/X" in proper box)		
Width				15'2"		15'8"	5'6"	12'1"	15'11"	Water	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Ceiling Height				7'10"		7'10"	7'10"	7'10"	7'10"	Electricity	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Square Feet				558		356	84	303	712	Site	<input checked="" type="checkbox"/>	<input type="checkbox"/>
No. of Rooms				5						Screening	<input checked="" type="checkbox"/>	<input type="checkbox"/>
No. of Beds, Single				12		6	1	5	12	Heating	<input checked="" type="checkbox"/>	<input type="checkbox"/>
No. of Beds, Bunks, Double											<input type="checkbox"/>	<input type="checkbox"/>

7. FACILITIES (Number of each)

	Plvt	Urinals	Lanatory or Washbasins	Showerheads	Smoke detector(s):
4 Flush Toilets			4	4	1 2 3 4 5 6 ()
5 Bathtubs	Movable Bathtubs	Laundry Machines	Fixed Laundry Tubs	Movable Laundry Tubs	9
5 Cook Stoves	Refrigerators	Garbage Containers	First Aid Kits	Fire Extinguishers (no. & type)	
	9	2	6	11	

8. COMMENTS

9. EMPLOYER'S CERTIFICATION:

I CERTIFY THAT I have reviewed the housing regulations of the U.S. Department of Labor, OSHA ETA, and that the housing described herein meets does not meet such standards. I hereby authorize representatives of the State Employment Service office and/or Employment and Training Administration regional office to inspect the above housing at any reasonable time.

Employer's Signature _____ Typed Name and Title _____ Date _____

10. HOUSING INSPECTED BY: _____
Signature of Authorized Official _____ Typed Name and Title _____
Lance Butler, Inspector _____ Date _____

11. APPROVAL - Housing approved for occupancy by workers recruited Interstate _____
Signature of Authorized Official _____ Typed Name and Title _____ Date _____

H2A Housing Inspection – Notification for Inspectors

This form is completed during the inspection process. This document is found on the N:Drive and the inspector fills it prior to conducting a review of the premises. Completed forms are then submitted to the State Workforce Agent.

H2A Housing Inspection Notification for Inspectors

Name & Address/Phone # of Farmer/Employer

Address of Housing Location

Number of H2A Workers Requested

Of Units to be inspected

Week inspection must be completed

Special Instructions# Of Units to be inspected

Referral Report for [Employer]

Job Order Number:

Job Order Title:

On-Line Status:

Employer Status:

- This document reflects the amount of applicants who looked at, or applied for, this job opening.
- Data comes from Jobs4TN, looked-up by order number.
- Select Applicants
- Referrals on this page.
- Send to Chicago National Processing Center

Available Online:
On-Line

<u>Positions Available:</u>	X	<u>Number of Applicants Requested:</u>	X
Applicants Hired:	X	Actual Applications Made:	X
Positions Remaining:	X	Applicant Balance:	X

Referral Report for [Employer]

Job Order Number:

Job Order Title:

On-Line Status:

Employer Status:

Available Online:
On-Line

<u>Positions Available:</u>	X	<u>Number of Applicants Requested:</u>	X
Applicants Hired:	X	Actual Applications Made:	X
Positions Remaining:	X	Applicant Balance:	X

How to Post Job Orders

What is Needed to Post Job Orders

Access to Grants and Special Projects -- (N-Drive)

Access to My Book -- (N-Drive)

Access to H2A.TN Processing Email

Career Center State Directory -- Printed or on Desktop

Access to Excel Spread Sheet

Rights to Adobe Acrobat:

This will enable you to revise the 790s

Copy of the H-2A Inspector List for Middle, East and West TN: This will give a list of the counties the inspectors are responsible for. (A list of housing inspectors can be found by following: N:Drive → Programs and Operations → Agriculture → H-2A, H-2B, MSFW → SMA & SWA Info → TN H2A Inspectors.)

**When the Employer
Already Has
a Profile
in Jobs4TN**

1. Input your: Username...

JOBS4TNONLINE Follow Us On Take our Survey Department of Labor & Workforce Development

and Password

Username Password Sign In

- Not Registered Yet?
- Forgot Username/Password?

Español

SEARCH FOR A JOB Enter a keyword, employer name and/or city or ZIP code and radius to search for jobs in your area. Quick Register

Enter Keyword Enter Employer Name Enter City 37201 10 miles Search

LATEST NEWS AND ANNOUNCEMENTS DOWNLOAD WORK SEARCH LOG/FORM

JOB SEEKER SOLUTIONS	BUSINESS SOLUTIONS	LABOR MARKET INFORMATION	SPECIAL SERVICES	RESOURCES
<ul style="list-style-type: none">FEATURED JOBSAdditional Job Search OptionsPost/Create a ResuméGet Job Alerts Using Virtual RecruiterFind Employers Near YouCareer Assistance	<ul style="list-style-type: none">Post a JobLooking For EmployeesCurrent Market TrendsEducation and Training CompletersLabor Force Data	<ul style="list-style-type: none">Labor Market FAQsHow Much Does a Job Pay?Occupation DataIndustry DataSupply and Demand DataDemographicsLMI Home	<ul style="list-style-type: none">Education and Training DataAdult EducationPaychecks for PatriotsJob Fairs & Events	<ul style="list-style-type: none">Contact UsFind a Career CenterPublications and Employment NewsOnLine LearningResources LinksMy Next Move for Veterans

Download our Jobs App Aggregate job openings from over 1,000 sources throughout the State of Tennessee.

2. Click Sign In

Staff Sign-in Notice

This system may contain Government information, which is restricted to authorized users ONLY. Unauthorized access, use, misuse, or modification of this computer system or of the data contained herein or in transit to/from this system constitutes a violation of state and federal laws including, but not limited to Title 18, United States Code, Section 1030, and may subject the individual to Criminal and Civil penalties pursuant to Title 26, United States Code, Sections 7213(a), 7213A (the Taxpayer Browsing Protection Act), and 7431. This system and equipment are subject to monitoring to ensure proper performance of applicable security features or procedures. Such monitoring may result in the acquisition, recording and analysis of all data being communicated, transmitted, processed or stored in this system by a user. If monitoring reveals possible evidence of criminal activity, such evidence may be provided to law enforcement personnel. ANYONE USING THIS SYSTEM EXPRESSLY CONSENTS TO SUCH MONITORING and SHOULD HAVE NO EXPECTATION OF PRIVACY for any information stored or communicated via this system.

I Agree

I Disagree

Read then click
I Agree

Scroll down to the **Services for Workforce Staff** section

The screenshot displays the TN.GOV My Staff Workspace dashboard. At the top, there is a navigation bar with links for Home, Sign Out, Services for Individuals, Services for Employers, and Labor Market Analysis. A welcome message from Governor Bill Haslam is visible in the top right corner. The main dashboard is divided into several sections:

- My Staff Dashboard:** Contains tabs for My Staff Dashboard, My Staff Resources, My Staff Account, and Directory of Services.
- Quick Search:** A search bar with the placeholder text "Enter Search...".
- Service for Unemployment Staff:** A vertical menu on the left with items like Manage Claimants, Manage Employers, Manage Trade Act (TRA), Manage Benefit Changes, Manage UI Accounting, Manage Disaster Unemployment Assistance (DUA), Manage Overpayments, Manage Payments, Manage Multi-Claimant Issues, Manage Audits, Manage Appeals, Manage Monetary, Manage Non-Monetary, Manage Reemployment, Manage Investigations, and Manage Interviews.
- My Staff Workspace:** A sub-menu below the previous one, with "Service for Workforce Staff" highlighted by a red box and a red arrow pointing to it from the text on the left.
- Other Dashboard Widgets:** Includes "Saved Lists" (no lists available), "Need help or more information" (link to Assistance Center), "My Messages" (unread and read messages), "My Calendar" (June 2015), "My Correspondence" (Letters, Templates), "Staff Productivity" (bar chart for GEN, SNAP, Trade, WP, WIDA), "Latest News and Announcements" (Great Clips in Kingsport is Hiring), "My Report Indicators" (Staff External Job Placement), and "Active Case Load" (WP: 0, WIDA: 0, TAA: 0, SNAP: 0, Total Case Load: 0).

You should already have a copy of the **790 Form job request form** when you reach the screen shown below. After scrolling down, **relocate the category titled Services for Workforce Staff.**

790 Form

The screenshot shows the 'My Staff Workspace' section with a red box around 'Services for Workforce Staff'. Other visible elements include 'Assistance Center', 'Learning Center', 'My Messages', 'My Calendar' (September 2015), 'Labor Market Services' (Area Profile, Industry Profile, Occupational Profile, Educational Profile), and 'My Report Indicators' (Staff Internal Job Placement).

The form is titled 'U.S. Department of Labor Employment and Training Administration' and 'Agricultural and Food Processing Clearance Order ETA Form 790'. It includes fields for:

- 1. Employer's and/or Agent's Name and Address (Number, Street, City, State and Zip Code)
- 2. Address and Directions to Work Site / Domicilio y Direcciones al lugar de trabajo
- 3. Address and Directions to Housing / Domicilio y Direcciones al lugar de vivienda
- 4. SOC (ONET/OES) Occupational Code / Código ocupacional
- 5. Job Order No. / Num. de Orden de Empleo
- 6. Address of Order Holding Office (include Telephone number) / Dirección de la Oficina donde se radicó la oferta (incluya el número de teléfono)
- 7. Clearance Order Issue Date / Fecha de Emisión de la Orden de Empleo
- 8. Job Order Expiration Date / Fecha de Vencimiento o Expiración de la Orden de Empleo
- 9. Anticipated Period of Employment / Periodo anticipado o previsto de Empleo
- 10. Number of Workers Requested / Número de Trabajadores Solicitados
- 11. Anticipated Hours of Work per Week / Horas Anticipadas/Previstas de Trabajo por Semana
- 12. Anticipated range of hours for different seasonal activities / Rango previsto de horas por días diferentes actividades de la temporada
- 13. Collect Calls Accepted from / Aceptan Llamadas por Cobrar de:

The chat window contains the text 'Chat with us' and a 'Type your message here' input field.

Look under
Services for
Workforce Staff

Click
Manage
Employers

A list box
will open

The screenshot shows the 'My Staff Dashboard' on the Jobs4TN.gov website. The left sidebar contains a 'Services for Workforce Staff' menu, which is highlighted with a red box. Below it, the 'Manage Employers' option is also highlighted with a red box. A dropdown menu is open under 'Manage Employers', listing several options: 'Create an Employer', 'Assist an Employer', 'Employers Posting Jobs', 'Local Employer Sites', and 'One Case Note to Multiple Employers'. The 'Assist an Employer' option is highlighted with a red box. Red arrows point from the text on the left to these specific elements. The main dashboard area contains several widgets: 'Saved Lists', 'Need help or more information', 'My Messages', 'My Calendar', 'Labor Market Services', 'Active Case Load', and 'My Report Indicators'. The 'Active Case Load' widget shows counts for WP, WIOA, TAA, and SNAP, with a total case load of 0. The 'My Report Indicators' widget shows an increase in placements and a bar chart for internal placements for July, August, and September.

A chat widget located in the bottom right corner of the page. It features a dark blue speech bubble icon with three white dots inside, and the text 'Chat with us'. Below the icon is a text input field with the placeholder text 'Type your message here' and a right-pointing arrow button.

Click
Assist an
Employer

The screenshot shows the 'My Staff Dashboard' on the jobs4tn.gov website. A red arrow points from the text 'Click Assist an Employer' to the 'Assist an Employer' link in the 'Services for Workforce Staff' menu. The dashboard includes several widgets: 'Saved Lists' (no lists available), 'Need help or more information' (Assistance and Learning Centers), 'My Messages' (0 unread, 6 read), 'Labor Market Services' (Labor Market Facts, Area Profile, Industry Profile, Occupational Profile, Educational Profile), 'My Calendar' (September 2015), 'Active Case Load' (WP: 0, WIOA: 0, TAA: 0, SNAP: 0, Total Case Load: 0), and 'My Report Indicators' (Staff Internal Job Placement: Placements Increased, Internal Placements: 0).

URL: https://www.jobs4tn.gov/permission.asp?token=emp_assist

Chat with us

Type your message here

Due to a recent change in Jobs4TN, this screen may appear

If it does click **Assist an Employer**

Home Sign Out Services for Individuals Services for Employers Labor Market Analysis

TN.GOV
TENNESSEE GOVERNMENT

Quick Search
Enter Search...

My Staff Workspace
My Staff Dashboard
My Staff Resources
My Staff Account
Directory of Services

Services for Workforce Staff
Manage Individuals
Manage Employers
Manage Resumés
Manage Job Orders
Manage Labor Exchange

Please select from the Manage Employers options listed below.

[Create an Employer](#)
Select this option to create an account for an Employer.

[Employer Access Rights](#)
Select this option to allow access to Resumés and job order entry for a specific Employer.

[Local Employer Sites](#)
Select this option to view information from the Infogroup employer database.

[Assist an Employer](#)
Select this option to assist a registered Employer.

[Employers Posting Jobs](#)
Select this option to view employers who have jobs available in the system.

[One Case Note to Multiple Employers](#)
Select this option to record one case note to multiple employers.

My Staff Dashboard

Services Site Map Site Search Preferences

Privacy Statement | Disclaimer | Terms of Use | Accessibility | Recommended Settings | EEO | Protect Yourself | About this Site | Contact Us

Home Sign Out

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16.1

<https://www.jobs4tn.gov/vosnet/Default.aspx>

Chat with us

**First, input
Employer ID
Number
(FEIN)**

**The number
is found in
box 1 of the
790 Form**

**Next, click
Search**

**Searching with this
number is the easiest
way to get
the correct
company**

If the FEIN does not locate the company, enter the name* of the employer into the Employer Name row

Employer name is found on the 790 Form

Second, click Search
If the employer has had previous job orders with the State that employer's profile will appear

*Reminder: Different employers may appear after searching a single employer's name; so, it is critical to review the employer's profile to ensure that the name is correct; for this reason, if necessary refer to the 790 form often.

It is important to reach the correct screen. Select from the **Username** column

By using "Adkins" this screen lists many employers' names

Do not select by numbers in the **Username** column, they have not been verified. If a number appears that means this an older job order. **Only select a name spelled in letters.**

Quick Search
Enter Search...
Results View: Summary | [Detailed](#)
To sort on any column, click a column title.

Username	Employer	Emp ID	Primary Contact Login	City	Active Contacts	Created	Access	Action	Select
DROWERD		7878	Yes	Los Alamitos	Liz Romero David Anderson	9/9/2013	Enabled	General Contacts Activities Job Orders Notes	<input type="checkbox"/>
ADKINSJOHN		11523	Yes	Clerksville	John Adkins	8/10/2014	Enabled	General Contacts Activities Job Orders Notes	<input type="checkbox"/>
00000760		31795	Yes	COLUMBIA		11/27/2014	Enabled	General Contacts Activities Job Orders Notes	<input type="checkbox"/>
0430175		31152	Yes	KINGSPORT		11/27/2014	Enabled	General Contacts Activities Job Orders Notes	<input type="checkbox"/>
000000041870		41870	Yes	Adams		11/27/2014	Not Verified	General Contacts Activities Job Orders Notes	<input type="checkbox"/>
000000041868		41868	Yes	Cleveland		11/27/2014	Not Verified	General Contacts Activities Job Orders Notes	<input type="checkbox"/>
000000041869		41869	Yes	Cleveland		11/27/2014	Not Verified	General Contacts Activities Job Orders Notes	<input type="checkbox"/>
000000041871		41871	Yes	SEVIERVILLE		11/27/2014	Not Verified	General Contacts Activities Job Orders Notes	<input type="checkbox"/>
000000041872		41872	Yes	Columbia		11/27/2014	Not Verified	General Contacts Activities Job Orders Notes	<input type="checkbox"/>
ADKINSFARM		6037	Yes	Adams	Martha Adkins	4/19/2013	Enabled	General Contacts Activities Job Orders Notes	<input type="checkbox"/>
0054ALIVE		4285	Yes	COLUMBIA	geoffrey boyd	12/11/2012	Enabled	General Contacts Activities Job Orders Notes	<input type="checkbox"/>

My Staff Workspace
My Staff Dashboard
My Staff Resources
My Staff Account
Directory of Services
Services for Workforce Staff
Manage Individuals
Manage Employers
Manage Resumes
Manage Job Orders
Manage Labor Exchange
Manage Activities
Manage Case Assignment
Manage Profiling
Manage Follow-Up
Manage Surveys
Manage Providers
Manage Funds
Manage WARN Notifications
Reports
My Reports
Summary Reports
Detailed Reports
Custom Reports
Ad-Hoc Query Wizard
Federal Reports
Communications
Messages
Correspondence
Alerts
Virtual Recruiter
Email Log
Templates
Job Order Skill Sets
Job Order Templates
Communication Templates
Save List
Update
Exporting

In the "Username" column click **ADKINSFARMS**

Note: Entering the FEIN may take you directly to this screen

Username	Employer	Emp ID	Primary Contact Login	City	Active Contacts	Created	Access	Action	Select
GROWERD1		7576	Yes	Los Alamitos	Liz Romero David Anderson	9/9/2013	Enabled	General Contacts Activities Job Orders Notes	<input type="checkbox"/>
ADKINSJOHN		11525	Yes	Clarksville	John Adkins	8/10/2014	Enabled	General Contacts Activities Job Orders Notes	<input type="checkbox"/>
0025760		31795	Yes	COLUMBIA		11/27/2014	Enabled	General Contacts Activities Job Orders Notes	<input type="checkbox"/>
0430175		31152	Yes	KINGSPORT		11/27/2014	Enabled	General Contacts Activities Job Orders Notes	<input type="checkbox"/>
000000041570		41570	Yes	Adams		11/27/2014	Not Verified	General Contacts Activities Job Orders Notes	<input type="checkbox"/>
000000041565		41565	Yes	Cleveland		11/27/2014	Not Verified	General Contacts Activities Job Orders Notes	<input type="checkbox"/>
000000041569		41569	Yes	Cleveland		11/27/2014	Not Verified	General Contacts Activities Job Orders Notes	<input type="checkbox"/>
000000041571		41571	Yes	SEVIERVILLE		11/27/2014	Not Verified	General Contacts Activities Job Orders Notes	<input type="checkbox"/>
000000041572		41572	Yes	Columbia		11/27/2014	Not Verified	General Contacts Activities Job Orders Notes	<input type="checkbox"/>
ADKINSFARMS		6037	Yes	Adams	Martha Adkins	4/19/2013	Enabled	General Contacts Activities Job Orders Notes	<input type="checkbox"/>
GR54ALIVE		4285	Yes	COLUMBIA	geoffrey boyd	12/11/2012	Enabled	General Contacts Activities Job Orders Notes	<input type="checkbox"/>

Once the correct employer is chosen, click **Corporate Profile**

The plus "+" sign in the little box will change to a negative "-" sign

https://www.jobs4tn.gov/vosnet/folders/emp/regfolder.aspx?enc=0D+Zz7McE6lHmcpt...

File Edit View Favorites Tools Help

Home Sign Out Services for Individuals Services for Employers Labor Market Analysis

Use this folder to manage your general company information including contact and login information. If you make changes, click the Save button.

GOVERNOR Bill Haslam

[Assist an Employer | Staff Services | My Portfolio]

Corporate Profile

Human Resource Plan Staff's Profile

Job Order Plan

Job Orders

Job Order Templates

Application Questions

Job Skill Sets

Tools and Technology

Recruitment Plan

Locations

Contacts/Users

Account Summary

Documents

Search History Profile

Communications Profile

General Information Locations Contacts/Users Account Summary Documents

* indicates required fields. For help click the question mark icon next to each section.

Staff Info

Registration Date: 9/13/2013 9:49:41 AM

Last Successful Login: 09/13/2013 11:21:23 (CIRCLEJTREENURSE)

Source of Registration: Direct - Self Service Entry

* LWIA / Region: LWDA 06

* Office Location: TN Career Center - Tullahoma

Registration IP Location: NASHVILLE, TENNESSEE, US

Employer Audit History: [View Employer History](#)

Employer Access Rights: [Enabled](#)

[[Reset Employer Account](#) | [Merge Employer Account](#) | [Employer Access](#) | [Case Assignment](#)]

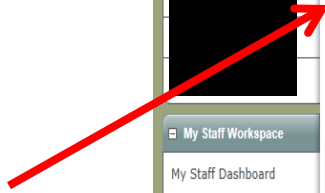
[Update]

https://www.jobs4tn.gov/permission.asp?token=EFL_JOBORDERS

Chat with us

Type your message here

Click General Information



https://www.jobs4tn.gov/vosnet/folders/emp/regfolder.aspx?enc=0D+Zz7McE6i1Hmcpt

JOBS4TN.GOV - Employer -...

File Edit View Favorites Tools Help

Home Sign Out Services for Individuals Services for Employers Labor Market Analysis

TN.GOV TENNESSEE GOVERNMENT

GOVERNOR Bill Haslam

Use this folder to manage your general company information including contact and login information. If you make changes, click the Save button.

[Assist an Employer | Staff Services | My Portfolio]

- Employer Profiles
 - Corporate Profile
 - General Information**
 - Locations
 - Contacts/Users
 - Account Summary
 - Documents
 - Search History Profile
 - Communications Profile
- Human Resource Plan
 - Job Order Plan
 - Job Orders
 - Job Order Templates
 - Application Questions
 - Job Skill Sets
 - Tools and Technology
 - Recruitment Plan
- Staff's Profile

General Information | Locations | Contacts/Users | Account Summary | Documents

* indicates required fields. For help click the question mark icon next to each section.

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[Reset Employer Account | Merge Employer Account | Employer Access | Case Assignment]

[Update]

https://www.jobs4tn.gov/permission.asp?token=EFL_JOBORDERS

Chat with us

Type your message here

https://www.jobs4tn.gov/vosnet/folders/emp/regfolder.aspx?enc=0D+Zz7Mc6E1Hmcpf

File Edit View Favorites Tools Help

Home Sign Out Services for Individuals Services for Employers Labor Market Analysis

TN.GOV
TENNESSEE GOVERNMENT

GOVERNOR
Bill Haslam

Use this folder to manage your general company information including contact and login information. If you make changes, click the Save button.

[Assist an Employer | Staff Services | My Portfolio]

- Employer Profiles
 - Corporate Profile
 - General Information
 - Locations
 - Contacts/Users
 - Account Summary
 - Documents
 - Search History Profile
 - Communications Profile
 - Human Resource Plan
 - Job Order Plan
 - Job Order Templates
 - Application Questions
 - Job Skill Sets
 - Tools and Technology
 - Recruitment Plan
 - Staff's Profile

My Staff Workspace

- My Staff Dashboard
- My Staff Resources
- My Staff Account
- Directory of Services

Services for Workforce Staff

- Manage Individuals
- Manage Employers
- Manage Resumés
- Manage Job Orders
- Manage Labor Exchange
- Manage Activities
- Manage Case Assignment
- Manage Profiling
- Manage Follow-Up

General Information Locations Contacts/Users Account Summary Documents

* indicates required fields. For help click the question mark icon next to each section.

Staff Info

Registration Date: 9/13/2013 9:49:41 AM

Last Successful Login: 09/13/2013 11:21:23 (CIRCLEJTREENURSE)

Source of Registration: Direct - Self Service Entry

* LWIA / Region: LWDA 06

* Office Location: TN Career Center - Tullahoma

Registration IP Location: NASHVILLE, TENNESSEE, US

Employer Audit History: [View Employer History](#)

Employer Access Rights: Enabled

[Reset Employer Account | Merge Employer Account | Employer Access | Case Assignment]

[Update]

https://www.jobs4tn.gov/permission.asp?token=EFL_JOBORDERS

Click Job Order Plan

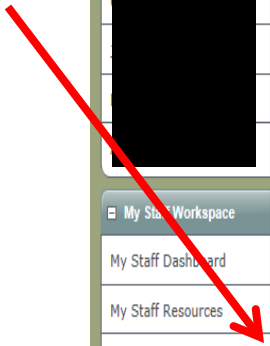
Click **Job Orders**

It is possible that you may start with this step concerning **Job Orders** -- as long as **Job Orders** is highlighted

This would skip the instructions on the three previous Slides

The screenshot shows the TN.GOV Jobs4TN website. The browser address bar displays the URL: <https://www.jobs4tn.gov/vosnet/folders/emp/regfolder.aspx?enc=0D+Zz7McE61Hmcpf>. The page header includes navigation links: Home, Sign Out, Services for Individuals, Services for Employers, and Labor Market Analysis. A banner for Governor Bill Haslam is visible. The main content area features a tree view of folders under the heading "Use this folder to manage your general company information including contact and login information. If you make changes, click the Save button." The folders include: Employer Profiles, Corporate Profile, General Information, Locations, Contacts/Users, Account Summary, Documents, Search History Profile, Communications Profile, Human Resource Plan, Job Orders (highlighted in a red box), Application Questions, Job Skill Sets, Tools and Technology, and Recruitment Plan. A red arrow points from the text "Click Job Orders" to the highlighted box. Below the tree view, there are tabs for General Information, Locations, Contacts/Users, Account Summary, and Documents. The "Staff Info" section contains the following information: Registration Date: 9/13/2013 9:49:41 AM; Last Successful Login: 09/13/2013 11:21:23 (CIRCLEJTREENURSE); Source of Registration: Direct - Self Service Entry; LWIA / Region: LWDA 06; Office Location: TN Career Center - Tullahoma; Registration IP Location: NASHVILLE, TENNESSEE, US; Employer Audit History: View Employer History; Employer Access Rights: Enabled. At the bottom of the page, there are links for [Reset Employer Account | Merge Employer Account | Employer Access | Case Assignment] and an [Update] button. The browser address bar at the bottom shows the URL: https://www.jobs4tn.gov/permission.asp?token=EFL_JOBORDERS. A chat widget is visible in the bottom right corner with the text "Chat with us" and a "Type your message here" input field.

**Click Show
Filter
Criteria**



The screenshot shows a web browser window with the URL 'https://www.jobs4tn.gov/vosnet/folders/emp/joborderfolder.aspx'. The browser's menu bar includes 'File', 'Edit', 'View', 'Favorites', 'Tools', and 'Help'. The page content is organized into several sections: a 'Quick Search' box at the top left; a 'Currently Managing' section with a large blacked-out area; a 'My Staff Workspace' section with links for 'My Staff Dashboard', 'My Staff Resources', 'My Staff Account', and 'Directory of Services'; and a main content area with a tree view of folders like 'Employer Profiles', 'Human Resource Plan', and 'Job Order Plan'. Below the tree view are five tabs: 'Job Orders', 'Job Order Templates', 'Application Questions', 'Job Skill Sets', and 'Tools and Technology'. At the bottom of the left sidebar, the 'Show Filter Criteria' button is highlighted with a red box. A help icon and text 'For help click the question mark icon.' are visible in the bottom right of the main content area.

The screenshot shows the TN.GOV Jobs4TN website interface. The main content area displays a tree view of folders for managing job orders, including 'Employer Profiles', 'Human Resource Plan', and 'Job Order Plan'. Below this, there are tabs for 'Job Orders', 'Job Order Templates', 'Application Questions', 'Job Skill Sets', and 'Tools and Technology'. A 'Filter Criteria' dropdown menu is open, showing various status options for job orders. The 'Active' option is highlighted in blue. A red arrow points to the 'Active' option, and another red arrow points to the 'Job Orders status' label. A third red arrow points to the 'Down Arrow' at the end of the 'Active' option.

Use this folder to manage your Job Orders. By clicking the **Add New Job Order** button you may enter Job Orders (employment ads) that can be viewed online by local job seekers. Click on a Job Order title in the table below to view its details.

[Assist an Employer | Staff Services | My Portfolio]

- Employer Profiles
 - Corporate Profile
 - General Information
 - Locations
 - Contacts/Users
 - Account Summary
 - Documents
 - Search History Profile
 - Communications Profile
- Human Resource Plan
 - Job Order Plan
 - Job Orders
 - Job Order Templates
 - Application Questions
 - Job Skill Sets
 - Tools and Technology
 - Recruitment Plan
- Staff's Profile

Job Orders | Job Order Templates | Application Questions | Job Skill Sets | Tools and Technology

For help click the question mark icon.

Hide Filter Criteria

Filter Criteria

Job Order Type: Internal Only External Only Internal and External (complete only)

Complete Status: Complete Incomplete

Job Orders status: **Active**

Associated Location/Work Site:

Keywords (e.g. Accountant):

Dates:

- Pending Employer Verification
- Employer access revoked
- Closed by staff
- Marked for Deletion
- Employer Filled Position
- Employer Position no longer available
- Placed On Hold
- Open and available
- Maximum Positions Met (Placed)
- Maximum Applicant Met (Fully Referred)
- Veteran Hold
- Expired
- Any

Find the **Filter Criteria**

Click the **Down Arrow** at the **Active** category

Browser address bar: <https://www.jobs4tn.gov/vosnet/folders/emp/joborderfolder.aspx>

Page Title: JOBS4TN.GOV - Recruitme...

Navigation: Home | Sign Out | Services for Individuals | Services for Employers | Labor Market Analysis

Logo: TN.GOV TENNESSEE GOVERNMENT

Message: Use this folder to manage your Job Orders. By clicking the **Add New Job Order** button you may enter Job Orders (employment ads) that can be viewed online by local job seekers. Click on a Job Order title in the table below to view its details.

Profile: GOVERNOR Bill Haslam

Navigation: [Assist an Employer | Staff Services | My Portfolio]

- Employer Profiles
 - Corporate Profile
 - General Information
 - Locations
 - Contacts/Users
 - Account Summary
 - Documents
 - Search History Profile
 - Communications Profile
- Human Resource Plan
 - Job Order Plan
 - Job Orders
 - Job Order Templates
 - Application Questions
 - Job Skill Sets
 - Tools and Technology
 - Recruitment Plan
- Staff's Profile

Job Order Management Tabs: Job Orders | Job Order Templates | Application Questions | Job Skill Sets | Tools and Technology

Filter Criteria

Hide Filter Criteria

Job Order Type: Internal Only External Only Internal and External (complete only)

Complete Status: Complete Incomplete

Job Orders status: Active

Associated Location/Work Site: [dropdown menu]

Keywords (e.g. Accountant): [dropdown menu]

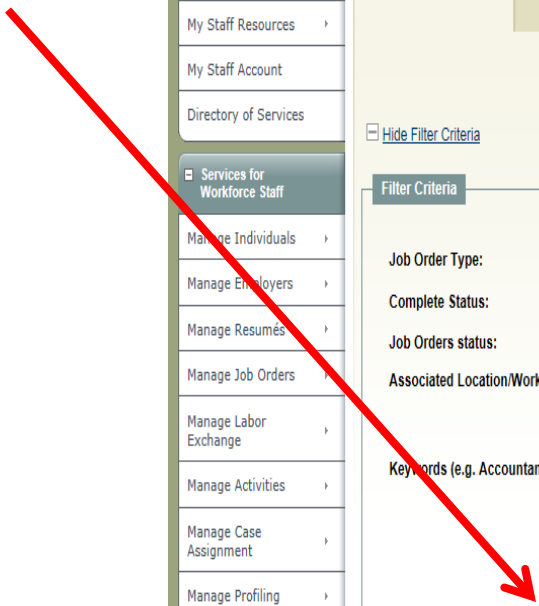
Dates: [dropdown menu]

Dropdown menu items: Active, Pending Employer Verification, Employer access revoked, Closed by staff, Marked for Deletion, Employer Filled Position, Employer Position no longer available, Placed On Hold, Open and available, Maximum Positions Met (Placed), Maximum Applicant Met (Fully Referred), Veteran Hold, Expired, Any

Chat with us

Type your message here

Click the **Any** category



With Any Location Worksite selected, click Filter

Get more Add-ons

Quick Search
Enter Search...

Currently Managing

My Staff Workspace
My Staff Dashboard
My Staff Resources
My Staff Account
Directory of Services

Services for Workforce Staff
Manage Individuals
Manage Employers
Manage Resumés
Manage Job Orders
Manage Labor Exchange
Manage Activities
Manage Case Assignment
Manage Profiling
Manage Follow-Up
Manage Surveys

[Assist an Employer | Staff Services | My Portfolio]

- Employer Profiles
 - Corporate Profile
 - General Information
 - Locations
 - Contacts/Users
 - Account Summary
 - Documents
 - Search History Profile
 - Communications Profile
- Human Resource Plan
 - Job Order Plan
 - Job Orders
 - Job Order Templates
 - Application Questions
 - Job Skill Sets
 - Tools and Technology
 - Recruitment Plan
 - Job Applicants
 - Favorite Candidates
 - Virtual Recruiter
- Staff's Profile

Job Orders | Job Order Templates | Application Questions | Job Skill Sets | Tools and Technology

For help click the question mark icon.

Hide Filter Criteria

Filter Criteria

Job Order Type: Internal Only External Only Internal and External (complete only)

Complete Status: Complete Incomplete

Job Orders status:

Associated Location/Work Site: **Any Location/Worksite**
CHARLIE SUNDERLAND, 682 NORTH CUTTS COVE RD

Keywords (e.g. Accountant):

+Show Keyword Search Options

Dates:

[Filter] [Reset Filter(s)]

When the list of job orders opens **always** select the date on which the most recent order was created

This job order should have the most up-to-date information stored for use

Click **"Copy"**
Doing this will copy the job order exactly as it was entered on that date

https://www.jobs4tn.gov/vosnet/folders/emp/joborderfolder.aspx

JOBS4TN.GOV - Recruitme...

File Edit View Favorites Tools Help

[Assist an Employer | Staff Services | My Portfolio]

Employer Profiles Human Resource Plan Staff's Profile

Corporate Profile Job Order Plan

General Information Job Orders

Locations Job Order Templates

Contacts/Users Application Questions

Account Summary Job Skill Sets

Documents Tools and Technology

Search History Profile Recruitment Plan

Communications Profile

Job Orders Job Order Templates Application Questions Job Skill Sets Tools and Technology

For help click the question mark icon.

Show Filter Criteria

Results View: Summary | Detailed

To sort on any column, click a column title.

#	Job Title	Employer Job Status	On-line Status	System Status	Created	Inactive After	Views	Applicants	Action	Select
394709	Farm Hand	Open and available	On-Line	Open and available	9/4/2015	12/3/2015	32	0	Copy Edit Delete Search by Job Criteria Pre-fill Advanced Resume Search Applicants Preview Template	<input type="checkbox"/>

Page 1 of 1

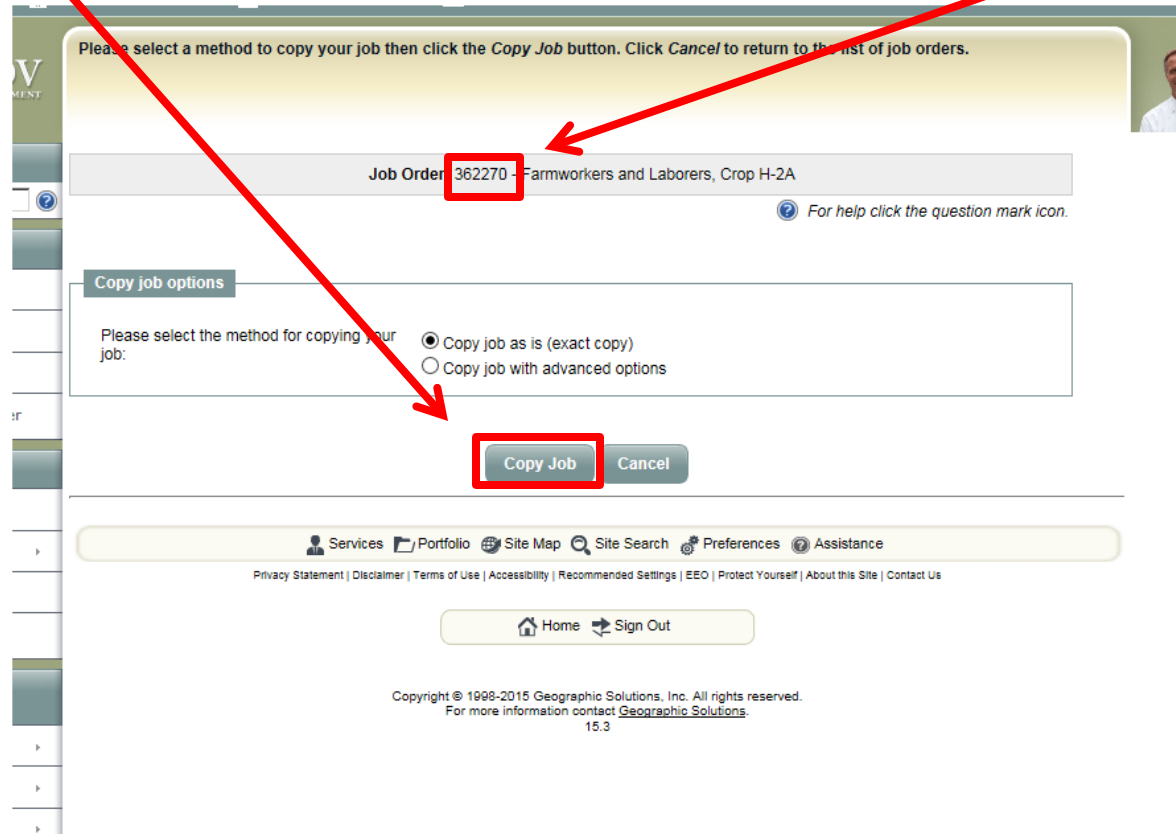
Rows: 25

1 Records Found

Chat with us

Click **Copy Job**

Previous Job Order (Old One)



Snapshot of Richard Worley's Former Job Order retrieved on
October 13, 2015

A new job order number will be generated. This **new Job Order number** will need to be **entered in Box 5 of the 790 Form. Write it down!**

Joborders - What Next - Windows Internet Explorer

https://www.jobs4tn.gov/vosnet/joborders/WhatNext.aspx?enc=gG5eQsRwrnegQQY0x1286A==

JOBS4TN.GOV - Job...

Services for Individuals Services for Employers Labor Market Analysis

Your job has been saved successfully. If you are a newly registered employer, your company will need to be verified by staff before any of your jobs orders are visible to candidates. Please select one of the following options below.

GOVERNOR Bill

Job Order: **402879** - Farmworkers and Laborers, Crop H-2A

What would you like to do next?

- [Search for Candidates that are a good match for this Job](#)
This option will allow you to search for online resumes based on your job order's information.
- [Edit this job](#)
This option will enable you to edit your newly created Job.
- [View all your Job Orders](#)
This option will allow you to review and modify all your job orders
- [Add Another Job Order](#)
This option will take you to the Job Order wizard to create and post a job on the virtual OneStop system.
- [Return to your Dashboard](#)
Use this option to navigate to your dashboard page and manage jobs, search for candidates, create a candidate (Virtual Recruiter), search available labor market information, schedule appointments on your calendar and manage your message center.

Chat with us

Type your message here

10

Click **"Edit This Job"**

Next, update the following information. Some of this information will also need to be updated and/or put into the **790 Form**



Use this form to review the job order information. You may use the links below to jump to a specific section for review. To modify this job order, click the Edit link underneath the section you want to edit.

[Job Title and Occupation](#) | [Location/Work Site of this job](#) | [Contact Person for this Job](#) | [Job order information to be displayed online](#) | [Job Details](#) | [Job Description](#) | [Skills](#) | [Other Skills](#) | [Hiring Requirements](#) | [Specialized Requirements](#) | [Minimum Education, Experience, & Age Requirements](#) | [Drivers License Requirements](#) | [Compensation & Hours](#) | [Benefits Offered](#) | [Job Application Methods Accepted](#) | [Job Applicant Information Needed](#) | [Application Question Set](#) | [Applicant Notification Method](#) | [Job Order Upload Options](#) | [Other Information](#) | [Staff Information](#)

For help click the question mark icon.

Job Order Number 402879

Job Title and Occupation

Job Title: Farmworkers and Laborers, Crop H-2A
Occupation: Farmworkers and Laborers, Crop (45209202)
Typical Employment Data: [View Typical Job and Employment Data for Farmworkers and Laborers, Crop](#)

[\[Edit Job Title and Occupation \]](#)

Location/Work Site of this job

US

To change the location of this job order, please click the [Select Another Location for this job](#). If other locations do not exist, you will have the opportunity to add a new location which can then be attached to the job order.

[\[Edit This Location of this Job \]](#) | [\[Select Another Location for this Job \]](#)


Contact Person for this Job

[\[Edit Contact Person for this Job \]](#) | [\[Select Another Contact Person for this Job \]](#)

Job Order Information to be Displayed Online

This Job Order requires staff screening

Display online to job seekers: Yes
Display your company name: No



U.S. Department of Labor
Employment and Training Administration

OMB Control No. 1205-0134
 Expiration Date: October 31, 2015

Agricultural and Food Processing Clearance Order ETA Form 790
 Orden de Empleo para Obreros/Trabajadores Agrícolas y Procesamiento de Alimentos

(Print or type in each field block - To include additional information, go to block # 28 - Please follow Step-By-Step Instructions)
 (Favor de usar letra de molde en la solicitud - Para incluir información adicional vea el punto # 28 - Favor de seguir las instrucciones paso-a-paso)

<p>1. Employer's and/or Agent's Name and Address (Number, Street, City, State and Zip Code / Nombre y Dirección del Empleador/Patrón y/o Agente (Número, Calle, Ciudad, Estado y Código Postal):</p> <p style="text-align: center;">[Redacted] Carthage, NC 28327</p> <p>a) Federal Employer Identification Number (FEIN) / Número federal de Identificación del Empleador: 46-2222899</p> <p>b) Telephone Number / Número de Teléfono: Employer: [Redacted] Agent: [Redacted]</p> <p>c) Fax Number / Número de Fax: Employer: (N/A) Agent: [Redacted]</p> <p>d) E-mail Address / Dirección de Correo Electrónico:</p>	<p style="text-align: center; font-weight: bold;">Nos. 4 through 8 for STATE USE ONLY Números 4 a 8 para USO ESTATAL</p> <p>4. SOC (ONET/OES) Occupational Code / Código Industrial: _____</p> <p>5. Job Order No. / Num. de Orden de Empleo: _____</p> <p>a. SOC (ONET/OES) Occupational Title / Título Ocupacional: _____</p>																
<p>2. Address and Directions to Work Site / Domicilio y Direcciones al lugar de trabajo: 9371 Hwy 49 E. Orinda TN 3 Hwy 52, Orinda TN Pleasant Hill Rd, Cross Plains TN Stark Rd, Cross Plains TN Red River School Rd, Portland TN All in Robertson County Employer owns controls or leases all work sites. Employer provides transportation from a centralized location to work sites daily.</p>	<p>6. Address of Order Holding Office (include Telephone number) / Dirección de la Oficina donde se radica la oferta (incluya el número de teléfono):</p> <p>a. Name of Local Office Representative (include direct dial telephone number) / Nombre del Representante de la Oficina Local (incluya el número de teléfono de su línea directa):</p>																
<p>3. Address and Directions to Housing / Domicilio y Direcciones al lugar de vivienda: 9375 Hwy 49 E. Orinda TN 37141</p>	<p>7. Clearance Order Issue Date / Fecha de Emisión de la Orden de Empleo:</p> <p>8. Job Order Expiration Date / Fecha de Vencimiento o Expiración de la Orden de Empleo:</p> <p>9. Anticipated Period of Employment / Período anticipado o previsto de Empleo: From / Desde: 06/08/2015 To / Hasta: 12/31/2015</p> <p>10. Number of Workers Requested / Número de Trabajadores Solicitados: 8</p>																
<p>a) Description of Housing / Descripción de la vivienda: mobile home Capacity: 8</p>	<p>11. Anticipated Hours of Work per Week / Horas Anticipadas/Previstas de Trabajo por Semana. Total: 40 see eta 790 attachments/VBA ETA 790 fijaciones</p> <table style="width: 100%; border-collapse: collapse;"> <tr> <td>Sunday / Domingo</td> <td style="text-align: center;">0</td> <td>Thursday / Jueves</td> <td style="text-align: center;">7</td> </tr> <tr> <td>Monday / Lunes</td> <td style="text-align: center;">7</td> <td>Friday / Viernes</td> <td style="text-align: center;">7</td> </tr> <tr> <td>Tuesday / Martes</td> <td style="text-align: center;">7</td> <td>Saturday / Sábado</td> <td style="text-align: center;">5</td> </tr> <tr> <td>Wednesday / Miércoles</td> <td style="text-align: center;">7</td> <td></td> <td></td> </tr> </table> <p>12. Anticipated range of hours for different seasonal activities / Rango previsto de horas par alas diferentes actividades de la temporada: 7:00am-3:00pm hours vary: See attachment to ETA 790 for more complete details / las horas 7:00am-3:00pm varían Ven fijación a ETA 790 para detalles más completos</p>	Sunday / Domingo	0	Thursday / Jueves	7	Monday / Lunes	7	Friday / Viernes	7	Tuesday / Martes	7	Saturday / Sábado	5	Wednesday / Miércoles	7		
Sunday / Domingo	0	Thursday / Jueves	7														
Monday / Lunes	7	Friday / Viernes	7														
Tuesday / Martes	7	Saturday / Sábado	5														
Wednesday / Miércoles	7																

Next, if necessary, update the following information. Some of this information will also need to be updated and/or put into the **790 Form**



The new **Job Order Number** goes in **Box 5** of the 790 Form. Place **"TN"** in front of it.

Job Order Number 402879

Job Title and Occupation

Job Title: Farmworkers and Laborers, Crop H-2A
Occupation: Farmworkers and Laborers, Crop (45209202)
Typical Employment Data: [View Typical Job and Employment Data for Farmworkers and Laborers, Crop](#)

[Edit Job Title and Occupation]

Location/Work Site of this job

Job Title goes in **Box 4** of the 790 Form. Often this remains the same from job order to job order.

Contact Person for this Job

[Edit Contact Person for this Job] [Select Another Contact Person for this Job]

Job Order Information to be Displayed Online

This Job Order requires staff screening

Display online to job seekers: Yes
Display your company name: No

Administration

OMB Control No. 1205-0134
Expiration Date: October 31, 2015

Food Processing Clearance Order ETA Form 790
Trabajadores Agrícolas y Procesamiento de Alimentos

For additional information, go to block # 28 - Please follow Step-By-Step Instructions
Para información adicional vea el punto # 28 - Favor de seguir las instrucciones paso-a-paso

City, State
Agencia

5-501
28327

Nos. 4 through 8 for STATE USE ONLY
Números 4 a 8 para USO ESTATAL

4. SOC (ONET/OES) Occupational Code / Código Industrial:	5. Job Order No. / Num. de Orden de Empleo:
a. SOC (ONET/OES) Occupational Title / Título Ocupacional	TN-402879

6. Address of Order Holding Office (include Telephone number) / Dirección de la Oficina donde se radica la oferta (incluya el número de teléfono):

a. Name of Local Office Representative (include direct dial telephone number) / Nombre del Representante de la Oficina Local (Incluya el número de teléfono de su línea directa).

7. Clearance Order Issue Date / Fecha de Emisión de la Orden de Empleo:

8. Job Order Expiration Date / Fecha de Vencimiento o Expiración de la Orden de Empleo:


9. Anticipated Period of Employment / Periodo anticipado o previsto de Empleo:

From / Desde: 06/08/2015 To / Hasta: 12/31/2015

Farmworkers and Laborers Crop H-2A

Use this form to review the job order information. You may use the links below to jump to a specific section for review. To modify this job order, click the Edit link underneath the section you want to edit.

[Job Title and Occupation](#) | [Location/Work Site of this job](#) | [Contact Person for this Job](#) | [Job order information to be displayed online](#) | [Job Details](#) | [Job Description](#) | [Skills](#) | [Other Skills](#) | [Hiring Requirements](#) | [Specialized Requirements](#) | [Minimum Education, Experience, & Age Requirements](#) | [Drivers License Requirements](#) | [Compensation & Hours](#) | [Benefits Offered](#) | [Job Application Methods Accepted](#) | [Job Applicant Information Needed](#) | [Application Question Set](#) | [Applicant Notification Method](#) | [Job Order Upload Options](#) | [Other Information](#) | [Staff Information](#)

 For help click the question mark icon.

Job Order Number 402879

Job Title and Occupation

Job Title: Farmworkers and Laborers, Crop H-2A
Occupation: Farmworkers and Laborers, Crop (45209202)

Typical Employment Data: [View Typical Job and Employment Data for Farmworkers and Laborers, Crop](#)

[\[Edit Job Title and Occupation \]](#)

Location/Work Site of this job

Occupation Number also goes in **Box 4** of the 790 Form. Often this remains the same from job order to job order.

[\[Edit Contact Person for this Job \]](#) | [\[Select Another Contact Person for this Job \]](#)

Administration

OMB Control No. 1205-0134
Expiration Date: October 31, 2015

Food Processing Clearance Order ETA Form 790
Orden de Empleo para Trabajadores Agrícolas y Procesamiento de Alimentos

For additional information, go to block # 28 – Please follow Step-By-Step Instructions)
Para información adicional vea el punto # 28 – Favor de seguir las instrucciones paso-a-paso)

City, State
Ciudad, Estado

5-501
88227

Nombre de

lugar de

provides
daily.

Nos. 4 through 8 for STATE USE ONLY
Números 4 a 8 para USO ESTATAL

4. SOC (O*NET/OES) Occupational Code / Código Industrial:
45209202
a. SOC (ONET/OES) Occupational Title / Título Ocupacional

5. Job Order No. / Num. de Orden de Empleo:

6. Address of Order Holding Office (include Telephone number) / Dirección de la Oficina donde se radico la oferta (incluya el número de teléfono):

a. Name of Local Office Representative (include direct dial telephone number) / Nombre del Representante de la Oficina Local (Incluya el número de teléfono de su línea directa).

7. Clearance Order Issue Date / Fecha de Emisión de la Orden de Empleo:

8. Job Order Expiration Date / Fecha de Vencimiento o Expiración de la Orden de Empleo:

9. Anticipated Period of Employment / Periodo anticipado o previsto de Empleo:

From / Desde: 06/08/2015 To/Hasta: 12/31/2015

Next, referring to the screens that will follow on the next few slides, if necessary, update the following information. Some of this information will also need to be updated and/or put into the **790 Form**



Make sure that Location/Work Site of This Job has the same address that is on box 1 address of the 790 Form

Use this form to review the job order information. You may use the links below to jump to a specific section for review. To modify this job order, click the Edit link underneath the section you want to edit.

Job Order Number 402879

Job Title and Occupation

Job Title: Farmworkers and Laborers, Crop (45209202)
Occupation: Farmworkers and Laborers, Crop (45209202)
Typical Employment Data: [View Typical Job and Employment Data for Farmworkers and Laborers, Crop](#)

[Edit Job Title and Occupation]

Location/Work Site of this job

[Redacted] Duck River, TN 38454 US

To change the location of this job order, please click the [Select Another Location for this job](#). If other locations do not exist, you will have the opportunity to add a new location which can be done by clicking the [Add New Location](#) link.

[Edit this Location]

Contact Person for this Job

Ronald Worley
Tel: (931) 729-4510
swa@awmalabor.com

[Edit Contact Person for this Job] [Select Another Contact Person for this Job]

U.S. Department Labor
Employment and Training Administration

Agricultural and Food Processing Clearinghouse
Orden de Empleo para Obreros/Trabajadores Agrícolas

(Print or type in each field block - To include additional information, go to the back of the form. - Imprimir o escribir en cada bloque de campos - Para incluir información adicional vea el reverso de la solicitud - Para incluir información adicional vea el reverso de la solicitud)

1. Employer's and/or Agent's Name and Address (Number, Street, City, State and Zip Code / Nombre y Dirección del Empleador/Patrón y/o Agente (Número, Calle, Ciudad, Estado y Código Postal):

[Redacted] Carthage, NC 28327

Orlinda TN 37141

a) Federal Employer Identification Number (FEIN) / Número federal de Identificación del Empleador:
46-2222899

b) Telephone Number / Número de Teléfono:
Employer: (615) 456-8015
Agent: (910) 947-6004

2. Address and Directions to Work Site / Domicilio y Direcciones al lugar de trabajo:
9371 Hwy 49 E. Orlinda TN 3
Hwy 52, Orlinda TN
Pleasant Hill Rd, Cross Plains TN
Stark Rd, Cross Plains TN
Red River School Rd, Portland TN
All in Robertson County
Employer owns controls or leases all work sites. Employer provides transportation from a centralized location to work sites daily.

Make sure to use the address in the 790 Form if the two addresses are different.



Next, referring to the screens that will follow on the next few slides, if necessary, update the following information. Some of this information will also need to be updated and/or put into the **790 Form**

Use this form to review the job order information. You can edit the job order, click the Edit link underneath the section you want to change.

[Job Title and Occupation](#) | [Location/Work Site of this job](#) | [Contact Person for this Job](#) | [Job Order Information to be Displayed Online](#)

[Description](#) | [Skills](#) | [Other Skills](#) | [Hiring Requirements](#) | [Special License Requirements](#) | [Compensation & Hours](#) | [Benefits](#) | [Application Question Set](#) | [Applicant Notification Method](#) | [Job](#)

Job Title and Occupation

Job Title: Farmworkers and Laborers, Agricultural, Family, and Domestic
Occupation: Farmworkers and Laborers, Agricultural, Family, and Domestic
Typical Employment Data: [View Typical Job and Employment Data](#)

Location/Work Site of this job

[Redacted]
Duck River, TN 38454 US
To change the location of this job order, please click the opportunity to add a new location, which can then be attached to this job order.
[\[Edit this Location or Add New Location \]](#)

Contact Person for this Job


[Redacted]
[\[Edit Contact Person for this Job \]](#) | [\[Select Another Contact Person for this Job \]](#)

Job Order Information to be Displayed Online

This Job Order requires staff screening

Display online to job seekers:	Yes
Display your company name:	No
Have a local workforce staff member screen your applicants:	Yes
Require the applicant to meet the staff member that is screening:	Yes

If the Employer/Owner differs from the "Contact Person for This Job" (mentioned in the Location/Worksite of this Job), make sure that the contact person and his/her details are updated. Contact information is found in one or more places in the 790 Form.

 **U.S. Department of Labor**
Employment and Training Administration

Agricultural and Food Processing Clearinghouse
Orden de Empleo para Obreros/Trabajadores Agrícolas

(Print or type in each field block - To include additional information, go to the end of the form. / Favor de usar letra de molde en la solicitud - Para incluir información adicional vea al final del formulario.)

1. Employer's and/or Agent's Name and Address (Number, Street, City, State and Zip Code / Nombre y Dirección del Empleador/Patrón y/o Agente (Número, Calle, Ciudad, Estado y Código Postal):

[Redacted]
Orlinda TN 37141
Carthage, NC 28327

a) Federal Employer Identification Number (FEIN) / Número federal de Identificación del Empleador:
46-2222899

b) Telephone Number / Número de Teléfono:
Employer: (615) 456-8015
Agent: (910) 947-6004

c) Fax Number / Número de Fax:
Employer: (N/A)
Agent: (910) 947-6006

d) E-mail Address / Dirección de Correo Electrónico:

2. Address and Directions to Work Site / Domicilio y Direcciones al lugar de trabajo:
9371 Hwy 49 E. Orlinda TN 3
Hwy 52, Orlinda TN
Pleasant Hill Rd, Cross Plains TN
Stark Rd, Cross Plains TN
Red River School Rd, Portland TN
All in Robertson County
Employer owns controls or leases all work sites. Employer provides transportation from a centralized location to work sites daily.



**U.S. Department Labor
Employment and Training Administration**

OMB Control No. 1205-0134
Expiration Date: October 31, 2015

**Agricultural and Food Processing Clearance Order ETA Form 790
Orden de Empleo para Obreros/Trabajadores Agrícolas y Procesamiento de Alimentos**

(Print or type in each field block – To include additional information, go to block # 28 – Please follow Step-By-Step Instructions)
(Favor de usar letra de molde en la solicitud – Para incluir información adicional vea el punto # 28 – Favor de seguir las instrucciones paso-a-paso)

1. Employer's and/or Agent's Name and Address (Number, Street, City, State and Zip Code / Nombre y Dirección del Empleador/Patrón y/o Agente (Número, Calle, Ciudad, Estado y Código Postal):

Orlinda TN 37141
Carthage, NC 28327

a) Federal Employer Identification Number (FEIN) / Número federal de Identificación del Empleador:

46-2222899

b) Telephone Number / Número de Teléfono:

Employer: [Redacted]
Agent: [Redacted]

c) Fax Number / Número de Fax:

Employer: (N/A)

Agent: [Redacted]

d) E-mail Address / Dirección de Correo Electrónico:

2. Address and Directions to Work Site / Domicilio y Dirección de trabajo:

Employer owns controls or leases all work sites. Employer provides transportation from a centralized location to work sites.

3. Address and Directions to Housing / Domicilio y Dirección de vivienda:

a) Description of Housing / Descripción de la vivienda:

mobile home
Capacity: 8

**Nos. 4 through 8 for STATE USE ONLY
Números 4 a 8 para USO ESTATAL**

4. SOC (O*NET/OES) Occupational Code / Código Industrial:

5. Job Order No. / Num. de Orden de Empleo:

a. SOC (ONET/OES) Occupational Title / Título Ocupacional

6. Holding Office (include Telephone number) / Dirección de donde se radica la oferta (incluya el número de teléfono):

Office Representative (include direct dial telephone number of the Office Local (include the telephone of his direct line).

7. Issue Date / Fecha de Emisión de la Orden de Empleo:

Expiration Date / Fecha de Vencimiento o Expiración de la Orden de Empleo:

8. Period of Employment / Período anticipado o previsto de Empleo:

06/08/2015 To/Hasta: 12/31/2015

9. Workers Requested / Número de Trabajadores Solicitados:

8

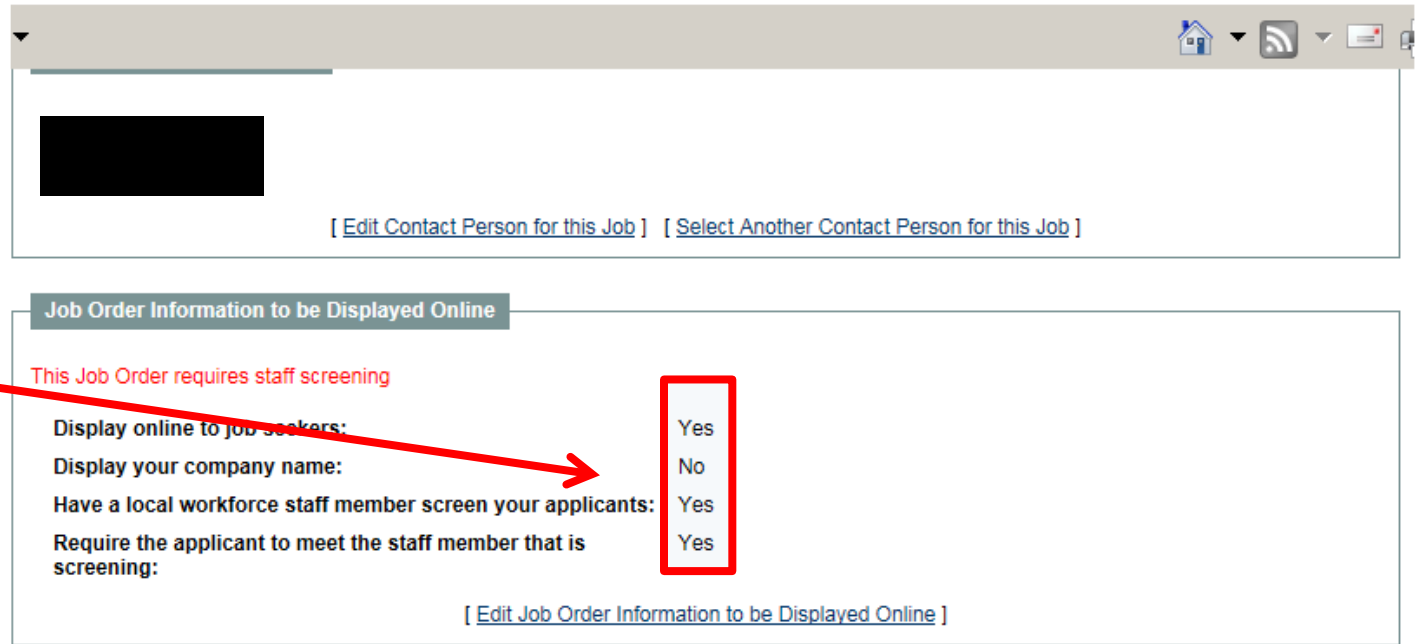
10. Hours of Work per Week / Horas Anticipadas/Previstas de trabajo por semana. Total: 40 see eta 790 attachments/ VEA ETA 790 fijaciones

Monday / Lunes 0
Tuesday / Martes 7
Wednesday / Miércoles 7
Thursday / Jueves 7
Friday / Viernes 7
Saturday / Sábado 5
Sunday / Domingo 7

12. Anticipated range of hours for different seasonal activities: / Rango previsto de horas par alas diferentes actividades de la temporada:
7:00am-3:00pm hours vary; See attachment to ETA 790 for more complete details / las horas 7:00am-3:00pm varían Ven fijación a ETA 790 para detalles más completos

Try to make sure that any new contact information, found in the 790 Form, is used to update these screens in Jobs4TN. Other agent information may be here.

**Leave these
four questions
as they are
unless you
have
information to
change them**



The screenshot shows a web browser window with a grey header bar containing navigation icons (home, RSS, mail, etc.). Below the header is a large black redacted area. Underneath the redaction are two blue links: "[Edit Contact Person for this Job]" and "[Select Another Contact Person for this Job]".

The main content area is titled "Job Order Information to be Displayed Online" in a grey header. Below this title, there is a red text label: "This Job Order requires staff screening".

Four questions are listed on the left, each with a corresponding radio button on the right:

- Display online to job seekers: Yes
- Display your company name: No
- Have a local workforce staff member screen your applicants: Yes
- Require the applicant to meet the staff member that is screening: Yes

The radio buttons for "Yes" are highlighted with a red rectangular box. A red arrow points from the text "Leave these four questions as they are..." to the "Yes" radio button for "Have a local workforce staff member screen your applicants:". At the bottom right of the form is a blue link: "[Edit Job Order Information to be Displayed Online]".

id-ons

[Edit Contact Person for this Job] [Select Another Contact Person for this Job]

Job Order Information to be Displayed Online

This Job Order requires staff screening

Display online to job seekers: Yes

Display your company name: No

Have a local workforce staff member screen your applicants: Yes

Require the applicant to meet the staff member that is screening: Yes

[Edit Job Order Information to be Displayed Online]

Job Details

Positions: 9

Earliest date to display this job order on the system: 12/04/2015

Last date this job order will be displayed on the system: 03/03/2016

Job order follow up date: 01/03/2016

Type of job: Seasonal

Full-Time or Part-Time: Full Time (30 Hours or More)

Work At Home: No

Anticipated job duration: Over 150 Days

Does this job fall within any of the following special categories: ALC/H-2A

Maximum number of applicants you would like to consider at this time: 90

[Edit Job Details]

Job Description

Leave these four questions "as is" unless you have information to change it.

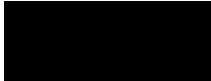
← This date must be calculated. It is to go into Box 8 of the 790 Form

← This number is found in Box 10 of the 790 Form

← This is normally seasonal

← "No" unless otherwise specified

← Leave as ALC/H-2A



[[Edit Contact Person for this Job](#)] [[Select Another Contact Person for this Job](#)]

Job Order Information to be Displayed Online

This Job Order requires staff screening

Display online to job seekers:	Yes
Display your company name:	No
Have a local workforce staff member screen your applicants:	Yes
Require the applicant to meet the staff member that is screening:	Yes

[[Edit Job Order Information to be Displayed Online](#)]

This date is auto produced in Jobs4TN.
This date is to go into Box 7 of the 790 Form

Job Details

Positions:	9
Earliest date to display this job order on the system:	12/04/2015
Last date this job order will be displayed on the system:	03/03/2016
Job order follow up date:	01/03/2016
Type of job:	Seasonal
Full-Time or Part-Time:	Full Time (30 Hours or More)
Work At Home:	No
Anticipated job duration:	Over 150 Days
Does this job fall within any of the following special categories:	ALC/H-2A
Maximum number of applicants you would like to consider at this time:	90

[[Edit Job Details](#)]


Generated by Jobs4TN. Leave as is.

Refer to box 11 on 790 Form: full time > 30;
part time < 30

Leave unless otherwise specified.

Always 10x the number listed in "Positions"

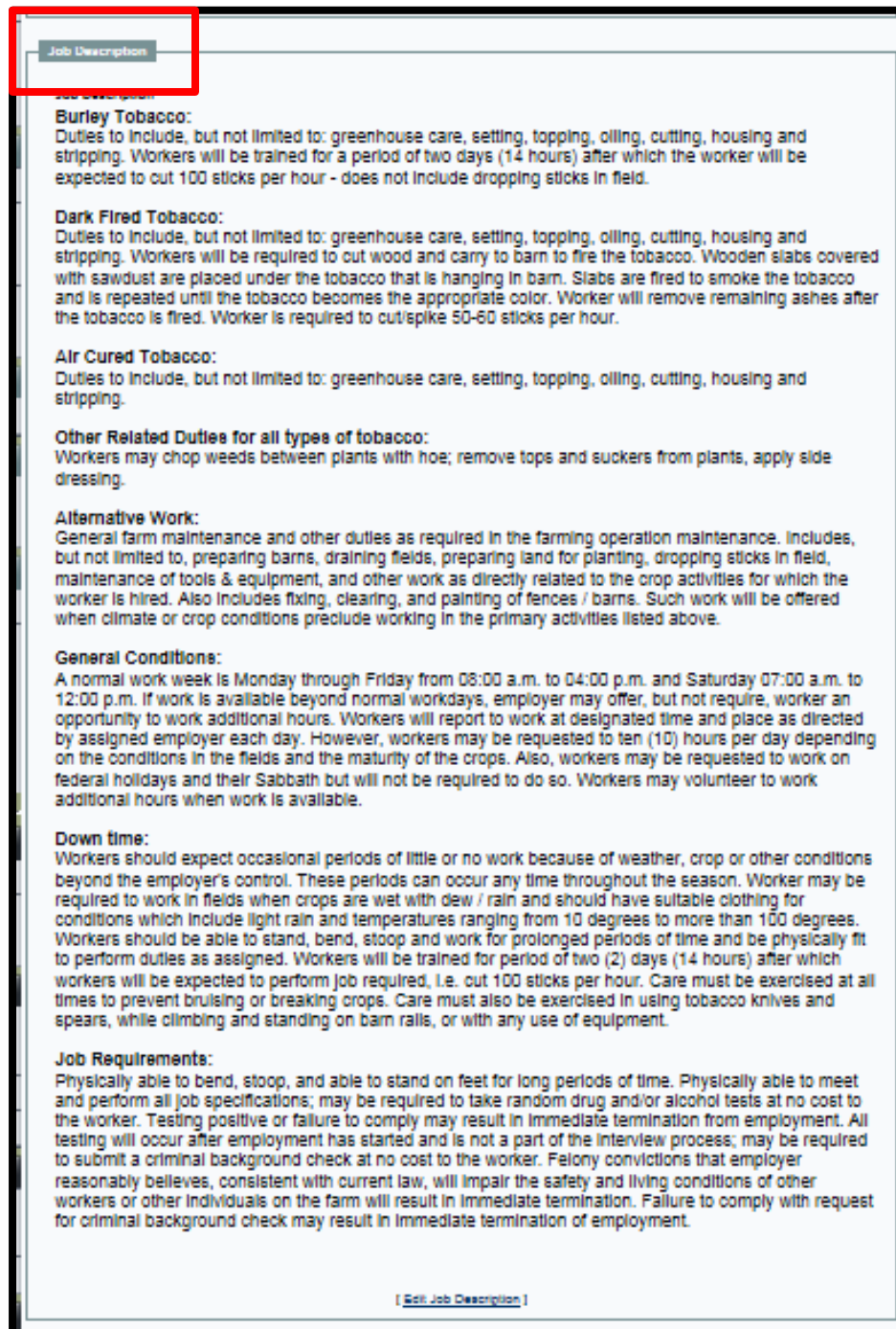
Job Description

The **Job Description**,  for the Job Order, is usually found listed in Section or box 16 of the 790 Form. It may also be listed on attachments (with the form).

Since some of the job descriptions are the same, the older one may be used. However, often they differ and must be copied or important parts retyped, etc.

For this reason, sometimes it saves time to copy from the 790 form (or from other forms) longer job descriptions and paste them into the Job Description.

Adobe 11 allows a 790 Form to be changed into a Rich Text copy. (To do this, see the next slide.) One may “cut” from the Rich Text copy/paste” into the Job Description section of Jobs4TN. (However, be sure to skim the copied material to avoid glitches) See the next slide for the method to do this.



Job Description

Burley Tobacco:
Duties to include, but not limited to: greenhouse care, setting, topping, oiling, cutting, housing and stripping. Workers will be trained for a period of two days (14 hours) after which the worker will be expected to cut 100 sticks per hour - does not include dropping sticks in field.

Dark Fired Tobacco:
Duties to include, but not limited to: greenhouse care, setting, topping, oiling, cutting, housing and stripping. Workers will be required to cut wood and carry to barn to fire the tobacco. Wooden slabs covered with sawdust are placed under the tobacco that is hanging in barn. Slabs are fired to smoke the tobacco and is repeated until the tobacco becomes the appropriate color. Worker will remove remaining ashes after the tobacco is fired. Worker is required to cut/spike 50-60 sticks per hour.

Air Cured Tobacco:
Duties to include, but not limited to: greenhouse care, setting, topping, oiling, cutting, housing and stripping.

Other Related Duties for all types of tobacco:
Workers may chop weeds between plants with hoe; remove tops and suckers from plants, apply side dressing.

Alternative Work:
General farm maintenance and other duties as required in the farming operation maintenance. Includes, but not limited to, preparing barns, draining fields, preparing land for planting, dropping sticks in field, maintenance of tools & equipment, and other work as directly related to the crop activities for which the worker is hired. Also includes fixing, clearing, and painting of fences / barns. Such work will be offered when climate or crop conditions preclude working in the primary activities listed above.

General Conditions:
A normal work week is Monday through Friday from 08:00 a.m. to 04:00 p.m. and Saturday 07:00 a.m. to 12:00 p.m. If work is available beyond normal workdays, employer may offer, but not require, worker an opportunity to work additional hours. Workers will report to work at designated time and place as directed by assigned employer each day. However, workers may be requested to ten (10) hours per day depending on the conditions in the fields and the maturity of the crops. Also, workers may be requested to work on federal holidays and their Sabbath but will not be required to do so. Workers may volunteer to work additional hours when work is available.

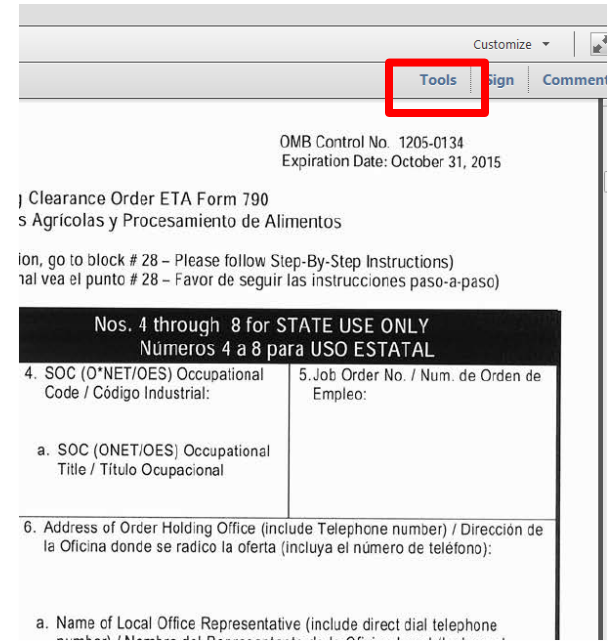
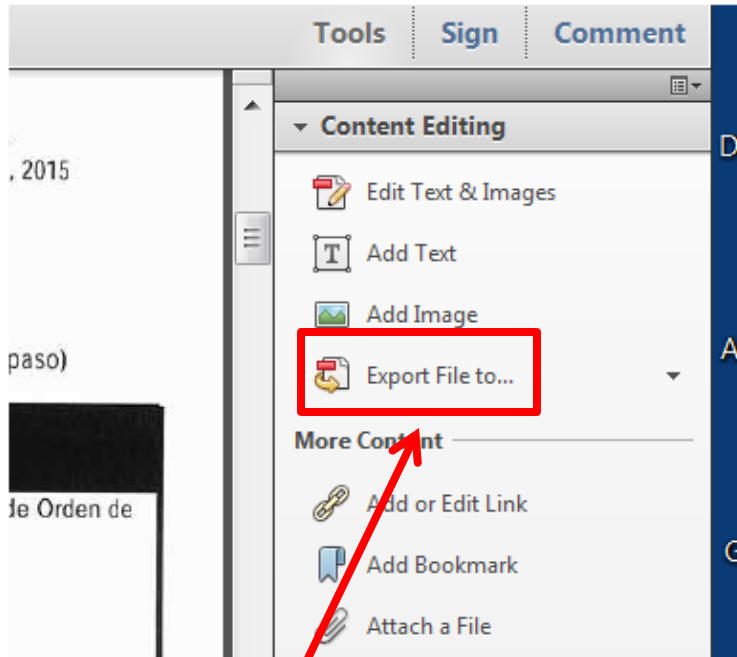
Down time:
Workers should expect occasional periods of little or no work because of weather, crop or other conditions beyond the employer's control. These periods can occur any time throughout the season. Worker may be required to work in fields when crops are wet with dew / rain and should have suitable clothing for conditions which include light rain and temperatures ranging from 10 degrees to more than 100 degrees. Workers should be able to stand, bend, stoop and work for prolonged periods of time and be physically fit to perform duties as assigned. Workers will be trained for period of two (2) days (14 hours) after which workers will be expected to perform job required, i.e. cut 100 sticks per hour. Care must be exercised at all times to prevent bruising or breaking crops. Care must also be exercised in using tobacco knives and spears, while climbing and standing on barn rails, or with any use of equipment.

Job Requirements:
Physically able to bend, stoop, and able to stand on feet for long periods of time. Physically able to meet and perform all job specifications; may be required to take random drug and/or alcohol tests at no cost to the worker. Testing positive or failure to comply may result in immediate termination from employment. All testing will occur after employment has started and is not a part of the interview process; may be required to submit a criminal background check at no cost to the worker. Felony convictions that employer reasonably believes, consistent with current law, will impair the safety and living conditions of other workers or other individuals on the farm will result in immediate termination. Failure to comply with request for criminal background check may result in immediate termination of employment.

[\[Edit Job Description \]](#)

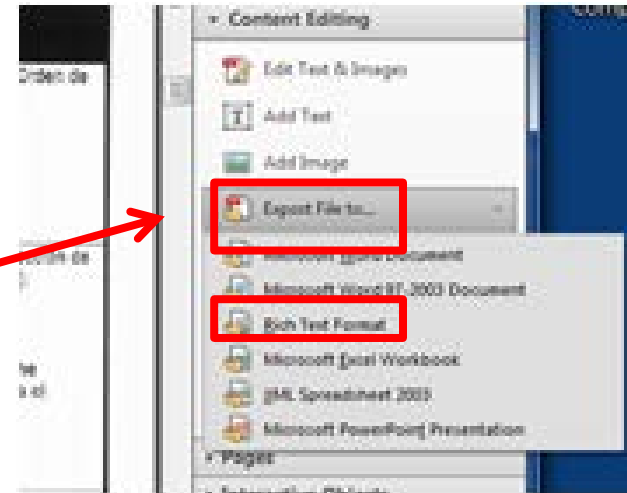
A. Open the 790 Form

B. With the 790 copy open Tools

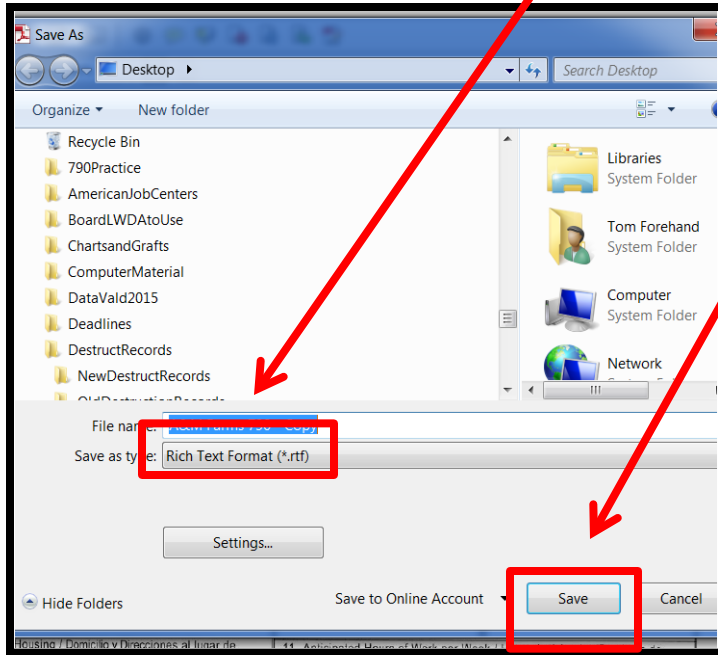


C. Next, select Export to...

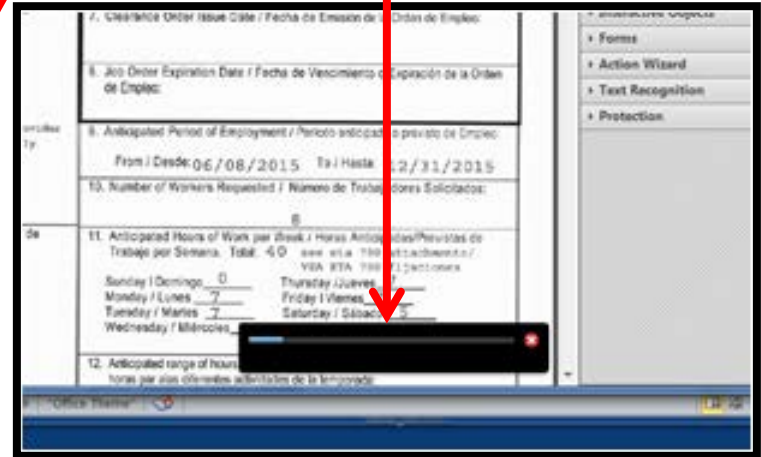
D. Select Rich Text Format



E. After selecting Rich Text Adobe will ask you to save this copy



F. Save the new Rich Text copy of your 790 will begin to be generated by Adobe 11



G. After a few moments, the new Rich Text copy will be generated. Highlight and copy large portions, if necessary, to be pasted into the Job Description section of the job order.

16. Job Specifications: Workers should have at least 3 months verifiable experience working in tobacco. Applicants must be able to furnish affirmative job references from recent employers operating comparable operations establishing acceptable previous experience.

Worker must possess requisite physical strength and endurance to repeat the harvest process throughout the workday, working quickly and skillfully to perform activities for which they were hired. Workers must work at a sustained, vigorous pace and make bona fide efforts to work efficiently and consistently that are reasonable under the climatic and other working conditions, considering also the amount, quality, and efficiency of work accomplished by their coworkers. Workers may not leave trash, or other discarded items in work areas or vehicles but must dispose of such items in provided receptacles. Workers must wash hands with soap and water after all bathroom and meal breaks. Allergies to varieties of ragweed, goldenrod, insecticides, related agricultural chemicals, etc. may affect workers' ability to perform the work described herein. Workers should be physically able to do the worker described with or without reasonable accommodations. Workers are required to climb into barns.

BURLEY TOBACCO/DARK FIRED TOBACCO: Workers will seed, set, cut, house, and strip tobacco. Workers will plant tobacco seeds in trays kept in environmentally controlled structure. When seedlings reach appropriate size workers will transplant seedlings to prepared beds according to supervisors' instructions. Workers will pull 6 to 10 inch tall plants from a plant bed one at a time. The stems of the plant must not be bruised. The plants are put into bundles with roots at the same end so they can be transplanted. The bundles are hauled to the field for transplanting into separate rows 38 to 42 inches apart. The plants are spaced in the row from 16 to 20 inches apart. Machines pulled by a small tractor are used to transplant the tobacco. Workers will chop out weeds with a hoe, or pull by hand. Workers will remove tops and suckers from plants. Workers using a tobacco knife will cut ripe plants off at ground level and spear the tobacco stalk over metal spear onto wooden sick (stick is 48 inches long, one end is stuck in ground and metal spear is placed on other end). Industry standard is six (6) plants per stick (stick and six (6) plants may weigh 80 pounds, and plants may be seven (7) feet tall). Workers may drop sticks in standing tobacco before cutting by hand or by machine.

Worker will transfer tobacco-loaded sticks from ground to wagon or trailer and load sticks in orderly fashion on said wagon or trailer. Workers will be required to climb into the barns to hang sticks of tobacco. Worker will then transfer sticks from wagon or trailer to other workers standing on rails in tobacco-curing barn. Workers standing on rails (worker stands with one foot on each rail – rails may be 48 inches apart and from 6 to 40 feet from ground) will either hang stick and separate plants, or will transfer to another worker for purposes of air-curing the tobacco. For best results, curing barns should be filled in as short a time as possible.

With dark fired tobacco, wooden slabs covered with sawdust are placed under the tobacco that is hanging in the barn. The slabs are fired to smoke the tobacco. Workers will be required to cut wood and carry to barn to fire the tobacco. This process is repeated until the tobacco turns the appropriate color. Remaining ashes must be cleared away after firing the tobacco.

Care must be exercised to prevent bruising or breaking of plants and leaves at all times. Care must also be exercised in using tobacco knife, spear, while standing on rails, and stripping the crop. The trained workers will be expected, consistent with production standards required by other employers in the area of employment for the crop activity, to cut and house 50 sticks of tobacco per hour if the sticks are not dropped before cutting begins. If the sticks are dropped before cutting begins the trained worker is expected to cut and house 100 sticks per hour, for manual harvest and 120 for machine-aided harvest for Burley. Dark fire tobacco production standards are 50-60 sticks

The "Job Description" from the 790 Form ...

...can be copied and
pasted into the "Job
Description" section.

16. Job Specifications: Workers should have at least 3 months verifiable experience working in tobacco. Applicants must be able to furnish affirmative job references from recent employers operating comparable operations establishing acceptable previous experience

Worker must possess requisite physical strength and endurance to repeat the harvest process though out the workday, working quickly and skillfully to perform activities for which they were hired. Workers must work at a sustained, vigorous pace and make bona fide efforts to work efficiently and consistently that are reasonable under the climatic and other working conditions, considering also the amount, quality, and efficiency of work accomplished by their coworkers. Workers may not leave trash, or other discarded items in work areas or vehicles but must dispose of such items in provided receptacles. Workers must wash hands with soap and water after all bathroom and meal breaks. Allergies to varieties of ragweed, goldenrod, insecticides, related agricultural chemicals, etc, may affect workers ability to perform the work described herein. Workers should be physically able to do the worker described with or without reasonable accommodations. Workers are required to climb into barns.

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Job Description

Job Description

Burley Tobacco:

Duties to include, but not limited to: greenhouse care, setting, topping, oiling, cutting, housing and stripping. Workers will be trained for a period of two days (14 hours) after which the worker will be expected to cut 100 sticks per hour - does not include dropping sticks in field.

Dark Fired Tobacco:

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Air Cured Tobacco:

Duties to include, but not limited to: greenhouse care, setting, topping, oiling, cutting, housing and stripping.

Other Related Duties for all types of tobacco:

Workers may chop weeds between plants with hoe; remove tops and suckers from plants, apply side dressing.

Alternative Work:

General farm maintenance and other duties as required in the farming operation maintenance. Includes, but not limited to, preparing barns, draining fields, preparing land for planting, dropping sticks in field, maintenance of tools & equipment, and other work as directly related to the crop activities for which the worker is hired. Also includes fixing, clearing, and painting of fences / barns. Such work will be offered when climate or crop conditions preclude working in the primary activities listed above.

General Conditions:

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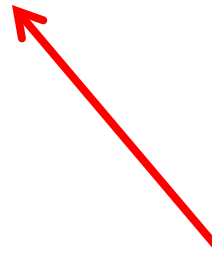
Down time:

Workers should expect occasional periods of little or no work because of weather, crop or other conditions beyond the employer's control. These periods can occur any time throughout the season. Worker may be required to work in fields when crops are wet with dew / rain and should have suitable clothing for conditions which include light rain and temperatures ranging from 10 degrees to more than 100 degrees. Workers should be able to stand, bend, stoop and work for prolonged periods of time and be physically fit to perform duties as assigned. Workers will be trained for period of two (2) days (14 hours) after which workers will be expected to perform job required, i.e. cut 100 sticks per hour. Care must be exercised at all times to prevent bruising or breaking crops. Care must also be exercised in using tobacco knives and spears, while climbing and standing on barn rails, or with any use of equipment.

Skills

Listed below are the skills that are associated with this occupation.

19. drive automobile, van, or light truck
20. move or fit heavy objects
21. examine animals to detect illness, disease, or injury
22. recognize disease or parasites in animals
23. direct and coordinate activities of workers or staff
24. clean rooms or work areas
25. maintain or repair cargo or passenger vehicle
26. use vehicle repair tools or safety equipment
27. load, unload, or stack containers, materials, or products
28. operate power driven pumps
29. use hand or power tools
30. drive truck with capacity greater than 3 tons



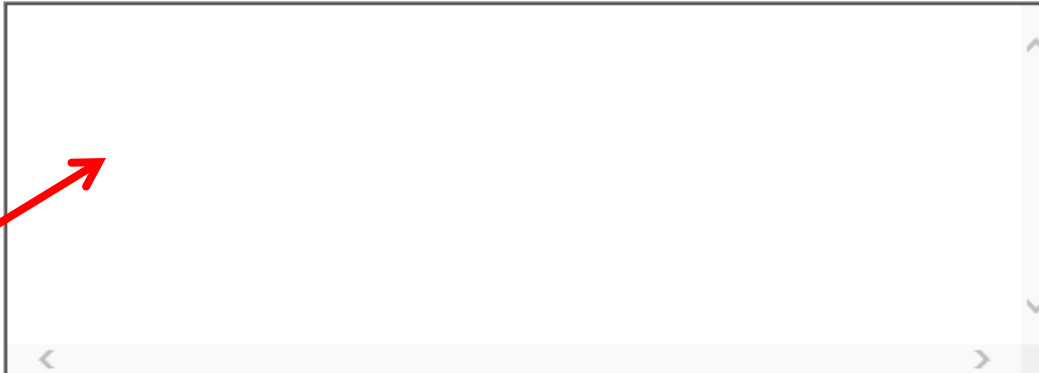
At this time **leave these**

12. perform safety inspections in agricultural, forestry, or fishing setting

Current Technology skills that are associated with this job

A large, empty rectangular text area with a light gray border and a vertical scrollbar on the right side. It is intended for listing current technology skills associated with the job.

Current Tools that are associated with this job

A large, empty rectangular text area with a light gray border and a vertical scrollbar on the right side. It is intended for listing current tools associated with the job.

[[Edit Skills](#)]

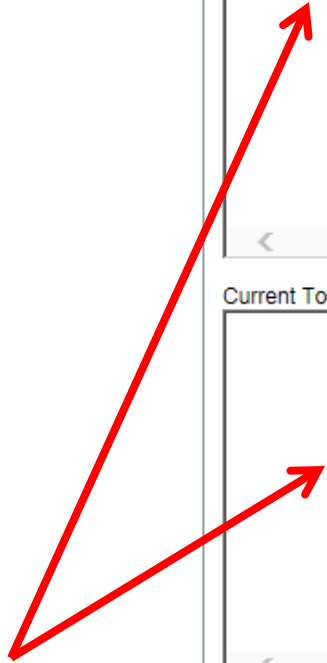
Other Skills

Special Software/Hardware skills No needed

Other specific skills required:

[[Edit Other Skills](#)]

Leave blank



Other Skills

Special Software/Hardware skills No needed

Other specific skills required:

[Edit Other Skills]

Hiring Requirements

Hiring Requirements:

• Drug Testing/Screening
Background Checks

Test Requirement:

Employer will perform testing

Provide a brief description of the testing being performed (250 characters max):

May be required to take random drug and/or alcohol tests at no cost to the worker. Testing positive or failure to comply may result in immediate termination from employment. All testing will occur after employment has started and is not a part of the interview process; may be required to submit a criminal background check at no cost to the worker. Felony convictions that employer reasonably believes, consistent with current law, will impair the safety and living conditions of other workers or other individuals on the farm will result in immediate termination. Failure to comply

At times you will need to put phrase into this section to allow you to proceed in filling out the rest of the screens

Edit and put in Drug Testing/ Screening -- if checked on the 790 Form (See box 16 below.)

If not checked then remove it on this screen

Special

Minimum

Please

secure

Lang

Profile

Minimum

16. Job description and requirements / Descripción y requisitos del trabajo:

Workers will perform duties associated with planting cultivating and harvesting employers crops. See attached for more complete details. Los trabajadores que realizan tareas relacionadas con la siembra y cosecha cultivo cultivos los empleadores. Consulte el documento adjunto para obtener más información

1. Is previous work experience preferred? / Se prefiere previa experiencia? Yes / Si No If yes, number of months preferred: / Si es así, numero de meses de experiencia; 3 All applicants must have 3 months verifiable experience working in tobacco. Applicants must be able to furnish affirmative job references from recent employers operating comparable operations establishing acceptable previous experience. Todos los solicitantes deben tener 3 meses de experiencia comprobable en el sector del tabaco. Los solicitantes deben estar en condiciones de proporcionar referencias de trabajo positivas de los últimos los empleadores comparables establecer niveles aceptables de experiencia previa.

2. Check all requirements that apply:

- Certification/License Requirements / Certificación/Licencia Requisitos
- Driver Requirements / Requisitos del conductor
- Employer Will Train / Empleador entrenará o adiestrará
- Extensive Sitting / Estar sentado largos ratos
- Exposure to Extreme Temp. / Expuesto a Temperaturas Extremas
- Lifting requirement / Levantar o Cargar 80 lbs./libras
- Repetitive Movements / Movimientos repetitivos

- Criminal Background Check / verificación de antecedentes penales
- Drug Screen / Detección de Drogas (random/aleatorio)
- Extensive Pushing and Pulling / Empujar y Jalar Extensamente
- Extensive Walking / Caminar por largos ratos
- Frequent Stooping / Inclinandose o agachándose con frecuencia
- OT/Holiday is not mandatory / Horas Extras (sobre tiempo) / Días Feriados no obligatorio

See page 3 of 790 Form

Other Skills

Special Software/Hardware skills No needed

Other specific skills required:

[[Edit Other Skills](#)]

Hiring Requirements

Hiring Requirements:

- Drug Testing/Screening
- Background Checks

Test Requirement:

Employer will perform testing

Provide a brief description of the testing being performed (2500 characters max).

May be required to take random drug and/or alcohol tests at no cost to the worker. Testing positive or failure to comply may result in immediate termination from employment. All testing will occur after employment has started and is not a part of the interview process; may be required to submit a criminal background check at no cost to the worker. Felony convictions that employer reasonably believes, consistent with current law, will impair the safety and living conditions of other workers or other individuals on the farm will result in immediate termination. Failure to

16. Job description and requirements / Descripción y requisitos del trabajo:

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1. Is previous work experience preferred? / Se prefiere previa experiencia? Yes / Si No If yes, number of months preferred: / Si es así, numero de meses de experiencia; 3 All applicants must have 3 months verifiable experience working in tobacco. Applicants must be able to furnish affirmative job references from recent employers operating comparable operations establishing acceptable previous experience. Todos los solicitantes deben tener 3 meses de experiencia comprobable en el sector del tabaco. Los solicitantes deben estar en condiciones de proporcionar referencias de trabajo positivas de los últimos los empleadores comparables establecer niveles aceptables de experiencia previa.

2. Check all requirements that apply:

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- Extensive Sitting / Estar sentado largos ratos
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- Lifting requirement / Levantar o Cargar 80 lbs./libras
- Repetitive Movements / Movimientos repetitivos

- Criminal Background Check / Verificación de antecedentes penales
- Drug Screen / Detección de Drogas (random/aleatorio)
- Extensive Pushing and Pulling / Empujar y Jalar Extensamente
- Extensive Walking / Caminar por largos ratos
- Frequent Stooping / Inclinandose o agachándose con frecuencia
- OT/Holiday is not mandatory / Horas Extras (sobre tiempo) / Días Feriados no obligatorio

If Drug Testing/Screening is selected, also put in Employer will perform testing (unless otherwise specified).

Edit and put in Background Checks -- if checked on the 790 Form (See box 16 below). If not remove it on this screen.

Other Skills

Special Software/Hardware skills No needed

Other specific skills required:

[[Edit Other Skills](#)]

Hiring Requirements

Hiring Requirements:

- Drug Testing/Screening
- Background Checks

Test Requirement: Employer will perform testing

Provide a brief description of the testing being performed (2500 characters max):

May be required to take random drug and/or alcohol tests at no cost to the worker. Testing positive or failure to comply may result in immediate termination from employment. All testing will occur after employment has started and is not a part of the interview process; may be required to submit a criminal background check at no cost to the worker. Felony convictions that employer reasonably believes, consistent with current law, will impair the safety and living conditions of other workers or other individuals on the farm will result in immediate termination. Failure to comply

Notice that in this illustration, Criminal Background Check is not selected

16. Job description and requirements / Descripción y requisitos del trabajo:

Workers will perform duties associated with planting cultivating and harvesting employers crops. See attached for more complete details. Los trabajadores que realizan tareas relacionadas con la siembra y cosecha cultivo cultivos los empleadores. Consulte el documento adjunto para obtener más información.

1. Is previous work experience preferred? / Se prefiere previa experiencia? Yes / Si No If yes, number of months preferred: / Si es así, numero de meses de experiencia; 3 All applicants must have 3 months verifiable experience working in tobacco. Applicants must be able to furnish affirmative job references from recent employers operating comparable operations establishing acceptable previous experience. Todos los solicitantes deben tener 3 meses de experiencia comprobable en el sector del tabaco. Los solicitantes deben estar en condiciones de proporcionar referencias de trabajo positivas de los últimos los empleadores comparables estableciendo niveles aceptables de experiencia previa.

2. Check all requirements that apply.

<input type="checkbox"/> Certification/License Requirements / Certificación/Licencia Requisitos	<input type="checkbox"/> Criminal Background Check / Verificación de antecedentes penales
<input type="checkbox"/> Driver Requirements / Requisitos del conductor	<input checked="" type="checkbox"/> Drug Screen / Detección de Drogas (random/aleatorio)
<input type="checkbox"/> Employer Will Train / Empleador entrenará o adiestrará	<input checked="" type="checkbox"/> Extensive Pushing and Pulling / Empujar y Jalar Extensamente
<input checked="" type="checkbox"/> Extensive Sitting / Estar sentado largos ratos	<input checked="" type="checkbox"/> Extensive Walking / Caminar por largos ratos
<input checked="" type="checkbox"/> Exposure to Extreme Temp. / Expuesto a Temperaturas Extremas	<input checked="" type="checkbox"/> Frequent Stooping / Inclinandose o agachándose con frecuencia
<input checked="" type="checkbox"/> Lifting requirement / Levantar o Cargar <u>80</u> lbs./libras	<input checked="" type="checkbox"/> OT/Holiday is not mandatory / Horas Extras (sobre tiempo) / Días Feriados no obligatorio
<input checked="" type="checkbox"/> Repetitive Movements / Movimientos repetitivos	

For this reason
Background Checks should
be **removed**
when editing
this screen

Other Skills

Special Software/Hardware skills No needed

Other specific skills required:

[[Edit Other Skills](#)]

Hiring Requirements

Hiring Requirements:

- Drug Testing/screening
- Background Checks

Test Requirement: Employer will perform testing

Provide a brief description of the testing being performed (2500 characters max):

May be required to take random drug and/or alcohol tests at no cost to the worker. Testing positive or failure to comply may result in immediate termination from employment. All testing will occur after employment has started and is not a part of the interview process; may be required to submit a criminal background check at no cost to the worker. Felony convictions that employer reasonably believes, consistent with current law, will impair the safety and living conditions of other workers or other individuals on the farm will result in immediate termination. Failure to comply

16. Job description and requirements / Descripción y requisitos del trabajo:

Workers will perform duties associated with planting cultivating and harvesting employers crops. See attached for more complete details. Los trabajadores que realizan tareas relacionadas con la siembra y cosecha cultivo cultivos los empleadores. Consulte el documento adjunto para obtener más información.

Special

Minimum

Please

Security

Language

Profile

1. Is previous work experience preferred? / Se prefiere previa experiencia? Yes / Si No If yes, number of months preferred: / Si es así, numero de meses de experiencia; 3 All applicants must have 3 months verifiable experience working in tobacco. Applicants must be able to furnish affirmative job references from recent employers operating comparable operations establishing acceptable previous experience. Todos los solicitantes deben tener 3 meses de experiencia comprobable en el sector del tabaco. Los solicitantes deben estar en condiciones de proporcionar referencias de trabajo positivas de los últimos los empleadores comparables establecer niveles aceptables de experiencia previa.

2. Check all requirements that apply:

<input type="checkbox"/> Certification/License Requirements / Certificación/Licencia Requisitos	<input type="checkbox"/> Criminal Background Check / Verificación de antecedentes penales
<input type="checkbox"/> Driver Requirements / Requisitos del conductor	<input checked="" type="checkbox"/> Drug Screen / Detección de Drogas (random/aleatorio)
<input type="checkbox"/> Employer Will Train / Empleador entrenará o adiestrará	<input checked="" type="checkbox"/> Extensive Pushing and Pulling / Empujar y Jalar Extensamente
<input checked="" type="checkbox"/> Extensive Sitting / Estar sentado largos ratos	<input checked="" type="checkbox"/> Extensive Walking / Caminar por largos ratos
<input checked="" type="checkbox"/> Exposure to Extreme Temp. / Expuesto a Temperaturas Extremas	<input checked="" type="checkbox"/> Frequent Stooping / Inclinandose o agachándose con frecuencia
<input checked="" type="checkbox"/> Lifting requirement / Levantar o Cargar <u>80</u> lbs./libras	<input checked="" type="checkbox"/> OT/Holiday is not mandatory / Horas Extras (sobre tiempo) / Días Feriados no obligatorio
<input checked="" type="checkbox"/> Repetitive Movements / Movimientos repetitivos	

- 3 -

Minimum Education, Experience, & Age Requirements

If you have a minimum age requirement for this job, what is that requirement: 18

Reason for age requirement: Other-Specify in Job Details

Minimum education required: Minimum Education Requirement

Typical Education Required: [View Typical Education Requirements for Farmworkers and Laborers, Crop](#)

Minimum Months of Experience in Selected Occupation: 0

Typical Experience Required: [View Typical Work Experience Requirements for Farmworkers and Laborers, Crop](#)

[\[Edit Minimum Education, Experience, & Age Requirements \]](#)

**This is usually "18" unless otherwise specified on the 790 Form
If "18" & no reason given, select "Hours of Work"**

No minimum unless otherwise specified

Drivers License Requirements

Is this job accessible by public transportation? No

Is a driver's license required for this position? No

[\[Edit Drivers License Requirements \]](#)

Usually between "0" and "3" months (See box 16 of 790 Form)

Compensation and Hours

Salary requirements are visible to job seekers

Minimum Salary: \$ 10.28

Maximum Salary: \$ 10.28

Basis for unit of salary/pay: Hour

Typical Labor Market Rates: [View Typical Labor Market Rates for Farmworkers and Laborers, Crop](#)

Pay Comments: DOE (Depends on Experience)

Is Supplemental Compensation offered? No

Hours Per Week: Hours are Specific

Hours: 40

Shift: Day Shift

[\[Edit Compensation & Hours \]](#)

Benefits Offered

Benefits offered for this job: No benefits provided

A brief description of other benefits you may offer:

[\[Edit Benefits Offered \]](#)

Job Application Methods Accepted

16. Job description and requirements

1. Is previous work experience preferred?

Yes / Si No If yes, number of months preferred:

3

Minimum Education, Experience, & Age Requirements

If you have a minimum age requirement for this job, what is that requirement: 18

Reason for age requirement: Other-Specify in Job Details

Minimum education required: No Minimum Education Requirement

Typical Education Required: [View Typical Education Requirements for Farmworkers and Laborers, Crop](#)

Minimum Months of Experience in Selected Occupation: 0

Typical Experience Required: [View Typical Work Experience Requirements for Farmworkers and Laborers, Crop](#)

[\[Edit Minimum Education, Experience, & Age Requirements \]](#)

Drivers License Requirements

Is this job accessible by public transportation? No

Is a driver's license required for this position? No

[\[Edit Drivers License Requirements \]](#)

Compensation and Hours

Salary requirements are visible to job seekers

Minimum Salary: \$ 10.28

Maximum Salary: \$ 10.28

Basis for unit of salary/pay: Hour

Typical Labor Market Rates: [View Typical Labor Market Rates for Farmworkers and Laborers, Crop](#)

Pay Comments: DOE (Depends on Experience)

Is Supplemental Compensation offered? No

Hours Per Week: Hours are Specific

Hours: 40

Shift: Day Shift

[\[Edit Compensation & Hours \]](#)

Tennessee is now at \$10.92 (could be a maximum of \$18) (See Box 17 In 790 Form)

Usually select this

Usually. See box 11 of 790 Form

17. Wage Rates, Special Pay Information and Crop Activities	
Crop Activities	Hourly Wage
Cultivos	Salario por Hora
Tobacco	\$ 10.28
Straw &	\$
Hay	10.28
	\$

11. Anticipated Hours of Work per Week / Horas Anticipadas/Previstas de Trabajo por Semana. Total: 40 see eta 790 attachments/ VEA ETA 790 fijaciones	
Sunday / Domingo 0	Thursday / Jueves 7
Monday / Lunes 7	Friday / Viernes 7
Tuesday / Martes 7	Saturday / Sábado 5
Wednesday / Miércoles 7	

40 hours total

Job Application Methods Accepted

Check the methods that individuals may use to apply for this job:

- At the Nearest One-Stop

Enter a brief description of the application process: (2500 characters max.)

Job seeker with copy of job order is to contact the employer: Tony C Jenkins, 649 Jonestown Rd, Lafayette, TN 37083; 615-666-8962 - Monday through Friday 08:00 am to 04:00 pm – Answering machine/voice mail if unable to answer phone ability to return call within two (2) working days.

[[Edit Job Application Methods Accepted](#)]

Job Applicant Information Needed

Items Required:

- Contact Information
- Employment History

[[Edit Job Applicant Information Needed](#)]

Application Question Set

Application Question Set: (This job does not have a question set tied to it.)

[[Edit Application Question Set](#)]

Applicant Notification Method

Job applicants can be viewed by selecting the Manage Jobs option and clicking on the number in the applicants column or the applicants link.

Would you like to be notified when a job seeker applies for this job? No

[[Edit Applicant Notification Method](#)]

Job Order Upload Options

Which sites would you like to upload your job to?

[[Edit Job Order Upload Options](#)]

Other Information

A State Workforce Agent's number can be replaced with a contact number from the owner or agent

ETA-790
ATTACHMENT #1

Item 15. – Referrals, Cont.

Employer will accept referrals who may apply direct or referred from any other source. The job seeker will be informed of the terms and conditions of the job by the information contained in the TN job order. These TN job orders are entered by geographical / administrative areas within the state. This is done to ensure that local job seekers have equal access to these job opportunities. These offices are referred to as "the job holding office." The "job holding office" will refer all interested applications to the employer with a copy of the TN job order(s), which contains all pertinent information concerning the job. The employer agrees to interview all US workers referred by DES for:

1. Availability and commitment to work the entire length of the contract.
2. Have transportation to the job site
3. Have been fully apprised of the job information, terms and conditions of the job and the nature of the employment
4. Workers state he / she can physically perform the job requirements
5. Ability to provide documentation to complete the INS Form I-9

Job seeker with copy of job order is to contact the employer: Tony C Jenkins, 649 Jonestown Rd, Lafayette, TN 37083; 615-666-8962 - Monday through Friday 08:00 am to 04:00 pm – Answering machine/voice mail if unable to answer phone ability to return call within two (2) working days.

Item 15 of the 790 Form may be copied and pasted directly into this section

Job Order Upload Options

Which sites would you like to upload your job to?

[[Edit Job Order Upload Options](#)]

Other Information

Is this a Green Job? No
Are you a Federal Contractor? No
Does a court ordered affirmative action plan require posting this job order? No
Is this job order for an Enterprise Zone? No

[[Edit Other Information](#)]

Staff Information

Job order initially entered by Staff: cg07426 - Tom Forehand
Last Reviewed by Staff: cg07426 - Tom Forehand
Last edit on: 12/4/2015 12:27:00 PM

Job Order Source: Direct - Staff Entered Entry
Job Order Number: 413872
Case Note:

← Automatically populated

ID	Create Date	Subject	Action
No data found.			

Historical Staff Note regarding this job order:

LWIA/Region: LWDA 09
Office Location: French Landing
Category: Alien Labor Cert H2A
Job Developer / Mandatory Listing: Mandatory Listing
On-line Status: On-Line
Employer Job Order Status: Open and available
Staff Job Order Status: [Veteran Hold](#)
Featured Job: No

← Usually is H2A
← Always Mandatory Listing

This job order has been verified by staff as the document to meet the mandatory job posting in conjunction with Not Specified an application to the Department of Labor to employ H-2B worker requirements.

[[Edit Staff Information](#)]

Job order initially entered by Staff: cg07426 - Tom Forehand
Last Reviewed by Staff: cg07426 - Tom Forehand
Last edit on: 10/13/2015

Job Order Source: Direct - Self Service Entry

Job Order Number: 402879

Case Note:

ID	Create Date	Subject	Action
No data found.			

Historical Staff Note regarding this job order:

LWIA/Region: LWDA 09
Office Location: French Landing
Category: Alien Labor Cert H2A
Job Developer / Mandatory Listing: Mandatory Listing
On-line Status: On-Line
Employer Job Order Status: Open and available
Staff Job Order Status: [Veteran Hold](#)
Featured Job: No

This job order has been verified by staff as the document to meet the mandatory job posting in conjunction with Not Specified an application to the Department of Labor to employ H-2B worker requirements.

[[Edit Staff Information](#)]

When updates are completed...

...select the **Return to Job Orders**

[Job Title and Occupation](#) | [Location/Work Site of this job](#) | [Contact Person for this Job](#) | [Job order information to be displayed online](#) | [Job Details](#) | [Job Description](#) | [Skills](#) | [Other Skills](#) | [Hiring Requirements](#) | [Minimum Education, Experience, & Age Requirements](#) | [Drivers License Requirements](#) | [Compensation & Hours](#) | [Benefits Offered](#) | [Job Application Methods Accepted](#) | [Job Applicant Information Needed](#) | [Application Question Set](#) | [Applicant Notification Method](#) | [Job Order Upload Options](#) | [Other Information](#) | [Staff Information](#)

[[View Applicants](#) | [Preview Job](#) | [Search Candidate\(s\)](#) | [View History](#) | [Job Order Referral Results](#) | [Create Template](#)]

[[Delete Job Order](#) | [Copy Job Order](#) | [Print Job Order](#)]

Return to Job Orders

Return to the Directory of Services

[Services](#) | [Portfolio](#) | [Site Map](#) | [Site Search](#) | [Preferences](#) | [Assistance](#)

[Privacy Statement](#) | [Disclaimer](#) | [Terms of Use](#) | [Accessibility](#) | [Recommended Settings](#) | [GDPR](#) | [Protect Yourself](#) | [About this Site](#) | [Contact Us](#)

[Home](#) | [Sign Out](#)

**Continued Steps
When Employer
Already Has Profile**

**Under Employer Profile click
Corporate Profile**

Then click Documents

[[Assist an Employer](#) | [Staff Services](#) | [Employer Portfolio](#)]

- [-] **Employer Profiles**
 - [-] **Corporate Profile**
 - [General Information](#)
 - [Locations](#)
 - [Contacts/Users](#)
 - [Account Summary](#)
 - Documents**
 - [Agents](#)
 - [+] [Search History Profile](#)
 - [+] [Communications Profile](#)
- [-] **Human Resource Plan**
 - [-] **Job Order Plan**
 - [Job Orders](#)
 - [Job Order Templates](#)
 - [Application Questions](#)
 - [Job Skill Sets](#)
 - [Tools and Technology](#)
 - [+] **Recruitment Plan**
- [+] **Staff's Profile**

- [-] [Employer Profiles](#)
 - [-] [Corporate Profile](#)
 - [General Information](#)
 - [Locations](#)
 - [Contacts/Users](#)
 - [Account Summary](#)
 - [Documents](#)
 - [Agents](#)
 - [+] [Search History Profile](#)
 - [+] [Communications Profile](#)
- [-] [Human Resource Plan](#)
 - [-] [Job Order Plan](#)
 - [Job Orders](#)
 - [Job Order Templates](#)
 - [Application Questions](#)
 - [Job Skill Sets](#)
 - [Tools and Technology](#)
 - [+] [Recruitment Plan](#)
- [+] [Staff's Profile](#)

The next page will look like this. Click **Upload a Document.**

[General Information](#) | [Locations](#) | [Contacts/Users](#) | [Account Summary](#) | Documents | [Agents](#)

[+] [Show Filter Options \(Showing all records\)](#)

Click a column title to sort. View Thumbnails

Name	Document Owner	Class	Size	Create Date	Action
CERT_2017.pdf <small>(Not visible to the currently assisted user)</small>	SOUTHERN ACRE LANDSCAPING LLC	Miscellaneous	150 KB	2/7/2017	View Edit Delete Meta Data
H-400-16322-043228_NOA.docx-1205 2016-10-4-113.pdf <small>(Not visible to the currently assisted user)</small>	SOUTHERN ACRE LANDSCAPING LLC	Miscellaneous	186 KB	12/5/2016	View Edit Delete Meta Data

Page 1 of 1 Rows 25


Uploaded and scanned documents with spaces in the document name may be incompatible with some browsers. These spaces will be replaced with _ when saving the document in our system.

[Upload a Document](#) [Scan a Document](#)

Note: If a title isn't added then you will not be able to proceed

Put the title of the document's name in the box under title **Document Information**

* Indicates required fields.

 For help click the question mark icon.

Document Association

If you would like to categorize the associated document to a specific program, application or verification document, please use the controls in this section to do so.

Program:

Application:

Verification Item:

Verification Type:

Document Information

* Document Tags:
Keywords that will be indexed with this attachment.

User Accessible: Yes No

Attach Document

Location:

[Supported File Format](#)

Save

Cancel

Return to Previous Page

After titling the document you wish to upload (see example) click **Browse**

** Indicates required fields.* ? For help click the question mark icon.

Document Association

If you would like to categorize the associated document to a specific program, application or verification document, please use the controls in this section to do so.

Program:

Application:

Verification Item:

Verification Type:

Document Information

* Document Tags:
Keywords that will be indexed with this attachment.

User Accessible: Yes No

Attach Document

Location:
 [Supported File Format](#)

After selecting Browse a window will display enabling a choice of documents to upload. **Select the appropriate document.**

The screenshot displays a Windows-style 'Choose File to Upload' dialog box. The address bar shows the path: < < Florida > Wade Shows, Inc > 2017. The search bar contains 'Search 2017'. The file list is as follows:

Name	Date modified	Type
Job Order 10365715 OA	2/7/2017 9:43 AM	Adobe Acrobat
noa-673239-02022017-112350	2/7/2017 9:43 AM	Adobe Acrobat

The dialog box also shows a 'File name' field, a file type dropdown set to 'All Files (*.*)', and 'Open' and 'Cancel' buttons. A red box highlights the two files in the list, and a red arrow points to the search bar. The background web application interface includes a sidebar with navigation options: 'Manage Benefit Charges', 'Manage UI Accounting', 'Manage Disaster Unemployment Assistance (DUA)', 'Manage Overpayments', 'Manage Payments', 'Manage Multi-Claimant Issues', 'Manage Audits', and 'Manage Appeals'. The main content area has sections for 'Document Information' (with 'Document Tags' set to '790' and 'User Accessible' set to 'No') and 'Attach Document' (with a 'Location' field and a 'Browse...' button). A 'Supported File Format' link is also visible.

After selecting the needed document click **Open** in the Choose File Upload Window

The screenshot shows a 'Choose File to Upload' dialog box in the foreground, overlaid on a web application interface. A red arrow points from the text above to the 'Open' button in the dialog box. The dialog box displays a file list with the following columns: Name, Date modified, and Type. Two files are listed:

Name	Date modified	Type
Job Order 1036571...OA	2/7/2017 9:43 AM	Adobe Acrobat
noa-673239-02022017-112350	2/7/2017 9:43 AM	Adobe Acrobat

The 'Open' button is highlighted with a red box. The web application interface in the background includes a navigation menu on the left with items like 'Manage Benefit Charges', 'Manage UI Accounting', 'Manage Disaster Unemployment Assistance (DUA)', 'Manage Overpayments', 'Manage Payments', 'Manage Multi-Claimant Issues', 'Manage Audits', and 'Manage Appeals'. The main content area shows a 'Document Information' section with a 'Document Tags' field containing '790' and a 'User Accessible' section with radio buttons for 'Yes' and 'No'. Below this is an 'Attach Document' section with a 'Location' field and a 'Browse...' button. A 'Supported File Format' link is also visible.

You will be directed to this window again. At this point the **document should have generated in the browse area.**



The screenshot shows a web form with two main sections: "Document Information" and "Attach Document".

- Document Information:**
 - * Document Tags:** A text input field containing "790" with a description: "Keywords that will be indexed with this attachment." Below the field are up and down arrow icons.
 - User Accessible:** Radio buttons for "Yes" and "No", with "No" selected.
- Attach Document:**
 - Location:** A text input field containing the path "N:\WFS Shared\Workforce Development\H-2A, H-2B, MSf" and a "Browse..." button. This field is highlighted with a red rectangle.

At the bottom of the form, there are two buttons: "Save" and "Cancel". The "Save" button is highlighted with a red rectangle, and a red arrow points to it from the bottom text.

From here simply click **Save** and the document will upload.

How to Create an Employer User Profile in Jobs4TN

When you reach the screen shown below, locate the category titled **Service for Workforce Staff**.

The screenshot shows the JOBS4TN.GOV website dashboard. A red arrow points to the 'Services for Workforce Staff' menu item in the left sidebar. The dashboard includes several widgets: 'My Staff Dashboard', 'My Staff Resources', 'My Staff Account', and 'Directory of Services'. The 'Directory of Services' widget is expanded, showing a list of services with columns for 'List Title' and 'Create Date'. Other widgets include 'Need help or more information', 'My Messages', 'My Calendar', 'Labor Market Services', 'Active Case Load', and 'My Report Indicators'. A chat window is visible in the bottom right corner.

URL: https://www.jobs4tn.gov/vosnet/dashboards/defaultstaff.aspx?menuid=MENU_STAFF_F

URL: https://www.jobs4tn.gov/permission.asp?token=emp_assist

Look under the category **Services for Workforce Staff** and click **Manage Employers**

The screenshot shows the 'My Staff Workspace' for Tom Forehand. The left sidebar contains a 'Services for Workforce Staff' menu with 'Manage Employers' highlighted. A dropdown menu is open under 'Manage Employers', listing options like 'Create an Employer', 'Assist an Employer', 'Employer Access Rights', 'Employers Posting Jobs', and 'Local Employer Sites'. The main content area includes a 'Saved Lists' section with a filter dropdown set to 'Individuals' and a 'My Messages' section with 'Unread Messages' and 'Read Messages' counts. A 'Chat with us' widget is visible in the bottom right corner.

My Staff Workspace

- My Staff Dashboard
- My Staff Resources
- My Staff Account
- Directory of Services

Services for Workforce Staff

- Manage Individuals
- Manage Employers**
 - Create an Employer
 - Assist an Employer
 - Employer Access Rights
 - Employers Posting Jobs
 - Local Employer Sites
- Manage Resumés
- Manage Job Orders
- Manage Labor Exchange
- Manage Activities

My Staff Dashboard

My Staff Resources

My Staff Account

Directory of Services

Need help or more information

Assistance Center
Find the answers to your questions or issues.

Learning Center
Watch self paced training videos and tutorials.

Note that help is available on most pages by clicking the question mark

My Messages

- Unread Messages
- Read Messages

Enter the Message Center

My Calendar

November 2015

S	M	T	W	T	F	S
25	26	27	28	29	30	31
1	2	3	4	5	6	7
8	9	10	11	12	13	14
15	16	17	18	19	20	21

Chat with us

Type your message here

A list box will open

**Click
Create an
Employer**

Welcome to My Staff Workspace Tom Forehand.
This page allows you to customize the content you are interested in. Click on a button in the grid to access the details of a work item, select another function from the menu on the left hand side of the screen.

My Staff Dashboard | My Staff Resources | My Staff Account | Directory of Services

Quick Search
Enter Search...

My Staff Workspace
My Staff Dashboard
My Staff Resources
My Staff Account
Directory of Services

Services for Workforce Staff
Manage Individuals
Manage Employers
Manage Resumés
Manage Job Orders
Manage Labor Exchange
Manage Activities

Saved Lists
Filter your lists by type: Individuals
List Title | Create Date
No saved lists available

Need help or more information
Assistance Center
Find the answers to your questions or issues.
Learning Center
Watch self paced training videos and tutorials.
Note that help is available on most pages by clicking the question mark

My Messages
Unread Messages
Read Messages
Enter the Message Center

My Calendar
November 2015
S M T W T F S
25 26 27 28 29 30 31
1 2 3 4 5 6 7
8 9 10 11 12 13 14
15 16 17 18 19 20 21

Chat with us
Type your message here

Templates

https://www.jobs4tn.gov/vosnet/MenuAndPage.aspx?cat=MENU_STAFF_MANAGE_EMP



Quick Search

Enter Search...

My Staff Workspace

- My Staff Dashboard
- My Staff Resources
- My Staff Account
- Directory of Services

Services for Workforce Staff

- Manage Individuals
- Manage Employers
- Manage Resumés
- Manage Job Orders
- Manage Labor Exchange
- Manage Activities

Please enter your Company Identification information below

After selecting Create an Employer, fill in the **Short Name**

Employer Identification

Short Name: [Redacted]

Type of Identification: Federal Employer Identification Number Social Security Number

Federal Employer ID Number (EIN) / Federal Tax ID (FEID) or Social Security Number: [Redacted] Do not enter dashes. Example 999001111

Confirm Federal ID Number: [Redacted]

UI Employer Account Number: [Redacted] Do not enter dashes. Example 999001111

Confirm UI Employer Account Number: [Redacted]

Fill all blanks with red asterisk (*)

Cancel Continue

Chat with us [Speech bubble icon]

Type your message here [Arrow icon]



- Quick Search
- Enter Search...
- My Staff Workspace
 - My Staff Dashboard
 - My Staff Resources
 - My Staff Account
 - Directory of Services
- Services for Workforce Staff
 - Manage Individuals
 - Manage Employers
 - Manage Resumés
 - Manage Job Orders
 - Manage Labor Exchange
 - Manage Activities

Please enter your Company Identification information below

Employer Identification

Short Name:

* Type of Identification:
 Federal Employer Identification Number
 Social Security Number

* Federal Employer ID Number (EIN) / Federal Tax ID (FEID) or Social Security Number: *Do not enter dashes. Example 999001111*

* Confirm Federal ID Number:

UI Employer Account Number:
Do not enter dashes. Example 999001111

Confirm UI Employer Account Number:

Cancel Continue

The Federal Employer ID (FEIN) is found under box 1 "a)" in of the 790 Form.


Chat with us


Type your message here

Use the latest American Job Center list to locate the **nearest LWDA office** to the employer's main address.

Use the **drop-down arrows** to make your choice.

Staff Info

* LWIA / Region: 

* Office Location: 

The letters of this user name were **written together** which limits the number of letters or numbers which can be used

Login Information

* User Name: Enter Unique User Name (8 - 16 characters, letters or numbers). No spaces allowed.

* Password: Enter Password: (8 - 18 characters, and must include at least one uppercase letter, one lowercase letter, one number and one special character.). Allowable characters are # @ \$ % ^ . ! * _
Example: Sample1#

* Confirm Password: Last Changed: 9/24/2015 9:31:02 AM, Unknown

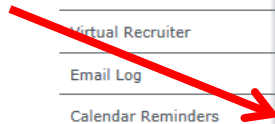
* Security Question:  The response to the security question will be required if you forget your user name or password.

* Security Question Response:

You will need your User Name and Password for all future activities in JOBS4TN.GOV. Please write this in place.

Chat with us 

If the following slots were not previously populated, make **sure to fill** in these fields

The screenshot shows a software interface with a left-hand navigation menu and a main content area. The navigation menu includes sections like 'Reports', 'Communications', and 'Templates'. The main content area is divided into two sections: 'Employer Identification' and 'Primary Location Information'. The 'Employer Identification' section contains fields for 'CHARLIE SUNDERLAND', 'Business As:', 'Federal Employer Identification Number' (with value 200679963), and 'UI Employer Account Number'. The 'Primary Location Information' section contains fields for 'Street Address 1', 'Street Address 2', 'Street Address 3', 'City' (Mcminnville), 'State' (Tennessee), 'County' (Warren County), 'Country' (United States), and 'Zip code' (37110). A red oval highlights the asterisked fields: 'Street Address 1', 'City', 'State', 'County', and 'Zip code'. A red arrow points from the text on the left to these asterisked fields.

Some times, when entering the user and/or, any previously added address may appear in the drop-down box. You may select it. When it is select, most of the necessary pieces of **information** (marked above by the red asterisk) will automatically be populated. Check to make sure this information is correct.

If the following slots are not already populated, make sure to fill these fields in

Also, you must fill in the e-mail address and select "Email (if available)" by using the drop-down arrow.

Mailing Address

Address has been standardized.

Check here if Mailing Address is the same as the address above.

* Mailing Address 1: [REDACTED]

Mailing Address 2: [REDACTED]

Mailing Address 3: [REDACTED]

* Mailing City: MCMINNVILLE

* Mailing State: Tennessee

* Mailing Country: United States

* Mailing Zip/Postal: 37110
00000 or 00000-0000

Contact Information

* Job Title: EMPLOYER

* First Name: [REDACTED]

Middle Initial: [REDACTED]

* Last Name: [REDACTED]

* Primary Phone: [REDACTED] - [REDACTED] - [REDACTED] Ext [REDACTED]

Contact Text Message Phone Number: [REDACTED] - [REDACTED] - [REDACTED]

Fax: [REDACTED] - [REDACTED] - [REDACTED]

* Primary Contact Email Address: [REDACTED]

* Confirm Contact Email Address: [REDACTED]

The format of the email address entered is invalid
[Read Our Email Security Policy](#)

* Please select a method in which you prefer to receive your notifications: Email (If Available)

Company Website: [REDACTED]
e.g. (http://www.companywebsite.com)

Company Job Application Website: [REDACTED]
e.g. (http://www.companywebsite.com)

E-mail Address
(The e-mail of the agent is generally used. If there is no e-mail, you may use a State Workforce Agent's (SWA) e-mail temporarily to fill in these two slots.)

Company Information

Industry Title (NAICS): [Search for Industry Code \(NAICS\)](#)

No. Of Employees (Company Size):

No. Of Employees State Wide:

No. Of Employees Country Wide:

No. Of Employees World Wide:

Type of Employer:

Professional Employer Organization:
 Yes, I am a Professional Employer Organization
 No, I am not a Professional Employer Organization

Are you a Federal Contractor?:
 Yes, I am a Federal Contractor
 No, I am not a Federal Contractor

Always 5-9 unless otherwise specified

Company Profile

Enter a profile of your company for job seekers to view including a summary of your major products and services.

Some HTML tags such as embedded videos are not allowed in this text box and will not be saved.

B I U T_x |

Format

[[Spell Check](#) | [Clear Text](#) | [Remove All Formatting](#)]

Special Characteristics

B. After pressing Search for Industry Code, this NAICS Job search box will appear

A. Click Search for Industry Code

Primary Contact Email Address: [Redacted]
Confirm Contact Email Address: [Redacted]
Please select a method in which you prefer to receive your notifications: Email (If Available)
Company Website: [Redacted]
Company Job Application Website: [Redacted]

Company Information

Industry Title (NAICS): **Search for Industry Code (NAICS)**

No. Of Employees (Company Size): 5-9
No. Of Employees State Wide: 0
No. Of Employees Country Wide: 0
No. Of Employees World Wide: 0

Type of Employer: Private Sector
Professional Employer Organization:
 Yes, I am a Professional Employer Organization
 No, I am not a Professional Employer Organization

Are you a Federal Contractor?:
 Yes, I am a Federal Contractor
 No, I am not a Federal Contractor

Company Profile

Enter a profile of your company for job seekers to view including a summary of your major products and services.
Some HTML tags such as embedded videos are not allowed in this text box and will not be saved.

JOBS4TN.GOV - Windows Internet Explorer
https://www.jobs4tn.gov/vosnet/drills/industry/inddrill.aspx?code=

Please choose a specific industry by selecting one of the options below.

For help click the question mark icon.

Industries by Keyword | Industries by Sector | Industry Listing | Industries by Industry Code

Search for an industry by keyword(s)

Type your keywords in the box and click the Search button.

Keyword Search Criteria: [Input Box]

Search

Click [Industry Listing](#) to see an alphabetical list of all available industry titles.

Close Window

C. For this example, type in the position title of "nursery/tree worker" here. Then click Search (see the next slide for the results).

• Primary Contact Email Address:
 • Confirm Contact Email Address:
 The format of the email address entered is invalid [Read Our Email Security Policy](#)
 • Please select a method in which you prefer to receive your notifications:
 Company Website:
 Company Job Application Website:

Company Information
 • Industry Title (NAICS): [Search for Industry Code \(NAICS\)](#)
 • No. Of Employees (Company Size):
 No. Of Employees State Wide:
 No. Of Employees Country Wide:
 No. Of Employees World Wide:
 • Type of Employer:
 Professional Employer Organization:
 Yes, I am a Professional Employer Organization
 No, I am not a Professional Employer Organization
 • Are you a Federal Contractor?:
 Yes, I am a Federal Contractor
 No, I am not a Federal Contractor

Company Profile
 Enter a profile of your company for job seekers to view including a summary of your major products and services.
 Some HTML tags such as embedded videos are not allowed in this text box and will not be saved.

JOBS4TN.GOV - Windows Internet Explorer
 https://www.jobs4tn.gov/vosnet/drills/industry/inddrill.aspx?code=...
 Please choose a specific industry by selecting one of the options below.
 For help click the question mark icon.
 Industries by Keyword | Industries by Sector | Industry Listing | Industries by Industry Code
 Search for an industry by keyword(s)
 Type your keywords in the box and click the Search button.

 Click [Industry Listing](#) to see an alphabetical list of all available industry titles.

D. Besides “nursery and tree” workers, two more titles may be used – “Farm Workers and Laborers,” or even “Miscellaneous”
Some of the codes that will appear are:

Info
File search needed by Career Center Staff: The DOT code is: Farmworker/404.687-010. Industry code is: 11191
111421 – Nursery and Tree Production
111910 – Tobacco
111998 – All other Miscellaneous Crops
111219 – Other Vegetable (except potato) and Melon Farming
ONET CODES:
45-2092.02 Farmworkers and Laborers, Crop
45-2092.00 Agricultural Equipment Operators
45-2092.01 Nursery workers

A. The search screen has changed & is populated with **“Nursery and Tree Production – US Industry”**

B. Next, **click** on this expression

C. After pressing on **“Nursery and Tree Production – US Industry,”** the **NAICS code number automatically populates** (underneath **Search for Industry Code (NAICS)**)

The screenshot displays the JOBS4TN.GOV website interface. On the left, a registration form is visible with the following fields:

- Primary Contact Email Address: [Redacted]
- Confirm Contact Email Address: [Redacted]
- Please select a method in which you prefer to receive your notifications: [Dropdown menu]
- Company Website: [Text box]
- Company Job Application Website: [Text box]
- Company Information section:
 - Industry Title (NAICS): [Search for Industry Code \(NAICS\)](#) **11142**
 - No. Of Employees (Company Size): [Dropdown menu]
 - No. Of Employees State Wide: [Text box]
 - No. Of Employees Country Wide: [Text box]
 - No. Of Employees World Wide: [Text box]
 - Type of Employer: [Dropdown menu]
 - Professional Employer Organization: [Radio buttons]
 - Are you a Federal Contractor?: [Radio buttons]
- Company Profile section:

On the right, a search results page is shown in a Windows Internet Explorer browser window. The URL is <https://www.jobs4tn.gov/vosnet/drills/industry/inddrill.aspx?code=>. The page prompts the user to choose a specific industry by selecting one of the options below:

- Industries by Keyword
- Industries by Sector
- Industry Listing
- Industries by Industry Code

A search for an industry by keyword(s) has been performed. The results are as follows:

Industry	Industry Sector	Industry Title	Industry Description	Naics Code
Nursery and Tree Production - US Industry	Agriculture, Forestry, Fishing & Hunting	✓		111421

The 'Nursery and Tree Production - US Industry' entry is highlighted with a red box. Below the table, there is a link to [Change search criteria](#) and a [Close Window](#) button.

At this point (with correct e-mail address and correct NAICS code in place, click **Save**

Special Characteristics ?

Check each special characteristic that applies to your company:

Union Shop Non-Union Shop

Benefits Offered ?

Benefits not specified No benefits provided Benefits provided outlined below

You have a written affirmative action plan

Please do not use any personal identification information as your user name (e.g. Social Security Number or FEIN). You will need your User Name and Password for all future activities in this system. Please write this information down and keep it in a secure place.

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15.4

Upon saving of the previous screens, filled with the necessary information for creating an employer's account, the screen below should appear.

The screenshot displays the TN.GOV website interface. At the top, navigation links include Home, Sign Out, Services for Individuals, Services for Employers, and Labor Market Analysis. A red-bordered box highlights a message: "XXXXXXXXXXXXXXXXXXXX has been successfully registered. Please make a selection below to continue." Below this, a section titled "What would you like to do next?" offers three options:

- Staff Services**: Select this option to return to staff services. (Accompanied by an icon of a man and a woman)
- Open Employer's Folder**: Select this option to begin working with this Employer. (Accompanied by an icon of a man with a folder)
- Add Locations and Contacts**: Select this option to enter multiple locations and contacts for the employer. (Accompanied by an icon of buildings)

The left sidebar contains navigation menus for "Quick Search", "Currently Managing" (listing CHARLIE SUNDERLAN... and SUNDERLAND, Charlie), "My Staff Workspace", "Services for Workforce Staff", and "Manage" sections for Individuals, Employers, Resumés, Job Orders, Labor Exchange, and Activities.

At the bottom, there is a utility bar with links for Services, Portfolio, Site Map, Site Search, Preferences, and Assistance. Below this is a footer with copyright information: "Copyright © 1998-2015 Geographic Solutions, Inc. All rights reserved. For more information contact Geographic Solutions." and the version number "15.4".

How to Create a Job Order after Creating an Employer Profile

When the employer's profile is made, you can go directly to **Open Employer's Folder**

Home Sign Out Services for Individuals Services for Employers Labor Market Analysis

TN.GOV
TENNESSEE GOVERNMENT

Quick Search
Enter Search...


Currently Managing
CHARLIE SUNDERLAN...
SUNDERLAND, Charlie
Release Employer
Assist a new Employer


My Staff Workspace
My Staff Dashboard
My Staff Resources
My Staff Account
Directory of Services


Services for Workforce Staff
Manage Individuals
Manage Employers
Manage Resumés
Manage Job Orders
Manage Labor Exchange
Manage Activities

CHARLIE SUNDERLAND has been successfully registered. Please make a selection below to continue.

What would you like to do next?

 [Staff Services](#)
Select this option to return to staff services.

 [Open Employer's Folder](#)
Select this option to begin working with this Employer.

 [Add Locations and Contacts](#)
Select this option to enter multiple locations and contacts for the employer.

Services Portfolio Site Map Site Search Preferences Assistance

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Home Sign Out

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15.4

When this screen appears, select **Job Orders**

[Assist an Employer | Staff Services | My Portfolio]

- [-] **Employer Profiles**
 - [-] **Corporate Profile**
 - General Information
 - Locations
 - Contacts/Users
 - Account Summary
 - Documents
 - [+] **Search History Profile**
 - [+] **Communications Profile**
- [-] **Human Resource Plan**
 - [-] **Job Order Plan**
 - Job Orders**
 - Job Order Templates
 - Application Questions
 - Job Skill Sets
 - Tools and Technology
 - [-] **Recruitment Plan**
 - Job Applicants
 - Favorite Candidates
 - Virtual Recruiter
- [+] **Staff's Profile**

Employer Profiles **Human Resource Plan** **Unemployment Files** **Staff's Profile**

Corporate [Corporate Profile](#) - Select this option to access your contact information, work sites and login access.

Search History [Search History Profile](#) - Select this option to view the searches you have previously made for candidates, training programs, occupations, industries and areas that you may be interested in.

Communications [Communications Profile](#) - Select this option to view communications options that are available to you.

[Return to Directory of Services](#)

When making the profile, that has never had a job order posted, upon reaching this screen, just select **Add New Job Order**

Use this folder to manage your Job Orders. By clicking the **Add New Job Order** button you may enter Job Orders (employment ads) that can be viewed online by local job seekers. Click on a Job Order title in the table below to view its details.

[[Assist an Employer](#) | [Staff Services](#) | [My Portfolio](#)]

- [-] **Employer Profiles**
 - [-] **Corporate Profile**
 - General Information
 - Locations
 - Contacts/Users
 - Account Summary
 - Documents
 - [+] Search History Profile
 - [+] Communications Profile
- [-] **Human Resource Plan**
 - [-] **Job Order Plan**
 - Job Orders
 - Job Order Templates
 - Application Questions
 - Job Skill Sets
 - Tools and Technology
 - Recruitment Plan
 - Job Applicants
 - Favorite Candidates
 - Virtual Recruiter
- [-] **Staff's Profile**

Job Orders Job Order Templates Application Questions Job Skill Sets Tools and Technology

For help click the question mark icon.

[Show Filter Criteria](#)

0 Records Found

SEARCH CRITERIA: Internal jobs only and Complete jobs

Add New Job Order

The Jobs for Veterans Act mandates priority of service to veterans seeking employment and training opportunities. To ensure compliance with this law, this job posting will be available only to veterans for up to 24 hours. After this period, the job will be released to all job seekers.

Insert title
(example of
Farm Hand
on the next
slide.)

Click **Search**
for an
Occupation

Step 1 of 11. Please select a title and occupation. Click *Next* to continue.

* indicates required fields. For help click the question mark icon next to each section.

Job Title

Please accurately describe the position in the job title as this will be searched by individuals using keywords. As you are entering the job title, you may see a list of common job titles similar to what you are entering. If you see your job title in the list, select it.

* Job Title:

Job Occupation

* Job Occupation:

The Job Order creation wizard will prompt you step by step to enter the information for your new job order. To continue the wizard click the *Next>>* button. To exit without creating a job order, click the *Cancel* button.

REMINDER: You have 30 days from the create date to complete the job order wizard before it is deleted from the system.

[Exit Wizard](#)

Services Portfolio Site Map Site Search Preferences Assistance

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Searching under the title of **Farm Hand**

The selection was **chosen** as **Farmworkers and Laborers, Crop** (use the **drop down arrow** to make this selection.)

Click **Next**

* indicates required fields.

For help click the question mark icon next to each s

- Job Occupation is a required field.

Job Title

Please accurately describe the position in the job title as this will be searched by individuals using keywords. As you are entering the job title you may see a list of common job titles similar to what you are entering. If you see your job title in the list, select it.

* Job Title:

Farm Hand

Job Occupation

Below is a list of suggested occupations based on the job title entered. If you see an occupation that matches your job title, select it and this will set the occupation for this job order.

Suggested occupation(s):

Farmworkers and Laborers, Crop



* Job Occupation: **Farmworkers and Laborers, Crop !**

If you feel the suggestion list does not contain an accurate occupation, click the *Search for an occupation* link below to find one.

[[Search for an occupation](#)]

The Job Order creation wizard will prompt you step by step to enter the information for your new job order. To continue the wizard click the *Next* button. To exit without creating a job order, click the *Cancel* button.

REMINDER: You have 30 days from the create date to complete the job order wizard before it is deleted from the system.

[Exit Wizard](#)

Next >>

Check information (for accuracy), then click **Next**

Remember: This particular example, though part of it is for "Sunderland". Some of the information, for this training guide, is coming from information about "Cooley" (and uses "Farm Hand" for the title of the employee)

Home Sign Out Services for Individuals Services for Employers Labor Market Analysis

TN.GOV
TENNESSEE GOVERNMENT

Quick Search
Enter Search...

Currently Managing
CHARLIE SUNDERLAN...
SUNDERLAND, Charlie
Release Employer
Assist a new Employer

My Staff Workspace
My Staff Dashboard
My Staff Resources
My Staff Account
Directory of Services

Services for Workforce Staff
Manage Individuals
Manage Employers
Manage Resumés
Manage Job Orders
Manage Labor Exchange
Manage Activities

Step 2 of 11. Enter the location/worksite for your job order. Click **Next** to continue.

Job Title: Nursery and Greenhouse Managers

* indicates required fields. For help click the question mark icon next to each section.

Location/Work Site of this job

These are your currently active location/worksites. Please select a location for this job

[Redacted]

[Add New Location]

Contact Person for this Job

These are the contacts associated to the location/worksites above. Please select a contact.

[Redacted]

[Add New Contact]

[Exit Wizard](#)

<< Back **Next >>**

Services Portfolio Site Map Site Search Preferences Assistance

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Positions are listed in **box 10** of **790 Form**

Today's date will always be the **current date** – the date this job order is entered into Job4TN and it should automatically populate

Use calculator for this date (see next slide) The **difference between the Start and End Date** must be at least 50% of the anticipated work period.

The screenshot shows the 'Job Details' form in the Job4TN system. The form includes the following fields and options:

- Positions:** A text input field containing the number '6', with a '(max: 999)' label.
- Earliest date to display this job order on the system:** A date picker field showing '11/05/2015' and a 'Today' link.
- Last date this job order will be displayed on the system:** A date picker field showing '04/06/2016' and a 'Today' link.
- Job order follow up date:** A date field showing '12/05/2015'.
- Type of job:** A dropdown menu set to 'Seasonal'.
- Full-Time or Part-Time:** A dropdown menu set to 'Full Time (32 Hours or More)'.
- Work At Home:** Radio buttons for 'Yes', 'No', and 'Not Specified' (selected).
- Anticipated job duration:** A dropdown menu set to 'Over 150 Days'.
- Does this job fall within any of the following special categories:** A dropdown menu set to 'ALC/H-2A'.
- Maximum number of applicants you would like to consider at this time:** A text input field containing '60', with a '(max: 9999)' label.

Red arrows point from the text above to the 'Positions' field, the 'Earliest date' field, and the 'Last date' field. The 'Today' link next to the 'Last date' field is also highlighted with a red arrow.

Navigation buttons at the bottom include '<< Back' and 'Next >>'. The footer contains links for 'Home' and 'Sign Out', along with a list of site policies and contact information.

This calculator can be found by following the following path:

**N: Drive → “Programs and Operations” → “Agriculture” →
“H-2A, H-2B, MSFW” → “50% Calculator”**

Autocalculation of 50% Period

Enter Start Date (Date of Need)	4/27/17
Enter ending date of the Contract	12/7/17
50% period	8/17/17

Release Employer Yes No

Assist a new Employer Yes No

Have a local workforce staff member screen your applicants: Yes No

Job Details

Positions: 6 (max: 999)

Earliest date to display this job order on the system: 11/05/2015 Today

Last date this job order will be displayed on the system: 04/06/2016 Today

Job order follow up date: 12/05/2015

Type of job: Seasonal

Full-Time or Part-Time: Full Time (32 Hours or More)

Work At Home: Yes No Not Specified

Anticipated job duration: Over 150 Days

Does this job fall within any of the following special categories: ALC/H-2A

Maximum number of applicants you would like to consider at this time: 60 (max: 9999)

<< Back Next >>

Services Portfolio Site Map Site Search Preferences Assistance

Home Sign Out

All H-2A vis jobs are "Seasonal"

All H-2A visa jobs may be "32 Hours or More"

Use drop down box to select ALC/H-2A in most cases

For Maximum Applicants always multiply the number in box 10 of 790 Form by '10'

Click Next

Box 16 of 790 Form (and attachments) for the job description

Get more Add-ons

Job Title: Nursery and Greenhouse Managers

* indicates required fields. For help click the question mark icon.

Job Description

* Job Description
Click the *Insert Sample Text* link to insert the occupational description or create your own job description by entering the text below.
Some HTML tags such as embedded videos are not allowed in this text box and will not be saved.

B I U I_x | | | Ω |

Format | | |

Greenhouse/Nursery
Duties to include, but not limited to: Tasks to be in relations to greenhouse & nursery activities such as mowing & trimming equipment, chopping weeds around plantings, staking, trimming and prepare plants for planting, Moving plant items from field to loading area.

Alternative Work;
General farm maintenance and other duties as required in the farming operation maintenance. Includes, but not limited to, preparing barns, draining fields, preparing land for planting, maintenance of tools & equipment, and other work as directly related to the crop activities for which the worker is hired. Also includes fixing, clearing, and painting of fences / barns. Such work will be offered when climate or crop conditions preclude working in the primary activities listed above.

General Conditions:
body

[[Spell Check](#) | [Insert Sample Text](#) | [Clear Text](#) | [Remove All Formatting](#)]

[Exit Wizard](#)

<< Back Next >>

Services | Portfolio | Site Map | Site Search | Preferences | Assistance

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Home Sign Out

**Click Use
Default Skills**

Quick Search
[Enter Search...]

Currently Managing

Release Employer
Assist a new Employer

My Staff Workspace
My Staff Dashboard
My Staff Resources
My Staff Account
Directory of Services

Services for Workforce Staff
Manage Individuals
Manage Employers
Manage Resumés
Manage Job Orders
Manage Labor Exchange
Manage Activities
Manage Case Assignment
Manage Profiling
Manage Follow-Up
Manage Surveys
Manage Providers
Manage Funds
Manage WARN Notifications

Reports
My Reports
Summary Reports
Detailed Reports
Custom Reports

Job Title: Nursery and Greenhouse Managers

* indicates required fields. For help click the question mark icon next to each section.

Skill Set Select Method

Please select the method when you would like to get a list of skills for:

- Use the default skills for the occupation
- Select skills for this job from a list of all available skills
- Do not define any skills for this job

Tools and Technology Skills

Include Tools and Technology skills with this job: Yes No

Other Skills

Special Software/Hardware skills needed: Yes No

Enter other specific skills required (e.g. degrees, certification, software, etc.)
Some HTML tags such as embedded videos are not allowed in this text box and will not be saved.

[B I U T_x | J | : | Ω |]

Format [< >]

[Spell Check | Clear Text | Remove All Formatting]

Exit Wizard

Back Next >>

Click Next

TN.GOV
TENNESSEE GOVERNMENT

Step 6 of 11. Please select which skills you would like to use to add to your job order. Click **Next** to continue.

Job Title: Nursery and Greenhouse Managers

* indicates required fields. For help click the question mark icon.

Select Skills for Job Order

[Delete All Saved Skills](#)

- General Skills (2)
- Computers & Mathematics (0)
- Construction (1)
- Education & Social Services (0)
- Entertainment & Media (0)
- Financial Services (0)
- Agriculture & Wildlife (7)
- Healthcare (0)
- Legal & Protective Services (0)
- Management & Office Services (0)
- Science & Engineering (0)
- Service & Sales (0)
- Skilled Trades (1)
- Transportation (0)

For help click the question mark icon.

Current Technology

You do not have any saved technology

Current Tools

You do not have any saved tools

[Add tools and technology by occupation]

Exit Wizard

<< Back Next >>

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Home Sign Out

Click **Next**

790 Form indicated two items which were checked

Also, 790 Form indicated Minimum High School and Zero Months Experience

Driver's license not specified.

Click Next

* Indicates required fields. For help click the question mark icon next to each section.

- * Minimum education required is a required field.
- * Please indicate the required work experience for this job order in months. Allowable values are 1-999.
- * Is this job accessible by public transportation? is a required field.

Hiring Requirements

Check any hiring requirements for this job:

- Drug Testing/Screening
- Background Checks
- Credit Checks
- Reference Checks
- Motor Vehicle Record Check
- Other(specific)

* Test Requirement:

Minimum Education, Experience, & Age Requirements

If you have a minimum age requirement for this job, what is that requirement?

Reason for age requirement:

- * Minimum education required:
- * Minimum Months of Experience in Selected Occupation:

[Work Experience Requirements for Nursery Workers](#)

Drivers License Requirements

- * Is this job accessible by public transportation? Yes No
- * Is a driver's license required for this position?

- * Minimum education required is a required field.
- * Please indicate the required work experience for this job order in months. Allowable values are 1-999.
- * Is this job accessible by public transportation? is a required field.

Specialized Requirements

Minimum Typing Speed:

Please select the level of security clearance required:

Language:

Proficiency:

End Wizard

Compensation and Hours

I do not wish to enter salary requirements

For an exact salary, not a range, enter the same amount in the minimum and maximum salary fields below.

Do not display salary requirements to job seekers

Salary requirements are visible to job seekers

* Minimum Salary: \$ (E: 5.00 or 25000.00 - no commas)

* Maximum Salary: \$ (E: 5.00 or 25000.00 - no commas)

* Basis for unit of salary/pay:

Typical Labor Market Rates: [View Typical Labor Market Rates for Nursery Workers](#)

Pay Comments:

Is Supplemental Compensation offered? Yes No

* Hours Per Week:

* Hours:

* Shift:

Type information into these fields

First you must select **Specific**
Next, you may have **30 hours**

Benefits Offered

Benefits offered for this job: Benefits not specified
 No benefits provided
 Benefits provided outlined below

<input type="checkbox"/> Medical	<input type="checkbox"/> Tuition Assistance	<input type="checkbox"/> Company Vehicle
<input type="checkbox"/> Dental	<input type="checkbox"/> Job Share	<input type="checkbox"/> Other
<input type="checkbox"/> Life Insurance	<input type="checkbox"/> Flex-Time	<input type="checkbox"/> None
<input type="checkbox"/> Vision	<input type="checkbox"/> 401K	<input type="checkbox"/> Expense Account
<input type="checkbox"/> Child Care	<input type="checkbox"/> Stock Options	<input type="checkbox"/> Profit Sharing
<input type="checkbox"/> Vacation	<input type="checkbox"/> Retirement/Pension	<input type="checkbox"/> Extended Sick Leave
<input type="checkbox"/> Holidays	<input type="checkbox"/> Relocation Assistance	<input type="checkbox"/> Flexible Benefit Account
<input type="checkbox"/> Sick Leave	<input type="checkbox"/> Uniform Allowance	<input type="checkbox"/> Travel Allowance

Enter a brief description of other benefits you may offer (1000 characters max):
Some HTML tags such as embedded videos are not allowed in this text box and will not be saved.

[Spell Check | Clear Text]

Click **Next**

Creating an Employer Job Order in JOBS4TN

Step 9 of 11: Enter job information. Click Next to continue.

Job Title: Nursery and Greenhouse Managers

* indicates required fields.

For help click the question mark icon next to each section.

Job Application Methods Accepted

+ Check the methods that individuals may use to apply for this job

Provide a JOBS4TN.GOV Resumé Online (recommended)

Provide a JOBS4TN.GOV Application Online

Via Email (donna@awmalabor.com) [Edit](#)

By Mail: (982 NORTH CUTT COVE RD, MCMINNVILLE, TN 37110) [Edit](#)

By Fax (the contact for this job does not have a fax number) [Edit](#)

By Phone: ((931) 868-8112) [Edit](#)

In Person (982 NORTH CUTTS COVE RD, Mcminnville, TN 37110) [Edit](#)

At the Nearest One-Stop

Via Company Website (Address provided below)

e.g. (<http://www.applicationwebsite.com>)

Enter a brief description of the application process: (2500 characters max.)

Some HTML tags such as embedded videos are not allowed in this text box and will not be saved.

Rich text editor toolbar with buttons for Bold (B), Italic (I), Underline (U), Strikethrough (I_x), Bulleted List, Numbered List, Indent, Undo, and Redo. Below the toolbar is a text area for entering the application process description.

[[Spell Check](#) | [Clear Text](#) | [Remove All Formatting](#)]

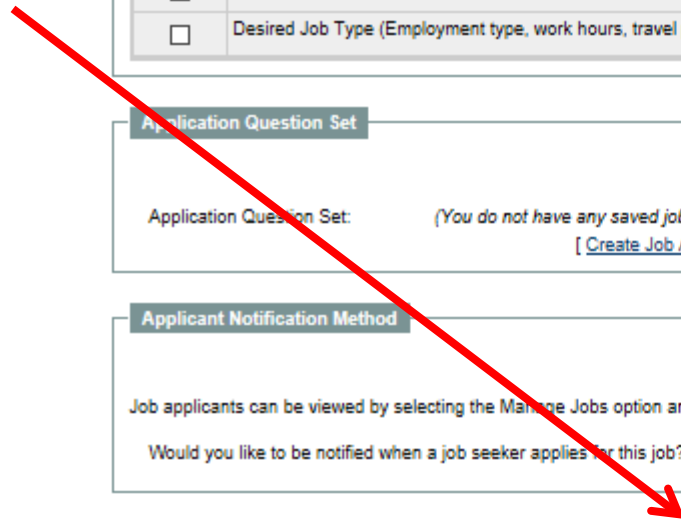
Always check
the first box



Also, check
any other
boxes
specified in
the 790 Form

Job Applicant Information Needed

Click **Next**
to proceed



Job Applicant Information Needed

Required	Section
<input checked="" type="checkbox"/>	Contact Information
<input checked="" type="checkbox"/>	Employment History <input type="checkbox"/> Allow individuals that have never had a job to apply (eg. college graduates)
<input checked="" type="checkbox"/>	Education History
<input type="checkbox"/>	Certifications (if any)
<input type="checkbox"/>	Desired Job Type (Employment type, work hours, travel percent, etc.)

Application Question Set

Application Question Set: *(You do not have any saved job applicant question sets)*
[\[Create Job Applicant Questions \]](#)

Applicant Notification Method

Job applicants can be viewed by selecting the Manage Jobs option and clicking on the number in the applicants column or the applicants link.

Would you like to be notified when a job seeker applies for this job? Yes No

Exit Wizard

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Step 10 of 11. Please enter the additional job order information. Click Next to continue.

Job Title: Nursery and Greenhouse Managers

* indicates required fields.

For help click the question mark icon next to each section.

Job Order Upload Options

Which sites would you like to upload your job to?

- Americas Job Exchange ([visit](#))
- US Jobs ([visit](#))

Other Information

Is this a Green Job? [click here for a definition](#)

Are you a Federal Contractor?

Does a court ordered affirmative action plan require posting this job order?

Is this job order for an Enterprise Zone?

- Yes No
- Yes No
- Yes No
- Yes No

Select "No"
for the
answer to
these
questions

[Exit Wizard](#)

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Next >>

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15.4

Step 11 of 11. Please enter the additional job order information. Click *Finish* to create your job order.

Job Title: Nursery and Greenhouse Managers

* indicates required fields.

 For help click the question mark icon.

Staff Information

LWDA 9

* LWIA/Region: Nashville

* Office Location:

* Category:

* Job Developer / Mandatory Listing:

On-line Status:

Employer Job Order Status:

* Staff Job Order Status:

Featured Job: Yes No

If not selected, select the correct LWDA that is near us at French Landing -- Career Center

Have the following options selected

Click **Finish**

[\[Preview Job \]](#)

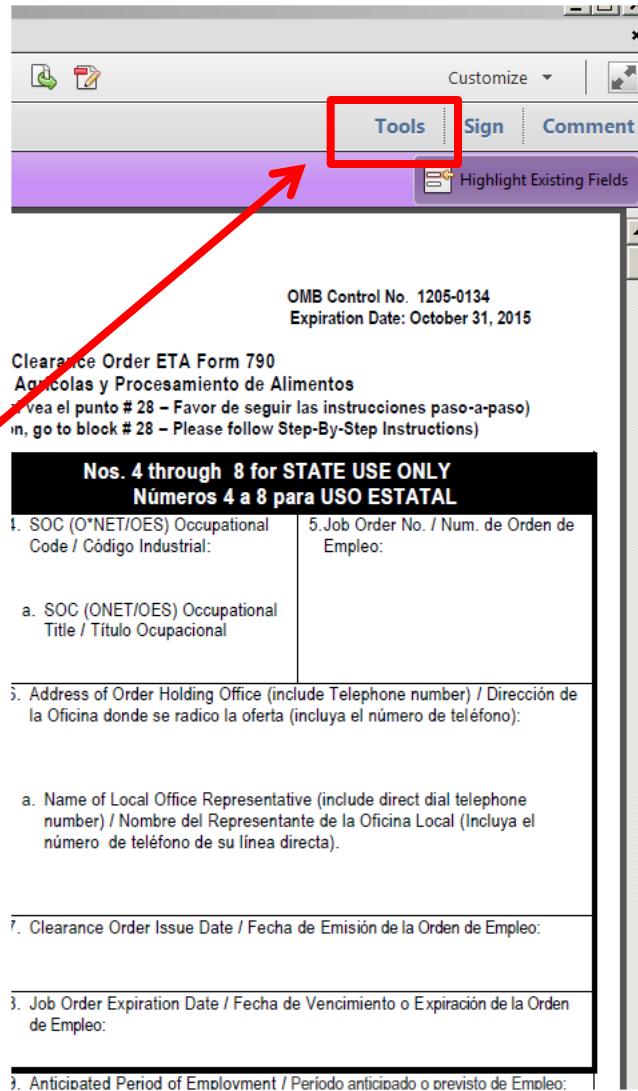
[Exit Wizard](#)

The [Jobs for Veterans Act](#) mandates priority of service to veterans seeking employment and training opportunities. To ensure compliance with this law, this job posting will be available only to veterans for up to 24 hours. After this period, the job will be released to all job seekers.

Adobe Changes

After the job order has been posted in Jobs4TN, the PDF file of the 790 Form must be filled out. This can only be done by using the features in "Adobe 11" or higher. These illustrations show the steps needed to be taken to added info to the 790 PDF file. First open the original 790 Form.

Select
Tools



Customize

Tools Sign Comment

Highlight Existing Fields

OMB Control No. 1205-0134
Expiration Date: October 31, 2015

Clearance Order ETA Form 790
Agricultural and Food Processing
See the point # 28 - Favor de seguir las instrucciones paso-a-paso
(See the point # 28 - Please follow Step-By-Step Instructions)

Nos. 4 through 8 for STATE USE ONLY
Números 4 a 8 para USO ESTATAL

1. SOC (O*NET/OES) Occupational Code / Código Industrial:	5. Job Order No. / Num. de Orden de Empleo:
a. SOC (ONET/OES) Occupational Title / Título Ocupacional	
3. Address of Order Holding Office (include Telephone number) / Dirección de la Oficina donde se radico la oferta (incluya el número de teléfono):	
a. Name of Local Office Representative (include direct dial telephone number) / Nombre del Representante de la Oficina Local (Incluya el número de teléfono de su línea directa).	
7. Clearance Order Issue Date / Fecha de Emisión de la Orden de Empleo:	
3. Job Order Expiration Date / Fecha de Vencimiento o Expiración de la Orden de Empleo:	
3. Anticipated Period of Employment / Periodo anticipado o previsto de Empleo:	

Customize

Tools Sign Comment

Highlight Existing Fields

Content Editing

Pages

Interactive Objects

Forms

- Create
- Edit
- Distribute
- More Form Options

Action Wizard

Text Recognition

Protection

OMB Control No. 1205-0134
Expiration Date: October 31, 2015

Alimentos
guir las instrucciones paso-a-paso)
(v Step-By-Step Instructions)

**STATE USE ONLY
para USO ESTATAL**

5. Job Order No. / Num. de Orden de Empleo:

(include Telephone number) / Dirección de ruta (incluya el número de teléfono):

stative (include direct dial telephone
intante de la Oficina Local (Incluya el
a directa).

cha de Emisión de la Orden de Empleo:

Click **Content Editing**

Next, click **Add Text** for the box to write in info (into movable boxes)

The screenshot shows a software interface with a sidebar on the right titled "Content Editing". The sidebar contains several options: "Edit Text & Images", "Add Text" (highlighted with a red box), "Add Image", "Export File to...", "More Content", "Add or Edit Link", "Add Bookmark", and "Attach a File". Below these are sections for "Pages", "Interactive Objects", "Forms", "Action Wizard", "Text Recognition", and "Protection". The main content area on the left displays a document with a header "Control No. 1205-0134" and "on Date: October 31, 2015". Below this is a section titled "Instrucciones paso-a-paso (3step instructions)" and a black box with white text "USE ONLY GO ESTATAL". The document also contains fields for "Telephone number", "Order No.", and "Expiration of the Order". A red arrow points from the text on the left to the "Add Text" button in the sidebar.

With **Add Text** selected

You may begin to insert boxes (into which you have written pertinent information) in these specified places.

The screenshot displays a document editing interface. At the top, a purple bar contains a 'Highlight Existing Fields' button. Below this, the document title is 'Processing Clearance Order ETA Form 790 / Trabajadores Agrícolas y Procesamiento de Alimentos'. A red arrow points from the text 'mación adicional vea el punto # 28 - Favor de seguir las instrucciones paso-a-paso)' to the 'Add Text' button in the sidebar. The sidebar, titled 'Content Editing', includes options like 'Edit Text & Images', 'Add Text', 'Add Image', 'Export File to...', 'More Content', and 'Format'. The 'Add Text' button is highlighted with a red box. The main document area shows a form with sections 'Nos. 4 through 8 for STATE USE ONLY' and 'Números 4 a 8 para USO ESTATAL'. Red boxes are placed around the text 'Test', 'Test 2', 'Test 3', 'Test 4', 'Test 5', and 'Test 6' in various fields. A red bracket on the left side of the form indicates the area where text boxes are being inserted. At the bottom of the form, the 'Anticipated Period of Employment' is shown as 'From / Desde: 08/01/2015 To / Hasta: 01/15/2016'. A red arrow points from the bottom text block to the 'Outline Text & Images' checkbox in the sidebar.

To stop box lines from appearing, **click off the page** and the box cursor should disappear.

If there is a need to edit

Any of these boxes of added or changed material, click **Edit Text & Images**

Once this has been selected, each of the boxes will be highlighted and you may edit what is inside the box

The screenshot displays a web-based form with several text input fields. A purple banner at the top contains the text "Highlight Existing Fields" with a cursor icon. Below this, a blue banner reads "ation, go to block # 28 - Please follow Step-By-Step Instructions)". The main form area is titled "Nos. 4 through 8 for STATE USE ONLY" and "Números 4 a 8 para USO ESTATAL". It contains the following fields:

- 4. SOC (O*NET/OES) Occupational Code / Código Industrial: **Test**
- 5. Job Order No. / Num. de Orden de Empleo: **Test 2**
- 6. Address of Order Holding Office (include Telephone number) / Dirección de la Oficina donde se radica la oferta (incluya el número de teléfono): **Test 3**
- a. Name of Local Office Representative (include direct dial telephone number) / Nombre del Representante de la Oficina Local (Incluya el número de teléfono de su línea directa): **Test 4**
- 7. Clearance Order Issue Date / Fecha de Emisión de la Orden de Empleo: **Test 5**
- 8. Job Order Expiration Date / Fecha de Vencimiento o Expiración de la Orden de Empleo: **Test 6**
- 9. Anticipated Period of Employment / Período anticipado o previsto de Empleo: From / Desde: 08/01/2015 To / Hasta: 01/15/2016

On the right side, a "Content Editing" sidebar is visible. The "Edit Text & Images" option is highlighted with a red box. Other options include "Add Text", "Add Image", "Export File to...", "Add or Edit Link", "Add Bookmark", and "Attach a File". A "Format" section is also present with various text formatting icons. At the bottom of the sidebar, the "Outline Text & Images" checkbox is checked.

When it is time to save this document **click Save As** and these editing boxes will still be open.

They will automatically disappear when this 790 Form is saved.

The screenshot shows a document editing window with a toolbar at the top containing icons for save, undo, redo, and edit. Below the toolbar is a purple bar with a 'Highlight Existing Fields' button. The main content area displays a form titled 'Nos. 4 through 8 for STATE USE ONLY' and 'Números 4 a 8 para USO ESTATAL'. The form has several sections with text input fields, some of which are highlighted with red boxes and labeled 'Test 1' through 'Test 6'. A red bracket on the left side of the form indicates that these editing boxes remain open. On the right side, there is a 'Content Editing' sidebar with options like 'Edit Text & Images', 'Add Text', 'Add Image', 'Export File to...', 'Add or Edit Link', 'Add Bookmark', and 'Attach a File'. At the bottom of the form, there is a date range field: 'From / Desde: 08/01/2015 To / Hasta: 01/15/2016'.

ation, go to block # 28 – Please follow Step-By-Step Instructions)

Nos. 4 through 8 for STATE USE ONLY
Números 4 a 8 para USO ESTATAL

4. SOC (O*NET/OES) Occupational Code / Código Industrial: **Test 1**

5. Job Order No. / Num. de Orden de Empleo: **Test 2**

a. SOC (ONET/OES) Occupational Title / Título Ocupacional

6. Address of Order Holding Office (include Telephone number) / Dirección de la Oficina donde se radico la oferta (incluya el número de teléfono): **Test 3**

a. Name of Local Office Representative (include direct dial telephone number) / Nombre del Representante de la Oficina Local (Incluya el número de teléfono de su línea directa). **Test 4**

7. Clearance Order Issue Date / Fecha de Emisión de la Orden de Empleo: **Test 5**

8. Job Order Expiration Date / Fecha de Vencimiento o Expiración de la Orden de Empleo: **Test 6**

9. Anticipated Period of Employment / Período anticipado o previsto de Empleo:

From / Desde: 08/01/2015 To / Hasta: 01/15/2016


3 J Farms LLC 790 - Copy.pdf - Adobe Acrobat Pro

File Edit View Window Help

Create ▾

1 / 16 116%

Please fill out the following form.



U.S. Department Labor
Employment and Training Administration

Agricultural and Food Processing
Orden de Empleo para Obreros/Trabajadore
(Favor de usar letra de molde en la solicitud – Para incluir información adicio
(Print or type in each field block – To include additional informat

1. Employer's and/or Agent's Name and Address (Number, Street, City, State and Zip Code / Nombre y Dirección del Empleador/Patrón y/o Agente (Número, Calle, Ciudad, Estado y Código Postal):

[Redacted]

a) Federal Employer Identification Number (FEIN) / Número federal de Identificación del Empleador:

[Redacted]

b) Telephone Number / Número de Teléfono:

[Redacted]

c) Fax Number / Número de Fax:
n/a

d) E-mail Address / Dirección de Correo Electrónico:
n/a

Under the
drop down
for "File"
click
Save As

Save file following this format:

1: Name of Business

2: Form Number

3: "1" Signifies "First Action of the Year"

4: "15" Signifies Year (2015)

5: "8" Signifies Number of Employees

6: Date Received/Input into Jobs 4 TN

The screenshot shows a Windows File Explorer window with the address bar set to 'A & J Farms - Joe Elliott > 2015 > 1st 790'. The file list contains the following items:

Name	Date modified	Type	Size
1655 Hooper Hollow Rd	3/25/2015 8:33 AM	JPEG image	3,125 KB
1655 Hooper Hollow Rd-mailbox	3/25/2015 8:33 AM	JPEG image	4,179 KB
A & J Farms 790_1_15_8_031815	3/18/2015 10:31 AM	Adobe Acrobat D...	2,299 KB
A & J Farms 790A_1_15_8_031815	3/18/2015 10:04 AM	Microsoft Word D...	40 KB
A & J Farms Fields 031815	3/18/2015 10:04 AM	Microsoft Excel W...	11 KB
A & J Farms SWA Accept Letter 031815	3/18/2015 10:56 AM	Microsoft Word 9...	67 KB
CER A & J Farms 04-07-15	4/16/2015 2:25 PM	Adobe Acrobat D...	253 KB
Hous Insp A & J Farms_1_15_12_032315	3/25/2015 8:33 AM	Adobe Acrobat D...	89 KB
NOA_H-300-15085-421146	4/6/2015 8:09 AM	Adobe Acrobat D...	53 KB
Referral Report for A & J Farms 040715	4/7/2015 2:19 PM	Microsoft Word D...	18 KB

Red arrows in the image point from the legend to the file name 'A & J Farms 790_1_15_8_031815', indicating the breakdown of the filename: '1' points to 'A & J Farms', '2' points to '790', '3' points to '1', '4' points to '15', '5' points to '8', and '6' points to '031815'.

How to Look Up, and Make Changes to, A Job Order

First click
Manage
Employers



Next,
click
Assist an
Employer




The screenshot shows the Jobs4TN.gov website dashboard. The browser address bar displays https://www.jobs4tn.gov/vosnet/dashboards/defaultstaff.aspx?menuid=MENU_START_F. The page title is "JOBS4TN.GOV - My Staff W...". The dashboard includes several sections:

- Quick Search:** A search bar with the placeholder "Enter Search...".
- My Staff Workspace:** A list of links including "My Staff Dashboard", "My Staff Resources", "My Staff Account", and "Directory of Services".
- Services for Workforce Staff:** A menu with "Manage Employers" highlighted in a red box. A sub-menu is open, showing "Assist an Employer" highlighted in a red box. Other items include "Manage Resumés", "Manage Job Orders", "Manage Labor Exchange", "Manage Activities", "Manage Case Assignment", "Manage Profiling", "Manage Follow-up", "Manage Surveys", "Manage Providers", "Manage Funds", and "Manage WARN Notifications".
- Saved Lists:** A section with a filter set to "Individuals" and a "No saved lists available" message.
- Need help or more information:** Links to "Assistance Center" and "Learning Center".
- My Messages:** Shows "0 Unread Messages" and "6 Read Messages".
- My Calendar:** A calendar for September 2015 showing dates from 30 to 10. It indicates "0 New Appointments" and "89% Upcoming Events".
- Active Case Load:** A table showing counts for WP, WIOA, TAA, SNAP, and Total Case Load (0).
- Latest News and Announcements:** A section titled "Select Staffing has positions available".
- Labor Market Services:** Links to "Labor Market Facts", "Area Profile", "Industry Profile", "Occupational Profile", and "Educational Profile".
- My Report Indicators:** A section titled "Staff Internal Job Placement" showing a "+ 0" increase in placements.

At the bottom of the page, there is a "Chat with us" button and a text input field with the placeholder "Type your message here". The URL at the bottom of the page is https://www.jobs4tn.gov/permission.asp?token=emp_assist.

Select Job Order

Please enter your search criteria below to help you find an Employer.

 For help click the question mark icon.

[[Employer](#) | [Job Order](#) | [Contact](#) | [LWIA/OneStop](#) | [Location](#) | [Staff](#)]

Search

You have saved Employer item(s) in [My Search Lists](#).

Here are the 5 most recent employers you assisted:

Employer Criteria

Show User Accounts:

- Primary User Account Only
- Include all contacts with logins
- Include all contacts with and without logins

Employer Name:

 [Show Keyword Search Options](#)

Employer User Name:

Employer User ID:

Employer Size:

Employer Type:

Employer Federal Contractor:

Employer Status:

Account Type:

Employer ID Number (EIN) / Federal Tax ID:

 Example: 999001111

UI Employer Account Number:

Site Employer ID:

Registered Within:

 days

Last Login Date:

Between:  Today And:  Today

Registration IP:

A. This page will appear

B. Further down this page, insert the **Job Order ID (Number)**

C. After inserting the **Job Order Number**, click **Search**

D. A Search can also be made using a **FEIN**

[Employer | Job Order | Contact | LWIA/Change Log | Location | Staff]

Search

You have saved Employer item(s) in My Search Lists

Here are the 5 most recent employers you visited: RODRIGUEZ PRODUCTS (RODRIGUEZ) | FARMAC INC (2645274) | SUPPEN FRUIT FARM INC (2402126) | RODRIGUEZ PRODUCTS (RODRIGUEZ) | Mountain View Farm (MOUNTAINVIEWFARM)

Employer Criteria

Show User Accounts: Primary User Account Only
 Include all contacts with logins
 Include all contacts with and without logins

Employer Name:

Employer User Name:

Employer User ID:

Employer Size:

Employer Type:

Employer Federal Contractor:

Employer Status:

Account Type:

Employer ID Number (FEIN):

Tax ID:

UI Employer Account Number:

Site # Employer ID:

Registered Within: days

Last Login Date: Between: Today And: Today

Registration IP:

Login IP:

Employer Industry Code: [Search for NAICS Code]

Or

Employer Industry Sector:

Job Benefits: Medical Stock Options

Employer Characteristics:

Tuition Assistance Profit Sharing

Job Share Extended Sick Leave

Flex-Time Flexible Benefit Account

401K Travel Allowance

Union Shop Non-Union Shop

[Top | Search | Bottom]

Job Order Criteria

Jobs Available:

Job Order ID:

Jobs Posted Within:

Recent "Job Order" for Rodney Malchow. The **Job Order (Number)** was...

Job Order Criteria

Jobs Available: ▾

Job Order ID:

Jobs Posted Within: ▾

[[Top](#) [Search](#) [Bottom](#)]

Contact Criteria

Contact First Name:

Contact Last Name:

Telephone Number: - - Include Alternate Telephone

Email Address:

When the **Search** button was pressed, an old Job Order designation appeared

[Employer](#) | [Job Order](#) | [Contact](#) | [LWIA/OneStop](#) | [Locations](#)

Search

This older form (probably the original) appeared

Results View: **Summary** | [Detailed](#)
To sort on any column, click a column title.

[?](#) For help click the

Username	Contact	Employer	Emp ID	Primary Contact Login	City	Active Contacts	Created	Access
R [REDACTED] M [REDACTED]	[REDACTED]		9193	Yes	Cookeville	Rodney Malchow	12/30/2013	Enable

So, select "R---M---"

The new form designation appears

The screenshot shows a web application interface with a navigation menu at the top and a table of job orders below. The navigation menu includes sections for Employer Profiles, Human Resource Plan, and Staff's Profile. The main content area has tabs for Job Orders, Job Order Templates, Application Questions, Job Skill Sets, and Tools and Technology. Below the tabs, there is a help icon and a 'Show Filter Criteria' link. The table displays job order details, and the 'Edit' link in the first row is highlighted with a red box and a red arrow.

#	Job Title	Employer Job Status	On-line Status	System Status	Created	Inactive After	Views	Applicants	Action	Select
417933	Farmworker H-2A	Open and available	On-Line	Open and available	12/28/2015	7/1/2016	35	1	Copy Edit Delete Search by Job Criteria Pre-fill Advanced Resume Search Applicants Preview Template	<input type="checkbox"/>

To change anything in the Job Order click **Edit**

This brings you to the Job Order screens under the **new Job Order (Number)**

At this screen, you may proceed to make whatever changes are necessary to the most recent Job Order (the phone number, for example, may now be changed)

Services for Individuals Services for Employers Labor Market Analysis

Use this form to review the job order information. You may use the links below to jump to a specific section for review. To modify this job order, click the Edit link underneath the section you want to edit.

[Job Title and Occupation](#) | [Location/Work Site of this job](#) | [Contact Person for this Job](#) | [Job order information to be displayed online](#) | [Job Details](#) | [Job Description](#) | [Skills](#) | [Other Skills](#) | [Hiring Requirements](#) | [Specialized Requirements](#) | [Minimum Education, Experience, & Age Requirements](#) | [Drivers License Requirements](#) | [Compensation & Hours](#) | [Benefits Offered](#) | [Job Application Methods Accepted](#) | [Job Applicant Information Needed](#) | [Application Question Set](#) | [Applicant Notification Method](#) | [Job Order Upload Options](#) | [Other Information](#) | [Staff Information](#)

For help click the question mark icon.

Job Order Number 417933

Job Title and Occupation

Job Title: Farmworker H-2A
Occupation: Farmworkers and Laborers, Crop (45209202)
Typical Employment Data: [View Typical Job and Employment Data for Farmworkers and Laborers, Crop](#)

[Edit Job Title and Occupation]

Location/Work Site of this job

Redacted location information

To change the location of this job order, please click the [Select Another Location for this job](#). If other locations do not exist, you will have the opportunity to add a new location which can then be attached to the job order.

[Edit this Location of this Job] [Select Another Location for this Job]

Contact person for this Job

Redacted contact information

[Edit Contact Person for this Job] [Select Another Contact Person for this Job]

Job Order Information to be Displayed Online

Display online to job seekers: Yes
Display your company name: Yes
Have a local workforce staff member screen your applicants: No

[Edit Job Order Information to be Displayed Online]

**H-2A Agent
Contact
Information**

H-2A Agent Contact Information

Mayra Ballard: seasonalhands@msn.com

**Mayra Diaz Ballard, H-2A Agent
dba SEASONAL HANDS LLC
595 Herman Road
Mayfield KY 42066-4485
Tel: 270-658-3800 Fax: 270-282-8057**

Donna Carpenter: swa@awmalabor.com

**Donna Carpenter/Agriculture Workforce
Management Association (AWMA)
620 South Broadway
Lexington, KY 40508**

Buffy Edington: buffy@awmalabor.com

**Buffy Edington
Agriculture Workforce Management Association
620 South Broadway
Lexington, KY 40509
859-233-7845**

H-2A Agent Contact Information

Berthina Cervantes: als@abacusinc.net
Berhtina Cervantes/ALS Inc.
169 Burt RD.
Lexington, KY 40503

Antonio Crispin: acrispin@yahoo.com
Antonio Crispen
1021 Brooklyn Blvd #35
Berea, KY 40403

Melissa Green: kfa.inc@mchsi.com
Melissa Green/KY. FARMERS AID, INC
3612 W. Fork Rd.
Murray, KY 42071

Margie Hawkins: margie@amigos-inc.com
Margie Hawkins
Amigos AG Solutions, Inc.
3141 Hood St. Suite 333
Dallas, TX 75219

H-2A Agents Contact Information

Andrew M. Jackson: andy@andrewjacksonlaw.com

Andrew M. Jackson, Attorney

Andrew Jackson LAW

407 College St

PO Box 27

Clinton, NC 28329- 0027

Todd Miller (Head Honchos): ajproux@yahoo.com

Todd Miller/Head Honchos

P. O. Box 1073

Helotes, TX 78023

Christine Register: cregister@agworksh2.com

Christine Register

AgWorks H2, LLC

(229) 559-6879

Patricia Hall: phall@agworksh2.com or

Christine Register: Christine.Synan@ffva.com

Patricia M. Hall/Christine Register, AgworksH2, LLC --Agworks

P.O. Box 580 408 W. Marian Ave.

Lake Park, GA 31636

H-2A Agent Contact Information

Ruby Peters RPeters@dew.sc.gov [not an agent but a SWA]

FLC Coordinator

SC Department of Employment and Workforce

(803) 737-2633

Christine Synan: Christine.Synan@ffva.com

Christine Synan/Florida Fruit

& Vegetable Assoc.

P. O. BOX 948153

Maitland, FL 32751

Kim Tucker ktucker@maslabor.com

Kim Tucker/MAS Labor

P. O. BOX 507

Lovingston, VA 22949

Shelly Rauch srauch@maslabor.com

Shelley Rauch/MAS, Inc.

P. O. BOX 507

Lovingston, VA 22949

Elizabeth D Whitley H2A@maslabor.com

Elizabeth D. Whitley/MAS Labor H2A LLC

P.O. Box 507

Lovingstor, VA 22949

H-2A Agent Contact Information

Theresa Ward: tward.nac@gmail.com
**Theresa Ward/National Agricultural
Consultants LLC
685 US Hwy 15-501
Carthage NC 28327**

Lori Whitten: lori@actionvisa.com
**Lori Whitten
Action International
203 N. JACKSON ST. WYLIE, TX 75098**

Ray Wilcoxson: raywagent@scrtc.com
**Ray Wilcoxson
424 New Street
Horse Cave, KY 42749**

These contacts are subject to change. This manual was last updated 2/23/2017

Basic Instructions to Locate Farmer Folders

Do not need to reply to any document that Lance receives as "CC." However, put a copy of any document, referring to a particular farmer (owner), in that farmer's folder.

For **Tennessee farmers**, go to: N Drive → Programs and Operations → Agriculture → H2-A, H-2B, MSFW → H-2A Program → Farmer Files → Newberry Farms → Most Recent Year Folder

If there is not an appropriate folder make one.

For **Out-of-state farmers**, go to: N Drive → Programs and Operations → Agriculture → H2-A, H-2B, MSFW → H2-B Program → H-2A, H2-B Interstate Program → Interstate Farms → Newberry Farms Folder → Most Recent Year Folder

If there is not one, make a folder.

"CC" the agent on anything we send to Chicago.

Basic Instructions to Locate Farmer Folders

Inspection and Referral Forms need to be completed and sent to Chicago 32 days prior to start date on the 790 Form

Place any attachment in that farmer's file, including any attachment from Chicago.

L.E.A.R.S Reporting

Steps for reporting LEARS information

- http://www.etareports.doleta.gov/CFDOCS/grantee_prod/reporting/index.cfm, password and pin for LEARS (Make sure you have the right password. A different or incorrect password will direct you to another report.)
 - Password: cldhjmpv
 - Pin: 29463
- Enter password, then press LOGIN
- Select the correct YEAR in the drop down menu, then press CONTINUE
- Select the correct QUARTER you will be reporting, then press CONTINUE
- Select the Services to Migrant and Seasonal Farm Workers Report (Part 1), then press CONTINUE.

MSFW Report - Windows Internet Explorer

http://www.etareports.doleta.gov/CFDOCS/grantee_prod/reporting/wotc/menu_migrant.cfm?CFID=211682286&CFTOKEN=...

File Edit View Favorites Tools Help

MSFW Report x eCMATS Home

ETA
U.S. Department of Labor
Employment and Training Administration

LEARS Reporting System

**Migrant And Seasonal Farmworkers Report for Tennessee,
Quarter Ending: 09/30/2012**

(Report was State Certified on 11/08/2012 12:14 P.M.)

Please choose a report:

MSFW's Report: Services to Migrant And Seasonal Farmworkers Report (Part1)

Continue

[Main Menu](#) [LEARS Handbook](#) [Log out](#)

ETA Grantee Reporting System

Internet 100%

****After completion of each part of the LEARS report remember to select save, before moving to the next part.****

Services To Migrant And Seasonal Farmworkers Reports (Part 1)

State: Tennessee	Region: 3	Quarter Ending: 09/30/2016	PY: 2016	OMB Approval No. 1205-0039 Expiration Date: 04/30/2015
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	Previous Cumulative Reported	Report Period	Cumulative (Auto Calculated)
A - Outreach Services			
1. Best Estimates of MSFW's in the State		235	
2. Number of MSFW contacts by ES staff	0	235	235
3. Number of (outreach) staff days by ES staff	0	140	140
4. Number of MSFW contacts by cooperating agency staff	0	65	65
5. Approximate staff days cooperating agency staff performed outreach	0	65	65

1: Best estimate of MSFW's in State (This number will be acquired from VOS)

- Log into jobs4tn.gov
- Scroll down to the Reports section and click the Federal Reports tab
- Select the Migrant Indicators of Compliance report (MIC report) option
- Next under the Location title, select the Active bubble beside Region/LWIA Status.
- Under the same title(Location) see Region/LWIA: select None Selected
- Finally select the necessary reporting date, under Date Range and Run Report
- Section A. of the MIC report will provide the Best estimate of MSFW's. Find the columns labeled , Migrant Farm Workers, Seasonal "non-migrant" Farm Workers and Migrant and Seasonal Farm Workers. Take the Total Active Applicants numbers and add them together. Input this amount here

See next slide for a example of the MIC report.

Note: The above picture of LEARS is used only for explanative proposes.

Example of MIC Report. Note: The columns pointed to is where the answer to question one on the previous slide is acquired.

Migrant Farm Workers + Seasonal “Non-Migrant” Farm Workers + Migrant and Seasonal Farm Workers (MSFW) = Best estimate of MSFW’s in State.

Total Active Applicants

Migrant Farm Workers

Seasonal Non-Migrant Farm Workers

Migrant and Seasonal Farm Workers

MIGRANT INDICATORS OF COMPLIANCE STATEWIDE REPORT

US DEPARTMENT OF LABOR
EMPLOYMENT AND TRAINING
OFFICE OF ADMINISTRATION AND MANAGEMENT

PROCESSING DATE: 6/8/2017
REGION/LWIA:
OFFICE:

REPORT PERIOD: FROM: 7/1/2016
TO: 9/30/2016
DATE TYPE: Quarterly

No#	Reporting Element	Migrant Farm Workers		Migrant Food Processing Workers		Seasonal "Non-Migrant" Farm Workers		Migrant and Seasonal Farm Workers		All Non-MSFW Applicants		
		Actual Number	% of Total Apps	Actual Number	% of Total Apps	Actual Number	% of Total Apps	Actual Number	% of Total Apps	Actual Number	% of Total Apps	
A. Total New and Renewal Applications												
1	Total Active Applicants	13	100.00 %	3	100.00 %	64	100.00 %	80	100.00 %	52,792	100.00 %	
2	Complete Applications	4	30.77 %	2	66.67 %	43	67.19 %	49	61.25 %	34,116	64.62 %	
3	Partial Applications	9	69.23 %	1	33.33 %	21	32.81 %	31	38.75 %	18,676	35.38 %	
B. Referred to Employment												
4	Total: Referred to Employment	3	23.08 %	1	33.33 %	18	28.13 %	22	27.50 %	14,444	27.36 %	
5	In AG Industries	1	7.69 %	0	0.00 %	0	0.00 %	1	1.25 %	96	0.18 %	
6	In Non-AG Industries	2	15.38 %	1	33.33 %	18	28.13 %	21	26.25 %	14,348	27.18 %	
C. Placed into Jobs with Wage Breakdown												
I. Placements into Employment												
7	Total Applications Placed in Jobs	1	7.69 %	0	0.00 %	3	4.69 %	4	5.00 %	1,028	1.95 %	
8	In Agricultural Industries	0	0.00 %	0	0.00 %	0	0.00 %	0	0.00 %	15	0.03 %	
9	To Last 3 Days or Less	0	0.00 %	0	0.00 %	0	0.00 %	0	0.00 %	0	0.00 %	
10	To Last 4 -150 Days	0	0.00 %	0	0.00 %	0	0.00 %	0	0.00 %	0	0.00 %	
11	To Last Over 150 Days	0	0.00 %	0	0.00 %	0	0.00 %	0	0.00 %	15	0.03 %	
12	In Non-AG Industries	1	7.69 %	0	0.00 %	3	4.69 %	4	5.00 %	1,013	1.92 %	
13	To Last 3 Days or Less	0	0.00 %	0	0.00 %	0	0.00 %	0	0.00 %	0	0.00 %	
14	To Last 4 -150 Days	0	0.00 %	0	0.00 %	0	0.00 %	0	0.00 %	5	0.01 %	
15	To Last Over 150 Days	1	7.69 %	0	0.00 %	3	4.69 %	4	5.00 %	1,008	1.91 %	
II. Wage Rates for Placements into Employment												
16	Under \$7.25	0	0.00 %	0	0.00 %	0	0.00 %	0	0.00 %	0	0.00 %	
17	\$0.01 To \$7.24	0	0.00 %	0	0.00 %	0	0.00 %	0	0.00 %	0	0.00 %	
18	\$6.95 And Over	1	7.69 %	0	0.00 %	3	4.69 %	4	5.00 %	969	1.84 %	
19	\$8.30 And Over	1	7.69 %	0	0.00 %	1	1.56 %	2	2.50 %	920	1.74 %	
20	\$9.41 To \$10.92	0	0.00 %	0	0.00 %	0	0.00 %	0	0.00 %	250	0.47 %	
21	Average Wage	16	121.38 %	0	0.00 %	11	16.55 %	12	14.86 %	13	0.02 %	
22	Placement recorded at \$0.00	0	0.00 %	0	0.00 %	0	0.00 %	0	0.00 %	0	0.00 %	
23	\$0.50 Over Minimum Wage of \$7.25	1	7.69 %	0	0.00 %	3	4.69 %	4	5.00 %	969	1.84 %	

A - Outreach Services

1. Best Estimates of MSFW's in the State

2. Number of MSFW contacts by ES staff

3. Number of (outreach) staff days by ES staff

4. Number of MSFW contacts by cooperating agency staff

5. Approximate staff days cooperating agency staff performed outreach

→ The answer to questions **Two and Three** of Part One in the LEARS will be 0, because another agency, Tennessee Opportunity Program (TOPS), handles outreach.

Answers to questions **Four and Five** of Part One of the LEARS , a employee from TOPS will send the report quarterly. See example below.

TOTALS Through 4th Quarter

April 1, 2016 - June 31, 2016 (PY 2015-16)

	PREVIOUS PERIOD	CURRENT PERIOD 4/1/16 - 6/31/16	YTD TOTALS
Total # of Enrolled participants	209	52	261
# of new participants	108	52	160
Participants carried over	101	0	101
Total terminations	122	48	170
Entered employment	113	44	157
Total active participants	104	4	91
# of staff days (approx.) cooperating agency staff performed outreach	121	64	185
# of hours spent in recruitment and outreach	2117.5	1120	3237.5
<i>** 2.5 hrs. per day X # of Case Managers X # of days (rounded) **</i>			

<u>B - Monitoring System (Reviews by State/Federal staff)</u>			
<u>1. Total number of significant local offices</u>	0	0	0
<u>a. Number of significant local offices reviewed</u>	0	0	0
<u>b. Number of non-significant local offices reviewed</u>	0	0	0

Section B- Monitoring System (reviews by State/Federal staff):

1. This amount will be the same each quarter, unless formally change by ETA. Tennessee currently has zero significant offices.

1 (a). This field documents formal onsite monitoring reviews conducted following 20 CFR 653.108(h) Local office visits can be documented in Part 2(comments), not here.

1 (b). The amount of non-significant offices will stay the same too. Currently there are 75 non-significant offices. Of the 75 non-significant offices, how many were reviewed with in the reporting period.

Reference:20 CFR 653.108(h) explanation: <https://www.gpo.gov/fdsys/granule/CFR-2011-title20-vol3/CFR-2011-title20-vol3-sec653-108>

<u>C - Referral of Apparent Violations to Enforcement Agencies</u>				
<u>1. Total number of ES-related apparent violations referred</u>	0	*	0	0
<u>a. To WHD</u>	0		0	0
<u>b. To OSHA</u>	0		0	0
<u>c. To Other</u>	0		0	0
<u>2. Total number of non ES-related apparent violations referred</u>	0	*	0	0
<u>a. To WHD</u>	0		0	0
<u>b. To OSHA</u>	0		0	0
<u>c. To Other</u>	0		0	0

Section C- Referral of Apparent Violations to Enforcement

This section remains 0 unless a reported otherwise by Wage and Hour Division (WHD) or the Occupational Safety & Health Administration (OSHA) or Other

(20 CFR 653.113): Regulations require the documentation of all suspected violations of employment-related laws. This section enumerates those suspected violations, which affect MSFWs, are document and forwarded to the local office manager, and referred to the appropriate enforcement agency for final resolution.

Services to Migrant and Seasonal Farmworkers Report (part 1) Section D

<u>D - Agricultural Clearance Orders</u>				
<u>1. Total number of agricultural orders cleared</u>	0	*	21	21
<u>a. Intrastate</u>	0		15	15
<u>b. Interstate</u>	0		6	6
<u>c. H-2A related</u>	0		15	15
<u>Total number of workers referred for placement</u>	0	*	17	17
<u>a. Intrastate</u>	0		17	17
<u>b. Interstate</u>	0		0	0
<u>c. H-2A related</u>	0		0	0
<u>2. Number of orders on which field checks were conducted</u>	0		0	0
<u>3. Number of orders on which violations were found</u>	0	*	0	0
<u>a. Number of orders on which violations were corrected through informal resolution</u>	0		0	0
<u>b. Number of orders having violations which were referred to enforcement agency</u>	0	*	0	0
<u>(1) To WHD</u>	0		0	0
<u>(2) To OSHA</u>	0		0	0
<u>(3) To Other</u>	0		0	0
<u>4. Number of employers for whom discontinuation of service proceedings were initiated as a result of a field check</u>	0		0	0

Section D- Agricultural Clearance Orders

- **1.Total number of agricultural orders cleared, a. Intrastate, b. Interstate and H2A related amounts will be acquired from the 9127 report, which can be generated from VOS.**
 - **Generating the 9127 report: Once logged into VOS (jobs4tn.com) find Reports> Select Federal Reports> Select ETA 9127> Under Date Range select the needed reporting date> Run report**

See next slide for example of 9127 report

**Foreign Labor Certification
Quarterly Activity Report (ETA 9127)**

- Fourth Quarter - 2016

- Current Quarter: From 07/01/2017 to 09/30/2017

- Previous Quarter: From 04/01/2017 to 06/30/2017

1. Total number of agricultural orders cleared

a. Intrastate

b. Interstate

c. H-2A related: same amount as field (a.) Intrastate in Section D. (ex. 35)

H-2B Workload		H-2B Regular	H-2B Special Procedures
1	Total number of active Job Orders from previous report (quarter)	<u>21</u>	
2	Total number of new Job Orders received	<u>32</u>	
3	Total number of Job Orders processed	0	
4	Total number of SWA staff assisted intrastate referrals	0	
5	Total number of SWA staff assisted interstate referrals	0	
6	Total number of interstate job orders transmitted to other SWAs	0	
7	Total number of interstate job orders received from other SWAs	0	
8	Total number of Union contacts made	0	
9	Total number of active Job Orders remaining at the end of the quarter	<u>58</u>	
10	List the most common deficiencies noted on job orders:		
11	Provide comments or other issues noted during quarter:		
H-2A Workload		H-2A Regular	H-2A Special Procedures
1	Total number of active Job Orders from previous report (quarter)	0	
2	Total number of new Job Orders received	<u>35</u>	
3	Total number of Job Orders processed	0	
4	Total number of SWA staff assisted intrastate referrals	0	
5	Total number of SWA staff assisted interstate referrals	0	
6	Total number of interstate job orders transmitted to other SWAs	0	
7	Total number of interstate job orders received from other SWAs	0	
8	Total number of active Job Orders remaining at the end of the quarter	<u>431</u>	
9	Total number of prevailing wage surveys completed	0	
10	Total number of employment practice surveys completed	0	
11	Total number of housing inspections completed by SWA staff	0	
12	Total number of housing inspections completed by alternative method	0	
13	Total number of sleeping units inspected	0	
14	Total capacity of sleeping units inspected	0	
15	Total number of housing self-certifications received from employer	0	
16	List the most common deficiencies noted on job orders:		
17	Provide comments or other issues noted during the quarter:		

Services to Migrant and Seasonal Farmworkers Report (part 1) Section D

Total number of workers referred for placement	0	*	17	17
a. Intrastate	0		17	17
b. Interstate	0		0	0
c. H-2A related	0		0	0

The total number of workers referred for placement :“domestic” workers referred for placement to the agricultural job orders will be auto-filled from the data for (a) and (b).

a. Intrastate: Enter the number of workers referred to INTRASTATE orders. This amount can be found on the MIC report

Section B. Referred to Employment.

• Migrant Farm Workers + Seasonal “Non-Migrant” Farm Workers + MSFWs = 68 a. Intrastate amount

No#	Reporting Element	Migrant Farm Workers		Migrant Food Processing Workers		Seasonal "Non-Migrant" Farm Workers		Migrant and Seasonal Farm Workers		All Non-MSFW Applicants	
		Actual Number	% of Total Apps	Actual Number	% of Total Apps	Actual Number	% of Total Apps	Actual Number	% of Total Apps	Actual Number	% of Total Apps
A Total New and Renewal Applications											
1	Total Active Applicants	13	100.00 %	1	100.00 %	74	100.00 %	88	100.00 %	47,564	100.00 %
2	Complete Applications	8	61.54 %	1	100.00 %	37	50.00 %	46	52.27 %	27,049	56.87 %
3	Partial Applications	5	38.46 %	0	0.00 %	37	50.00 %	42	47.73 %	20,515	43.13 %
B. Referred to Employment											
4	Total: Referred to Employment	2	15.38 %	0	0.00 %	32	43.24 %	34	38.64 %	11,289	23.73 %
5	In AG Industries	0	0.00 %	0	0.00 %	1	1.35 %	1	1.14 %	92	0.19 %
6	In Non-AG Industries	2	15.38 %	0	0.00 %	31	41.89 %	33	37.50 %	11,197	23.54 %

Services to Migrant and Seasonal Farmworkers Report (part 1) Section D

<u>Total number of workers referred for placement</u>	0	*	17	17
<u>a. Intrastate</u>	0		17	17
<u>b. Interstate</u>	0		0	0
<u>c. H-2A related</u>	0		0	0

b. Interstate: This amount will be acquired from generating the Ad-Hoc query.

- **Ask the IT department to run this report for you.**
- **Once generated, count the job orders from other states and put that amount in the Interstate field.**

c. H-2A related: Enter the number of H2A related agriculture orders cleared. (Refer to 9127 report)

Refer to [20 CFR 651.10](#) for definitions applicable to identifying MSFWs.

Services To Migrant And Seasonal Farmworkers Reports (Part 1) Section D

2. Number of orders on which field checks were conducted	0	0	0
3. Number of orders on which violations were found	0	*	0
a. Number of orders on which violations were corrected through informal resolution	0	0	0
b. Number of orders having violations which were referred to enforcement agency	0	*	0
(1) To WHD	0	0	0
(2) To OSHA	0	0	0
(3) To Other	0	0	0
4. Number of employers for whom discontinuation of service proceedings were initiated as a result of a field check	0	0	0

2. Number of orders on which field checks were conducted- field checks won't be performed unless a domestic worker is hired for the job.

3. Number of orders on which violations were found: violations were found as a result of field checks will be auto-filled from the data entered below:

- **a. enter the number of jobs orders where violations found were found and corrected through informal resolution between the employer and ES. (if any were found)**
- **b. The number of job orders where violations found were found and referred will be auto-filled from the data entered below. (if any were referred)**
 - **Fields 1-3: enter the number of orders where violations were referred to the respective agencies.**

4. Enter the number of employer against whom discontinuation of service proceedings were initiated as a result of violations found through field checks.

- **This amount will remain 0 unless field checks were conducted.**

Services to Migrant and Seasonal Farmworkers Report (part 1) Section E

<u>E - USES Complaint Systems</u>			
<u>1. Total complaints received</u>	0	*	0
<u>a. MSFW, ES-related</u>	0		0
<u>b. MSFW, non- ES-related</u>	0		0
<u>c. non-MSFW, ES-related</u>	0		0
<u>d. non-MSFW, non-ES-related</u>	0		0
<u>2. Total number of MSFW ES-related complaints referred</u>	0	*	0
a. To WHD	0		0
b. To OSHA	0		0
c. To Other	0		0
<u>3. Total number of Non-MSFW ES-related complaints referred</u>	0	*	0
a. To WHD	0		0
b. To OSHA	0		0
c. To Other	0		0
<u>4. Total number of MSFW, Non-ES-related complaints referred</u>	0	*	0
a. To WHD	0		0
b. To OSHA	0		0
c. To Other	0		0
<u>5. Total number of MSFW, ES-related complaints unresolved after 45 days</u>	0		0

Uses Complaint System- This section provides data on the effectiveness of the State agency complaint system established according to **20 CFR 658, subpart E**. An ES complaint is a representation made to a State or local ES office of a violation of the regulations and/or other Federal, State or local law. All complaints handled in this system will be reported according to 20 CFR 658, Subpart E. Due to regulatory requirements, a complaint must be designated as MSFW or non-MSFW when reported.

- This amount will remain 0 unless a complaint is received.

Nature of Problem/Accomplishment (Part 2)

This section is provided to allow the state the opportunity to summarize any problems or accomplishments achieved with regard to the MSFW program. Outreach will always remain the same (statement recorded) unless DOLWD begins to handle outreach. Numbers 2-5 Will remain the same unless one has monitored, referred violations, preformed field checks or recorded MSFW complaints. In which case, see explanation below as to how to answer the fields correctly.

A - Services to MSFWS	
Activity	Comments (1000 characters)
1. Outreach	<p>Es staff began sending job orders to TOPS outreach program in order for them to refer their MSFW participants to the agricultural job orders.</p> <p>Calculate Characters <input type="text"/></p>
2. Monitoring	<p>N/A</p> <p>Calculate Characters <input type="text"/></p>
3. Referral of Violations	<p>N/A</p> <p>Calculate Characters <input type="text"/></p>
4. Field Checks on Clearance Orders	<p>0</p> <p>Calculate Characters <input type="text"/></p>
5. MSFW's Complaints	<p>0</p>

- ***Outreach*** - Summarize pertinent information pertaining to Outreach activity by local or central office staff on the behalf of the Outreach Program.
- ***Monitoring*** - List the names of the offices visited and the dates of review or field checks conducted during the quarter.
- ***Referral Of Violations*** - Summarize any problems encounters with regard to complaints referred for investigation to enforcement agencies.
- ***Field Checks on Clearance Orders*** - Enter any major problems found during the field checks.
- ***MSFW Complaints*** - Enter any major problems highlighted by MSFWs under the ES program services.

Nature of Problem/Accomplishments (Part 2)

B - Program Performance	Name(s) of Office(s)	Date(s) of Review(s)
Local Office Visits	<div style="border: 1px solid gray; padding: 5px; min-height: 150px;"> N/A </div> <div style="display: flex; justify-content: flex-end; margin-top: 5px;"> <input type="button" value="Calculate Characters"/> <input style="width: 40px; height: 20px; margin-left: 5px;" type="text"/> </div>	
C - Other Other	(4000 Characters)	
	<div style="border: 1px solid gray; padding: 5px; min-height: 150px;"> N/A </div> <div style="display: flex; justify-content: flex-end; margin-top: 5px;"> <input type="button" value="Calculate Characters"/> <input style="width: 40px; height: 20px; margin-left: 5px;" type="text"/> </div>	

B - Program Performance: Local Office Visits- Enter the names of offices visited to provide technical assistance to improve MSFW program services.

C - Other: Summarize any other pertinent MSFW information that was not covered above.

Service Provided Migrant and Seasonal Farmworkers Equity Ratio Indicators (Part 3)

Section F. of the MIC report will give the amounts needed to answer fields A. Total Applications, as well as fields 1-5

DATA ITEMS

Individuals	MSFW's		Non-MSFW's		Equity		
	#	% (Auto Calculated)	#	% (Auto Calculated)	Yes		No
A. Total Applications	235		240,031				
1. Referred to Jobs	12	5.1	41,119	17.1	<input type="radio"/>		<input checked="" type="radio"/>
2. Received Staff Assisted Services	54	23	4,532	1.9	<input checked="" type="radio"/>		<input type="radio"/>
3. Referred to Support Service	12	5.1	228	0.1	<input checked="" type="radio"/>		<input type="radio"/>
4. Career Guidance	235	100	23	0	<input checked="" type="radio"/>		<input type="radio"/>
5. Job Development Contact	0	0	0	0	<input checked="" type="radio"/>		<input type="radio"/>

No#	Reporting Element	Actual Number Accomplished for Total MSFWs	Actual Percent Accomplished for Total MSFWs	Target Number Required (based on Non-MSFW served or Federal Perf)	Actual Number Accomplished for All Non-MSFW Applicants	Percent Required (based on Non-MSFW served or Federal Perf)	Met Requirement (Yes or No)
No#	Reporting Element	Actual Number	Actual Percentage	Required Number	Actual Number	Required Percentage	Met Requirement
F. MIC Performance Indicators							
I. Equity Ratio Indicators							
1	Total Active Applications	88			47,564		
4	Referred to Employment	34	38.636%	21	11,289	23.734%	YES
28	Referred to Support Services	10	11.364%	6	3,472	7.30%	YES
29	Received Staff Assisted Services	49	55.682%	36	19,229	40.428%	YES
2	Complete Applications	46			27,049		
24	Job Development Contact	0	0.00%	1	427	1.579%	NO
26	Career Guidance	3	6.522%	1	826	3.054%	YES

Services Provided Migrant And Seasonal Farmworkers - Minimum Service Level Indicators (Part 4)

- Placed in a job- refer to section C of the MIC report and record the amount found in Total Applications Placed in Jobs.
 - Calculate the percentage of registered MSFWs that were placed in a job. (For example, if 1,000 MSFWs were registered and 900 were placed in employment, you would enter 90% in the Actual Level column corresponding to "Placed in a Job.") The Compliance level is 42.5%.
- Placed \$.50 above minimum wage- refer to section C of the MIC report and record the amount found in 0.50 Over Minimum Wage of 7.25.
 - Calculate the percentage of registered MSFWs that were placed in a job paying \$.50 above the Minimum Wage. (For example, if 1,000 MSFWs were registered and 150 were placed in jobs paying \$.50 above the minimum wage, you would enter 15% in the Actual Level column. The Compliance level is 14%.

DATA ITEMS	Compliance Level		Actual Level		Yes	No
1. Placed in a job	42.5	%	67	%	<input checked="" type="radio"/>	<input type="radio"/>
2. Placed \$.50 above minimum wage	14	%	100	%	<input checked="" type="radio"/>	<input type="radio"/>
3. Placed in long term non-ag job	3	%	17	%	<input checked="" type="radio"/>	<input type="radio"/>
4. Reviews of significant offices	100	%	100	%	<input checked="" type="radio"/>	<input type="radio"/>
5. Field checks conducted	25	%	25	%	<input checked="" type="radio"/>	<input type="radio"/>
6. Outreach contacts per staff day worked	5		0		<input type="radio"/>	<input checked="" type="radio"/>
7. Timely process of ES complaints	90	%	90	%	<input checked="" type="radio"/>	<input type="radio"/>

C. Placed into Jobs with Wage Breakdown

I. Placements into Employment											
7	Total Applications Placed in Jobs	0	0.00%	0	0.00%	5	6.757%	5	5.682%	908	1.909%
8	In Agricultural Industries	0	0.00%	0	0.00%	0	0.00%	0	0.00%	14	0.029%
9	To Last 3 Days or Less	0	0.00%	0	0.00%	0	0.00%	0	0.00%	0	0.00%
10	To Last 4 -150 Days	0	0.00%	0	0.00%	0	0.00%	0	0.00%	0	0.00%
11	To Last Over 150 Days	0	0.00%	0	0.00%	0	0.00%	0	0.00%	14	0.029%
12	In Non-AG Industries	0	0.00%	0	0.00%	5	6.757%	5	5.682%	894	1.88%
13	To Last 3 Days or Less	0	0.00%	0	0.00%	0	0.00%	0	0.00%	0	0.00%
14	To Last 4 -150 Days	0	0.00%	0	0.00%	1	1.351%	1	1.136%	270	0.568%
15	To Last Over 150 Days	0	0.00%	0	0.00%	4	5.405%	4	4.545%	629	1.322%
II. Wage Rates for Placements into Employment											
16	Under \$7.25	0	0.00%	0	0.00%	0	0.00%	0	0.00%	5	0.011%
17	\$0.01 To \$7.24	0	0.00%	0	0.00%	0	0.00%	0	0.00%	5	0.011%
18	\$6.95 And Over	0	0.00%	0	0.00%	5	6.757%	5	5.682%	787	1.655%
19	\$8.30 And Over	0	0.00%	0	0.00%	5	6.757%	5	5.682%	751	1.579%
20	\$9.41 To \$10.92	0	0.00%	0	0.00%	1	1.351%	1	1.136%	64	0.135%
21	Average Wage	0	0.00%	0	0.00%	11	14.468%	11	12.166%	12	0.025%
22	Placement recorded at \$0.00	0	0.00%	0	0.00%	0	0.00%	0	0.00%	0	0.00%
23	\$0.50 Over Minimum Wage of \$7.25	0	0.00%	0	0.00%	5	6.757%	5	5.682%	786	1.653%

Services Provided Migrant And Seasonal Farmworkers - Minimum Service Level Indicators (Part 4)

3. Placed in long term non-ag jobs- Refer to section C of the MIC report and record the amount To last Over 150

4. Reviews of significant offices- Tennessee is a non-significant state. Furthermore we do not have any significant offices to conduct reviews on, therefore 100% of 0 is 100%.

- According to Federal regulations at [20 CFR 653.108\(g\)\(3\)](#), States with significant local offices must monitor and review all those offices at least once every year unless monitored by Federal staff. Therefore the Compliance level is 100% of local offices reviewed. Under "actual level," enter the percentage of the State's significant local offices reviewed up through the period being reported. The names and dates of local office reviews should be indicated on the narrative portion of report.

5. Field Checks conducted- Field checks aren't preformed unless a domestic worker is placed in a agricultural job.

- These are required on at least 25% of the clearance orders in which "domestic" worker placements are made. (Reference: [20 CFR 653.503](#))

DATA ITEMS

	Compliance Level		Actual Level		Yes	No
1. Placed in a job	42.5	%	67	%	<input checked="" type="radio"/>	<input type="radio"/>
2. Placed \$.50 above minimum wage	14	%	100	%	<input checked="" type="radio"/>	<input type="radio"/>
3. Placed in long term non-ag job	3	%	17	%	<input checked="" type="radio"/>	<input type="radio"/>
4. Reviews of significant offices	100	%	100	%	<input checked="" type="radio"/>	<input type="radio"/>
5. Field checks conducted	25	%	25	%	<input checked="" type="radio"/>	<input type="radio"/>
6. Outreach contacts per staff day worked	5		0		<input type="radio"/>	<input checked="" type="radio"/>
7. Timely process of ES complaints	90	%	90	%	<input checked="" type="radio"/>	<input type="radio"/>

C. Placed into Jobs with Wage Breakdown

I. Placements into Employment

7	Total Applications Placed in Jobs	0	0.00%	0	0.00%	5	6.757%	5	5.682%	908	1.909%
8	In Agricultural Industries	0	0.00%	0	0.00%	0	0.00%	0	0.00%	14	0.029%
9	To Last 3 Days or Less	0	0.00%	0	0.00%	0	0.00%	0	0.00%	0	0.00%
10	To Last 4 -150 Days	0	0.00%	0	0.00%	0	0.00%	0	0.00%	0	0.00%
11	To Last Over 150 Days	0	0.00%	0	0.00%	0	0.00%	0	0.00%	14	0.029%
12	In Non-AG Industries	0	0.00%	0	0.00%	5	6.757%	5	5.682%	894	1.88%
13	To Last 3 Days or Less	0	0.00%	0	0.00%	0	0.00%	0	0.00%	0	0.00%
14	To Last 4 -150 Days	0	0.00%	0	0.00%	1	1.351%	1	1.136%	270	0.568%
15	To Last Over 150 Days	0	0.00%	0	0.00%	4	5.405%	4	4.545%	629	1.322%

II. Wage Rates for Placements into Employment

16	Under \$7.25	0	0.00%	0	0.00%	0	0.00%	0	0.00%	5	0.011%
17	\$0.01 To \$7.24	0	0.00%	0	0.00%	0	0.00%	0	0.00%	5	0.011%
18	\$6.95 And Over	0	0.00%	0	0.00%	5	6.757%	5	5.682%	787	1.655%
19	\$8.30 And Over	0	0.00%	0	0.00%	5	6.757%	5	5.682%	751	1.579%
20	\$9.41 To \$10.92	0	0.00%	0	0.00%	1	1.351%	1	1.136%	64	0.135%
21	Average Wage	0	0.00%	0	0.00%	11	14.468%	11	12.166%	12	0.025%
22	Placement recorded at \$0.00	0	0.00%	0	0.00%	0	0.00%	0	0.00%	0	0.00%
23	\$0.50 Over Minimum Wage of \$7.25	0	0.00%	0	0.00%	5	6.757%	5	5.682%	786	1.653%

Services Provided Migrant And Seasonal Farmworkers - Minimum Service Level Indicators (Part 4)

DATA ITEMS	Compliance Level		Actual Level		Yes		No	
1. Placed in a job	42.5	%	67	%	<input checked="" type="radio"/>		<input type="radio"/>	
2. Placed \$.50 above minimum wage	14	%	100	%	<input checked="" type="radio"/>		<input type="radio"/>	
3. Placed in long term non-ag job	3	%	17	%	<input checked="" type="radio"/>		<input type="radio"/>	
4. Reviews of significant offices	100	%	100	%	<input checked="" type="radio"/>		<input type="radio"/>	
5. Field checks conducted	25	%	25	%	<input checked="" type="radio"/>		<input type="radio"/>	
6. Outreach contacts per staff day worked	5		0		<input type="radio"/>		<input checked="" type="radio"/>	
7. Timely process of ES complaints	90	%	90	%	<input checked="" type="radio"/>		<input type="radio"/>	

6. Outreach contacts per staff day worked-A minimum of five contacts per staff day should be performed by outreach workers. An eight hour workday is considered a staff day ([20 CFR 653.107](#)). Actual levels should equal the number of MSFW contacts made cumulatively divided by number of (outreach) staff days worked cumulatively (Part I Items A2 divided by A3 in the column labeled cumulatively) rounded to the nearest whole number. For example, 879 contacts were made in 19 staff days is 46.2 or 46 contacts per staff day worked. If the number is 46.7 for example, then it is rounded to 47.

- Refer to the TOPS report to get number of contacts made

7. Timely process of ES complaints- This will remain 90% unless complaints aren't resolved with in the 45 day resolution requirement, with in the quarterly reporting period.

- Minimal compliance levels must reflect timeliness as prescribed by [20 CFR 658.400](#). Actual levels are cumulative of unresolved complaints at the end of each reporting period. No more than 10% of all ES-related complaints should be left unresolved after 45 days from the date received, unless the complaints were referred to an enforcement agency and are only awaiting a hearing or determination. Therefore the Compliance level is 90% of complaints resolved within 45 days.

Submitting L.E.A.R.S report

Please save report before submitting

Save

[Report Menu](#)

Submitted by:

Submission Date:

Please enter your PIN to submit:


<input type="text" value=""/>	<input type="text" value=""/>
<input type="text" value="06/09/2017"/>	<input type="text" value=""/>
<input type="text" value=""/>	<input type="button" value="Submit"/>

After completing each "Part" of the L.E.A.R.S report and saving, the report will need to be submitted.

- Input the pin number (**29463**) where indicated to do so and select submit.
- If a section of the L.E.A.R.S was left incomplete or recorded incorrectly the mistakes needing correcting will be auto populated. Therefore, the corrections will need to be made before submission is possible.
- Once submitted, a submission confirmation will appear.

**Two Documents
Immediately Sent to
Chicago National
Processing Center
(and Others)**

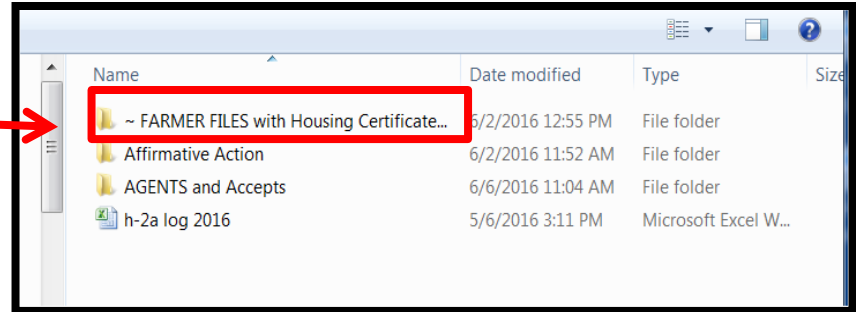
#1: Completed 790 Document Sample

 U.S. Department Labor Employment and Training Administration		OMB Control No. 1205-0134 Expiration Date: October 31, 2015
Agricultural and Food Processing Clearance Order ETA Form 790 Orden de Empleo para Obreros/Trabajadores Agrícolas y Procesamiento de Alimentos		
(Print or type in each field block – To include additional information, go to block # 28 – Please follow Step-By-Step Instructions) (Favor de usar letra de molde en la solicitud – Para incluir información adicional vea el punto # 28 – Favor de seguir las instrucciones paso-a-paso)		
1. Employer's and/or Agent's Name and Address (Number, Street, City, State and Zip Code / Nombre y Dirección del Empleador/Patrón y/o Agente (Número, Calle, Ciudad, Estado y Código Postal): <div style="background-color: black; width: 100px; height: 30px; margin-bottom: 5px;"></div> a) Federal Employer Identification Number (FEIN) / Número federal de Identificación del Empleador: 62-1691481 b) Telephone Number / Número de Teléfono: 731-836-9122 c) Fax Number / Número de Fax: N/A d) E-mail Address / Dirección de Correo Electrónico: [REDACTED] (KFA, INC EMAIL)	Nos. 4 through 8 for STATE USE ONLY Números 4 a 8 para USO ESTATAL	
	4. SOC (ONET/OES) Occupational Code / Código Industrial: 45209202 a. SOC (ONET/OES) Occupational Title / Título Ocupacional Farmworkers and Laborers, H-2A	5. Job Order No. / Num. de Orden de Empleo: TN-423499
	6. Address of Order Holding Office (include Telephone number) / Dirección de la Oficina donde se radica la oferta (incluya el número de teléfono): 220 French Landing Dr. Nashville, TN (615) 741- 5671 a. Name of Local Office Representative (include direct dial telephone number) / Nombre del Representante de la Oficina Local (Incluya el número de teléfono de su línea directa). TN Career Center -- Ripley [REDACTED]	
2. Address and Directions to Work Site / Domicilio y Direcciones al lugar de trabajo: ALL WORKSITE LOCATIONS ARE OWNED OR LEASED BY EMPLOYER, WHO HAS FULL CONTROL OF PROPERTY AT TIME WORK IS PERFORMED. <div style="background-color: black; width: 100%; height: 40px; margin-top: 5px;"></div>	7. Clearance Order Issue Date / Fecha de Emisión de la Orden de Empleo: 1/25/16	
	8. Job Order Expiration Date / Fecha de Vencimiento o Expiración de la Orden de Empleo: 8/8/16	
	9. Anticipated Period of Employment / Período anticipado o previsto de Empleo: From / Desde: 04/01/2016 To / Hasta: 12/15/2016	
	10. Number of Workers Requested / Número de Trabajadores Solicitados: 10	
3. Address and Directions to Housing / Domicilio y Direcciones al lugar de vivienda: BARRACKS <div style="background-color: black; width: 100%; height: 40px; margin-top: 5px;"></div>	11. Anticipated Hours of Work per Week / Horas Anticipadas/Previstas de Trabajo por Semana. Total: 40 Sunday / Domingo _____ Thursday / Jueves <u>8</u> Monday / Lunes <u>8</u> Friday / Viernes <u>8</u> Tuesday / Martes <u>8</u> Saturday / Sábado _____ Wednesday / Miércoles <u>8</u>	
a) Description of Housing / Descripción de la vivienda: BARRACKS	12. Anticipated range of hours for different seasonal activities: / Rango previsto de horas par atas diferentes actividades de la temporada: 40 HRS.	
	13. Collect Calls Accepted from: / Aceptan Llamadas por Cobrar de: Employer / Empleador: Yes / Sí <input type="checkbox"/> No X <input checked="" type="checkbox"/>	

**Locating a
SWA
Acceptance
Letter**

To get a template for the SWA (acceptance letter) first go to the "Farmer Files" (N Drive → Programs and Operations → Agriculture → H-2A, H-2B, MSFW → H-2A Program →

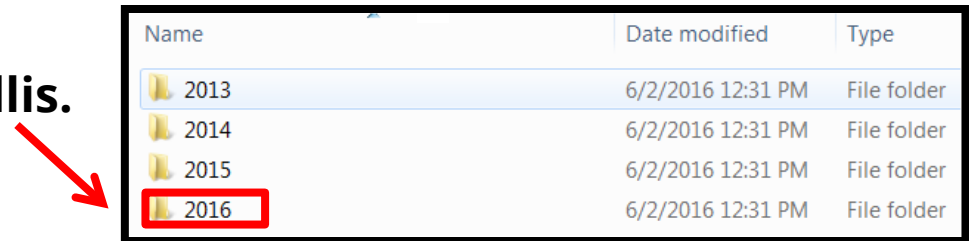
Farmer Files



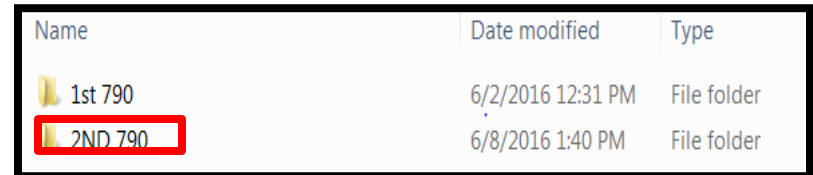
Then open the farmer's folder in question.



Then choose the latest year for Ellis.

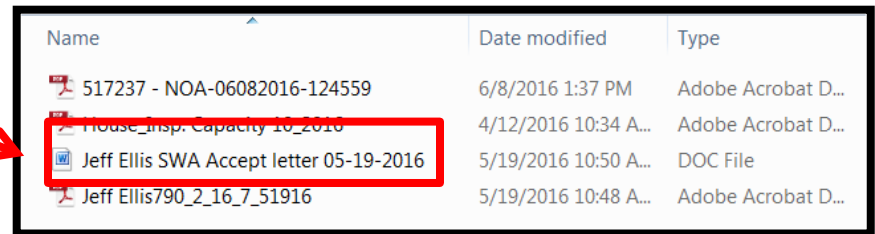


Choose the latest folder. If this is the 3rd or later SWA (during this year), create a new folder here (to hold the new 790 and the new SWA letter).



Name	Date modified	Type
1st 790	6/2/2016 12:31 PM	File folder
2ND 790	6/8/2016 1:40 PM	File folder

After the "2nd 790" folder is open, **select the SWA Acceptance letter**



Name	Date modified	Type
517237 - NOA-06082016-124559	6/8/2016 1:37 PM	Adobe Acrobat D...
House Insp. Capacity 10_2016	4/12/2016 10:34 A...	Adobe Acrobat D...
Jeff Ellis SWA Accept letter 05-19-2016	5/19/2016 10:50 A...	DOC File
Jeff Ellis790_2_16_7_51916	5/19/2016 10:48 A...	Adobe Acrobat D...

A example of this template acceptance letter (needing to be updated before being placed in a new folder) is found on the next slide.

Make sure the following information is updated.

Today's date is in Box 7 of the 790 form.

Ensure that the **correct agent's name and contact info** is here.

This information should be on the **completed 790 Form** (See boxes 9, 10, 5, 4a)

State of Tennessee
Department of Labor & Workforce Development
Job Service Program Support
220 French Landing Drive • Nashville, Tennessee 37243-1002
Main 615.741.1031 Fax 615-741-3003

NOTICE OF ACCEPTANCE OF JOB ORDER

March 23, 2016

Carthage, NC 28327

Sent via: email
(tward.nac@gmail.com)

Period of Employment: 05/23/2016 through 12/01/2016	Case Reference Number: TN447856
No. of Job Openings: 3	Occupation: Farmworkers and Laborers, Crop

Assigned to:

Tennessee Career Center at Clarksville
525 Madison Street, Suite 7
Clarksville, TN 37040
Telephone: (931) 648-5530/FAX: (931) 648-5564
Hours of Operation: 8:00 AM – 4:30 PM Monday – Friday

Re: Jeff Ellis
Cedar Hill, TN. (Robertson County)

Dear Sir/Madam:

Your Agricultural and Food Processing Clearance Order, Form ETA 790 and attachments, filed in connection with an application seeking temporary labor certification under the H-2A temporary agricultural program has been **accepted**. The application is timely, contains all the material terms and conditions of employment governed by 20 Code of Federal Regulations (CFR) 653, Subpart F, and adheres to the contents of the job order specified at 20 CFR 655.122.

In accordance with 20 CFR 655.121(d), the job order has been filed timely and has been/will be placed on this office's active file to initiate intrastate recruitment of U.S. workers. The job order will be managed on your behalf by this office until the end of the recruitment period, which shall end when 50 percent of the work contract has elapsed, which is **August 27th, 2016**.

The TN Career Center must be **changed to American Job Center**

Midpoint date is in Box 8 of the 790 form.

Additionally, the job order will direct applicants to apply for the job opportunity at the nearest local office of this Agency prior to referring the applicant to the employer.

For applications filed by an association of agricultural producers, this office (TDLWD) has accepted the job order and will prepare a single job order in the name of the association on behalf of all the employer members duly named in the application.

Upon receipt of this notice, you must:

1. Cooperate with this office by accepting referrals of all eligible U.S. workers who apply (or on whose behalf an application is made) for the job opportunity until the expiration date of the job order or **August 27th, 2016;**
2. Submit a completed ETA Form 9142 and Appendix A.2, a copy of the accepted ETA Form 790 and all attachments, and all other required documentation to the Chicago National Processing Center no less than 45 calendar days before the start date of need to the following address:

U.S. Department of Labor
Employment and Training Administration
Office of Foreign Labor Certification
Chicago National Processing Center
536 South Clark Street, 9th Floor
Chicago, IL 60605-1509
Attention: H-2A Program Unit

Please note that this acceptance is subject to the review and acceptance of the Chicago National Processing Center. You may be required to subsequently modify your job order if the Certifying Officer determines that it fails to meet one or more of the regulatory requirements.

Pursuant to the regulations at 20 CFR 655.120(b), if the prevailing hourly wage or piece rate is adjusted during a work contract and is higher than the highest of the AEW, the prevailing wage, the agreed-upon collective bargaining wage, or the Federal or State minimum wage, in effect at the time the work is performed, the employer must pay that higher prevailing wage or piece rate. To determine if a prevailing hourly wage or piece rate has been adjusted for the crop activity or occupation identified in your Application for Temporary Employment Certification, the Department strongly encourages you to visit the Department of Labor's Agricultural On-Line Wage Library (AOWL) at <http://www.foreignlaborcert.doleta.gov/aowl/cfm>.

This office will schedule an inspection of the housing identified on the ETA Form 790 to determine whether housing has sufficient capacity and meets the applicable standards.

Sincerely,

Lance Butler
State Coordinator for the H2A Program

Enclosure: ETA Form 790 and attachments

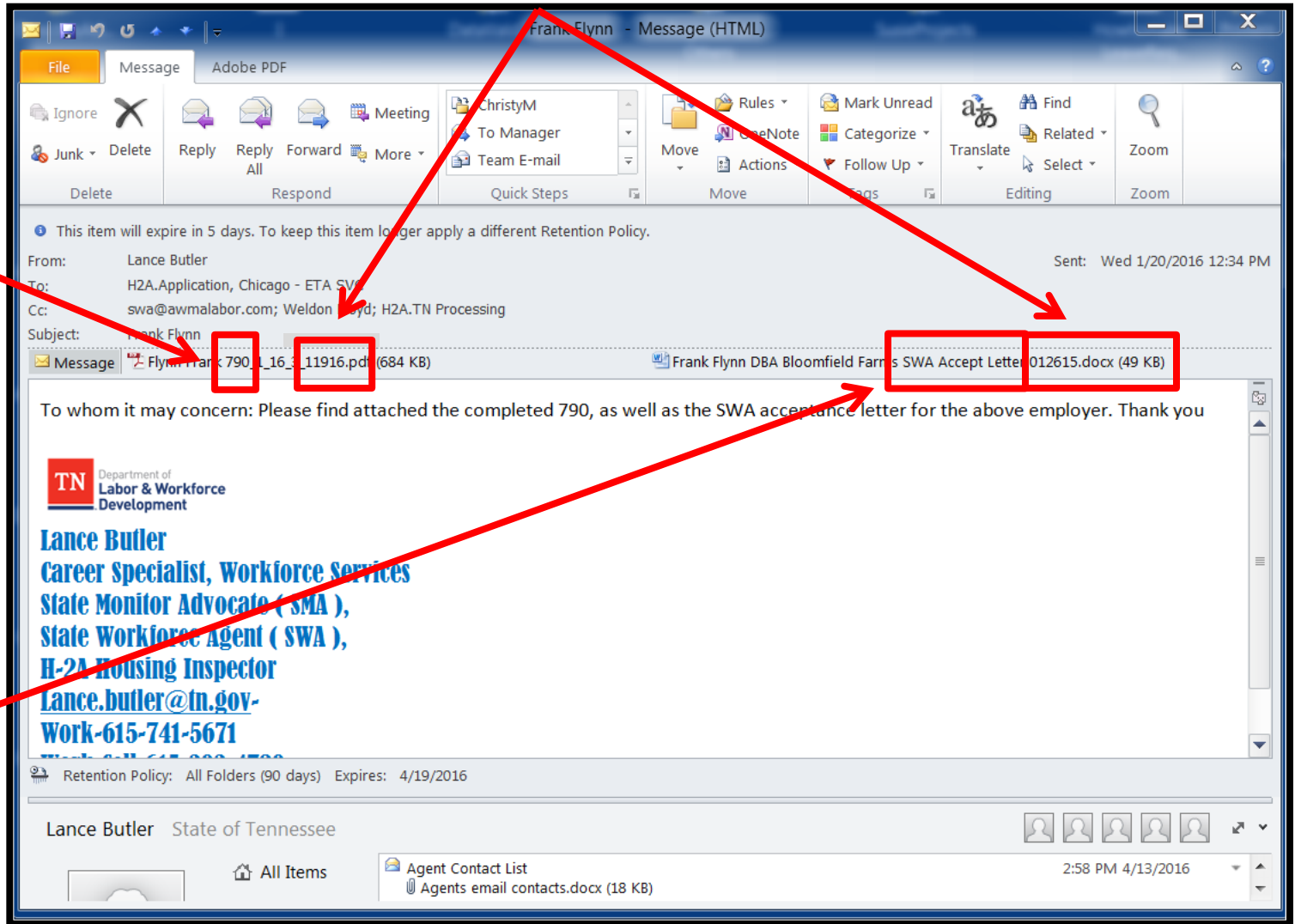
**Midpoint
date is in
Box 8 of the
790 form**

**Make sure the
SWA name is
here**

**How to Email a
790 Form and
Acceptance Letter
to Chicago National
Processing Center
(and Others)**

1. Make sure that both files end with the **date on which they were created** (usually "today")

790 Form



Acceptance Letter

2. Fill in the spreadsheet (example is on the next slide)

3. File 790 & SWA Acceptance Letter in Farmer's folder and Agent's folder, if located

H-2A Spreadsheet appears below:

The screenshot shows an Excel spreadsheet with the following data columns: A (ID), C (Employer), D (Employer Name), E (SSN), F (Employer Name), G (Employer Name), H (Employer Name), I (Employer Name), J (Employer Name), K (State), L (Start Date), M (End Date), N (Hours), O (Rate), P (Rate), Q (Rate), R (Rate), S (Rate), T (Rate), U (Rate), V (Rate), W (Rate), X (Rate), Y (Rate), Z (Rate).

A	C	D	E	F	G	H	I	J	K	L	M	N	O	P	Q	R	S	T	U	V	W	X	Y	Z	
44	519877	Farmworkers and Laborers, Crop	45-2092-02	Donna Carpenter	Cody Jenkins	Cody Jenkins	Lafayette	TN	1/23/2017	8/11/2017	4	10.92	1*	1	8	04/03/2017	02/16/2017								
45	519884	Farmworkers and Laborers, Crop	45-2092-02	Donna Carpenter	Barton's Creek Farm Ass.	Barton's Creek Farm Ass.	Cumberland Furnace	Cumberland Furnace	1/23/2017	8/18/2017	9	10.92								4/4/2017					
46	518709	Farmworkers and Laborers, Crop	45-2092-02	Donna Carpenter	Charles Hancock	Charles Hancock	Bumpus Mills	TN	1/23/2017	8/13/2017	4	10.92								04/04/2017					
47	518922	Farmworkers and Laborers, Crop	45-2092-02	Antônio Crispin	TN Erosion Control	TN Erosion Control	Athens	TN	1/24/2017	7/31/2017	4	10.92	1.00	3	4	04/01/2017	02/01/2017								
48	519233	Farmworkers and Laborers, Crop	45-2092-02	Donna Carpenter	Elliott C Brown	Elliott C Brown	Red Boiling Springs	TN	1/25/2017	9/18/2017	5	10.92								04/10/2017					
49	519268	Farmworkers and Laborers, Crop	45-2092-02	Christine Synan	B&W Quality Growers	B&W Quality Growers	Elora	TN	1/25/2017	7/23/2017	40	10.92								04/03/2017					
50	519275	Farmworkers and Laborers, Crop	45-2092-02	Christine Synan	B&W Quality Growers	B&W Quality Growers	Elora	TN	1/25/2017	4/23/2017	40	10.92								03/03/2017 1st inspection covers					
51	519594	Farmworkers and Laborers, Crop	45-2092-02	Casey Dobrow	Rodriguez Harvestings	Rodriguez Harvestings	Evensville	TN	1/26/2017	7/22/2017	24	10.92								03/28/2017					
52	519624	Farmworkers and Laborers, Crop	45-2092-02	Melissa Green	Donaldson Produce	Donaldson Produce	Brighton	TN	1/26/2017	7/1/2017	4	10.92								04/01/2017					
53	520429	Farmworkers and Laborers, Crop	45-2092-02	Tish	Troy Smiley	Troy Smiley	Ridgetop	TN	1/31/2017	8/7/2017	5	10.92	1.00	2	8	03/26/2017	02/13/2017								
54	520438	Farmworkers and Laborers, Crop	45-2092-02	Ray Wilcoxson	Boze Farms	Boze Farms	Carthage	TN	1/31/2017	8/31/2017	12	10.92								04/01/2017					
55	520450	Farmworkers and Laborers, Crop	45-2092-02	Ray Wilcoxson	David Gregory	Davis Gregory	Riddletown	TN	1/31/2017	8/28/2017	2	10.92								04/01/2017					
56	520457	Farmworkers and Laborers, Crop	45-2092-02	Ray Wilcoxson	Kent Taylor	Kent Taylor	Riddletown	TN	1/31/2017	8/29/2017	4	10.92								04/03/2017					
57	520462	Farmworkers and Laborers, Crop	45-2092-02	Donna Carpenter	Robin Sleigh	Robin Sleigh	Cunningham	TN	1/31/2017	8/23/2017	12	10.92								04/15/2017					
58	520468	Farmworkers and Laborers, Crop	45-2092-02	Donna Carpenter	WW Farm	WW Farm	Bumpus Mills	TN	1/31/2017	9/7/2017	5	10.92								04/15/2017					
59	520477	Farmworkers and Laborers, Crop	45-2092-02	Donna Carpenter	Chester Black	Chester Black	Dover	TN	1/31/2017	8/15/2017	3	10.92								04/15/2017					
60	520479	Farmworkers and Laborers, Crop	45-2092-02	Donna Carpenter	Tony Eldridge	Tony Eldridge	Woodlawn	TN	1/31/2017	8/8/2017	3	10.92								04/15/2017					
61	520487	Farmworkers and Laborers, Crop	45-2092-02	Donna Carpenter	Justin Caleb Story	Justin Caleb Story	Cumberland Furnace	TN	1/31/2017	8/12/2017	6	10.92								04/15/2017					
62	520495	Farmworkers and Laborers, Crop	45-2092-02	Donna Carpenter	Jonathan Kyle Owen	Jonathan Kyle Owen	Carthage	TN	1/31/2017	8/30/2017	8	10.92								04/15/2017					
63	520501	Farmworkers and Laborers, Crop	45-2092-02	Donna Carpenter	Terry Jenkins	Terry Jenkins	Lafayette	TN	1/31/2017	9/15/2017	25	10.92								04/15/2017					
64	520511	Farmworkers and Laborers, Crop	45-2092-02	Donna Carpenter	Denton Clay Parkins	Denton Clay Parkins	Milan	TN	31-Jan	5/12/2017	21	10.92								04/13/2017					
	520564	Farmworkers and Laborers, Crop	45-2092-02	Donna Carpenter	Christopher Brown	Christopher Brown	Red Boiling	TN	31-Jan	9/15/2017	6	10.92	1-	2	6	04/16/2017									

This spreadsheet can be found through: N Drive → Programs and Operations → Agriculture → H-2A, H-2B, MSFW → H2A-B Logs

**Two Documents Sent
Later to Chicago
National Processing
Center
(and Others)**

Referral Report

Some of this information is from the **790 Form** And part of it lists the *number of ongoing applicants* for these job.

Referral Report for Jeff Ellis 04-12-15

Job Order Number:
[447856](#)

Job Order Title:
[Farmworkers and Laborers, Crop H-2A](#)

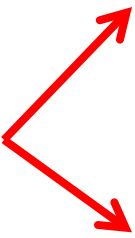
On-Line Status:
[Open and available](#)

Employer Status:
Open and available

Available Online:
[On Line](#)

Positions Available:	3	Number of Applicants Requested:	30
Applicants Hired:	0	Actual Applications Made:	0
Positions Remaining:	3	Applicant Balance:	30

For this reason, this form will be generated from Jobs4TN so that it is as timely as the date (04-12-15) at the top.



Referral Report for Jeff Ellis 04-12-15

Job Order Number:
[447856](#)

Job Order Title:
[Farmworkers and Laborers, Crop H-2A](#)

On-Line Status:
[Open and available](#)

Employer Status:
Open and available

Available Online:
On-Line

Positions Available:	3	Number of Applicants Requested:	30
Applicants Hired:	0	Actual Applications Made:	0
Positions Remaining:	3	Applicant Balance:	30

Housing Report

U.S. DEPARTMENT OF LABOR Employment and Training Administration <div style="border: 2px solid red; padding: 2px; display: inline-block; margin-top: 5px;"> EMPLOYER FURNISHED HOUSING AND FACILITIES </div>					1. EMPLOYER'S NAME AND ADDRESS <div style="background-color: black; width: 100%; height: 40px;"></div>					
2. HOUSING LOCATION & COUNTY <div style="background-color: black; width: 100%; height: 40px;"></div>					3. HOUSING DESCRIPTION Barracks					
4. SLEEP ROOMS <i>(No. & Measure)</i>	a. Dormitory Type				b. Family Type				ES USE ONLY	
	Length	23'9"				10			5. CAPACITY (Adults) 10	
	Width	16'				8			6. REGULATIONS COMPLIANCE <i>("X" in proper box)</i>	
	Ceiling Height	8'7"				8			Water	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
	Square Feet	382				80			Electricity	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
	No. of Rooms	1				1			Site	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
	No. of Beds, Single								Screening	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
	No. of Beds, Bunks, Double	4BK				1BK			Heating	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
7. FACILITIES <i>(Number of each)</i>										
Flush Toilets 1	Privy	Urinals	Lavatory or Washbasins 1	Showerheads 1	Smoke detector(s): 1 2 3 (4) 5 6 (2)					
Bathubs 1	Movable Bathubs	Laundry Machines 1	Fixed Laundry Tubs	Movable Laundry Tubs						
Cook Stoves 1	Refrigerators 1	Garbage Containers 1	First-Aid Kits 2	Fire Extinguishers <i>(no. & type)</i> 3						
8. COMMENTS <p style="font-size: 1.2em; color: blue;">Hang partition in community room to create bedroom.</p>										
9. EMPLOYER'S CERTIFICATION: I CERTIFY THAT I have reviewed the housing regulations of the U.S. Department of Labor, <input type="checkbox"/> OSHA <input type="checkbox"/> ETA, and that the housing described herein <input type="checkbox"/> meets <input type="checkbox"/> does not meet such standards. I hereby authorize representatives of the State Employment Service office and/or Employment and Training Administration regional office to inspect the above housing at any reasonable time.										
Employer's Signature 					Typed Name and Title <div style="background-color: black; width: 100%; height: 15px;"></div>			Date 4-12-16		
10. HOUSING INSPECTED BY:										
Signature of Authorized Official 					Typed Name and Title Lance Butler, Inspector			Date 4-12-2016		
11. APPROVAL: Housing approved for occupancy by workers recruited interstate										
Signature of Authorized Official					Typed Name and Title			Date		

**How to Email a Referral
Report and a Housing
Report to Chicago
National Processing
Center
(and Others)**

Thomas Bros. Grass, LLC - Message (HTML)

File Message Adobe PDF

Ignore X Reply Reply Forward Meeting
Junk Delete All Respond More
Delete Respond Quick Steps Move Tags Editing Zoom

ChristyM To Manager Team E-mail Move OneNote Actions Follow Up Categorize Mark Unread Find Related Select Zoom

This item is expired.

From: Lance Butler Sent: Fri 1/15/2016 10:30 AM


To: H2A.Application, Chicago - ETA SVC

Cc: Weldon Floyd; H2A.TN Processing; [REDACTED]

Subject: Thomas Bros. Grass, LLC

Message: Thomas Bros Referral Report 2016.docx (23 KB) House Insp., Capacity 15 approved.pdf (271 KB)

To whom it may concern: Please find attached the completed housing inspection report, as well as the referral report for the above employer. Thank you.

 **Referral Report**

Lance Butler
Career Specialist, Workforce Services
State Monitor Advocate (SMA),
State Workforce Agent (SWA),
H-2A Housing Inspector
Lance.butler@tn.gov
Work 615.741.5671

Housing Report

Retention Policy: All Folders (90 days) Expires: 4/14/2016

Lance Butler State of Tennessee

All Items Agent Contact List Agents email contacts.docx (18 KB) 2:58 PM 4/13/2016

How to Locate the N Drive Spreadsheet

Chicago will often ask questions which can be answered from information on this spreadsheet, to locate it use the route below:

N Drive
 Programs and Operations
 Agriculture
 H2-A, H2-B, MSFW
 H2A-B Logs
 H2A-B Tracking Log
H-2A Log 2016

Job Order Log - 3rd Quarter - Program Year 2015 - 04/01/15 to 06/30/15

Order #	Job Title	Occupation Code (O*Net)	Agent	Employer	Employer Worksite	City	State	790 on Jobs4TN	Create Date	Close Date	Staff
448973	Farmworkers and Laborers, Crop	45-2092-02	DONNA CARPENTER			SPRINGFIELD	TN	YES	4/1/2016	9/17/2016	OP
4489717	Farmworkers and Laborers, Crop	45-2092-02	PATRICIA HALL			DAYTON	TN	YES	4/1/2016	7/25/2016	OP
450007	Farmworkers and Laborers, Crop	45-2092-02	DONNA CARPENTER			CEDAR HILL	TN	YES	4/1/2016	9/12/2016	OP

790 on Jobs4TN	Create Date	Close Date	Staff Status	Pos	Referrals	Wage	Buildings	Sleeping Units	Beds	Inspection Status / Date Sent to CNPC	Employer's Date of Need / *Deadline Date	Inspector
YES	4/1/2016	9/17/2016	OPEN AND AVAILBLE	8		10.85	1	1	10	*5/15/2016 05/02/2016	*06/15/2016	RANDY WARREN
YES	4/1/2016	7/25/2016	OPEN AND AVAILBLE	50		10.85	9	40	72	*04/16/2016 04/12/2016	*05/16/2016	RANDY WARREN
YES	4/1/2016	9/12/2016	OPEN AND AVAILBLE	6		10.85	1	1	7	*5/15/2016 04/14/2016	6/15/2016	LANCE BUTLER

At the bottom of the sheet, remember to have the correct "Quarter" selected.

25	TN	YES	4/12/2016	8/12/2016	OPEN AND AVAILBLE	2		10.85	1	3	5
	TN	YES	4/12/2016	9/12/2016	OPEN AND AVAILBLE	6		10.85	1	3	6

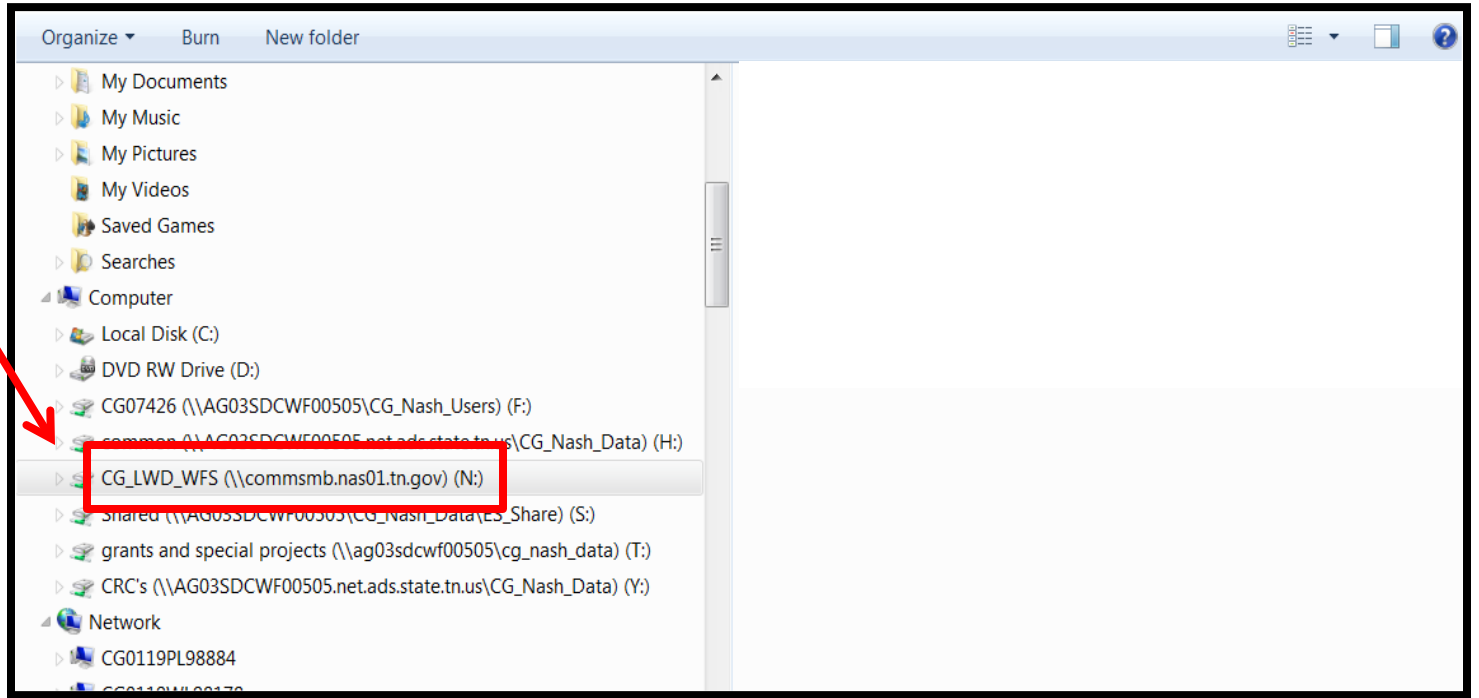
1st Qtr Oct-Dec-15 2nd Qtr Jan-Mar 2016 **3rd Qtr Apr-Jun 2016** 4th Qtr Jul-Sep 2016

Do not forget to Save after entering data on the spreadsheet!

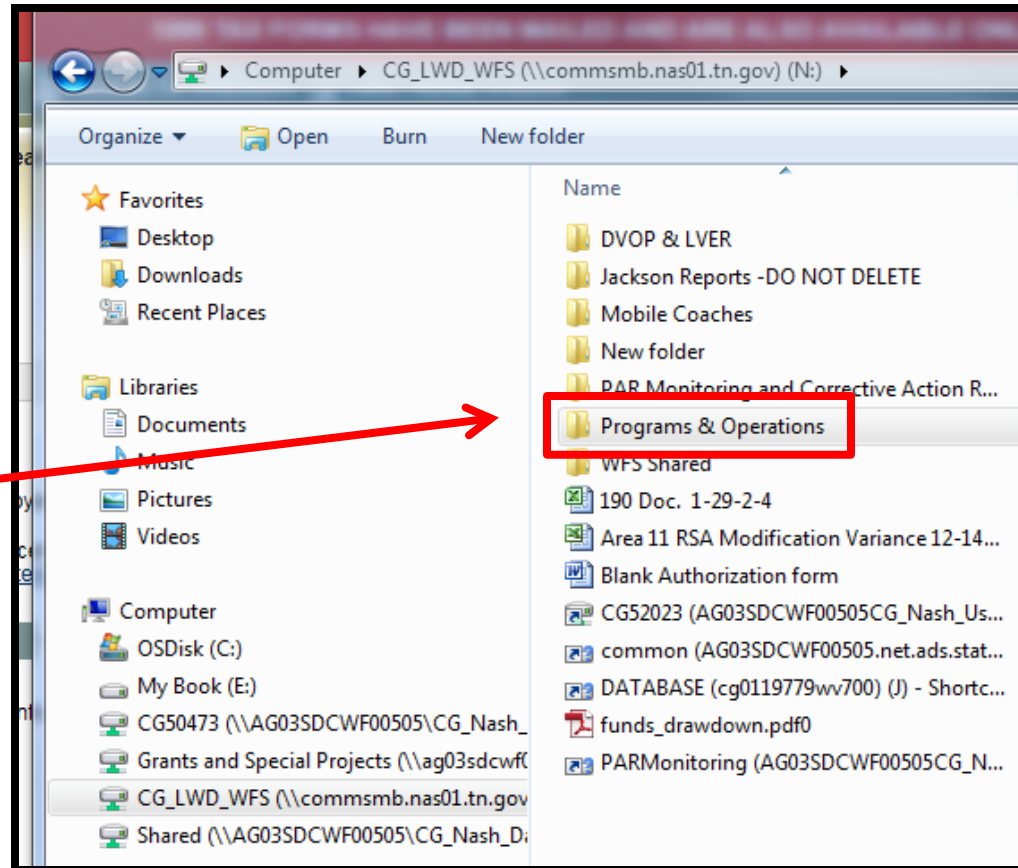
How to Locate Farmers Folders in the N Drive

Tennessee Farmers Folders

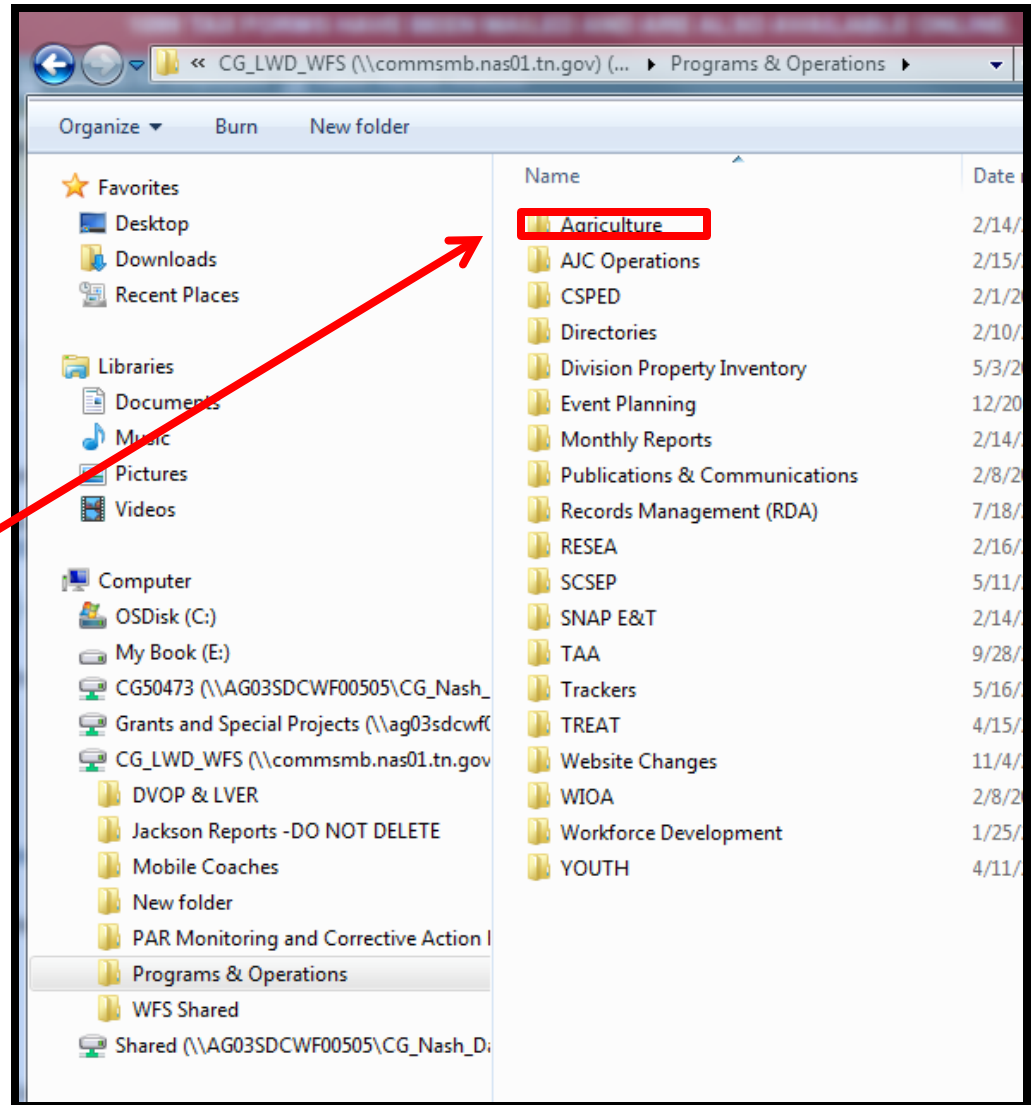
Click on N Drive



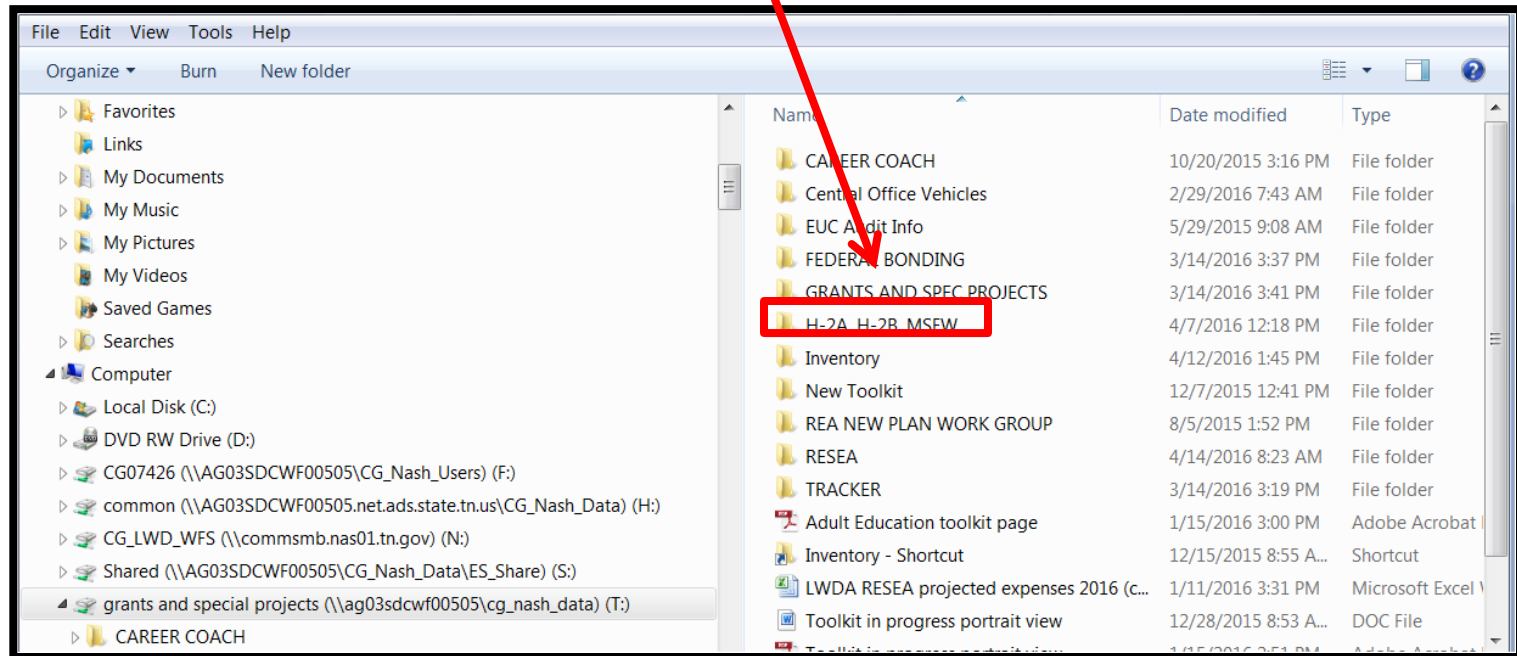
When the N Drive opens click the **Programs and Operations** folder



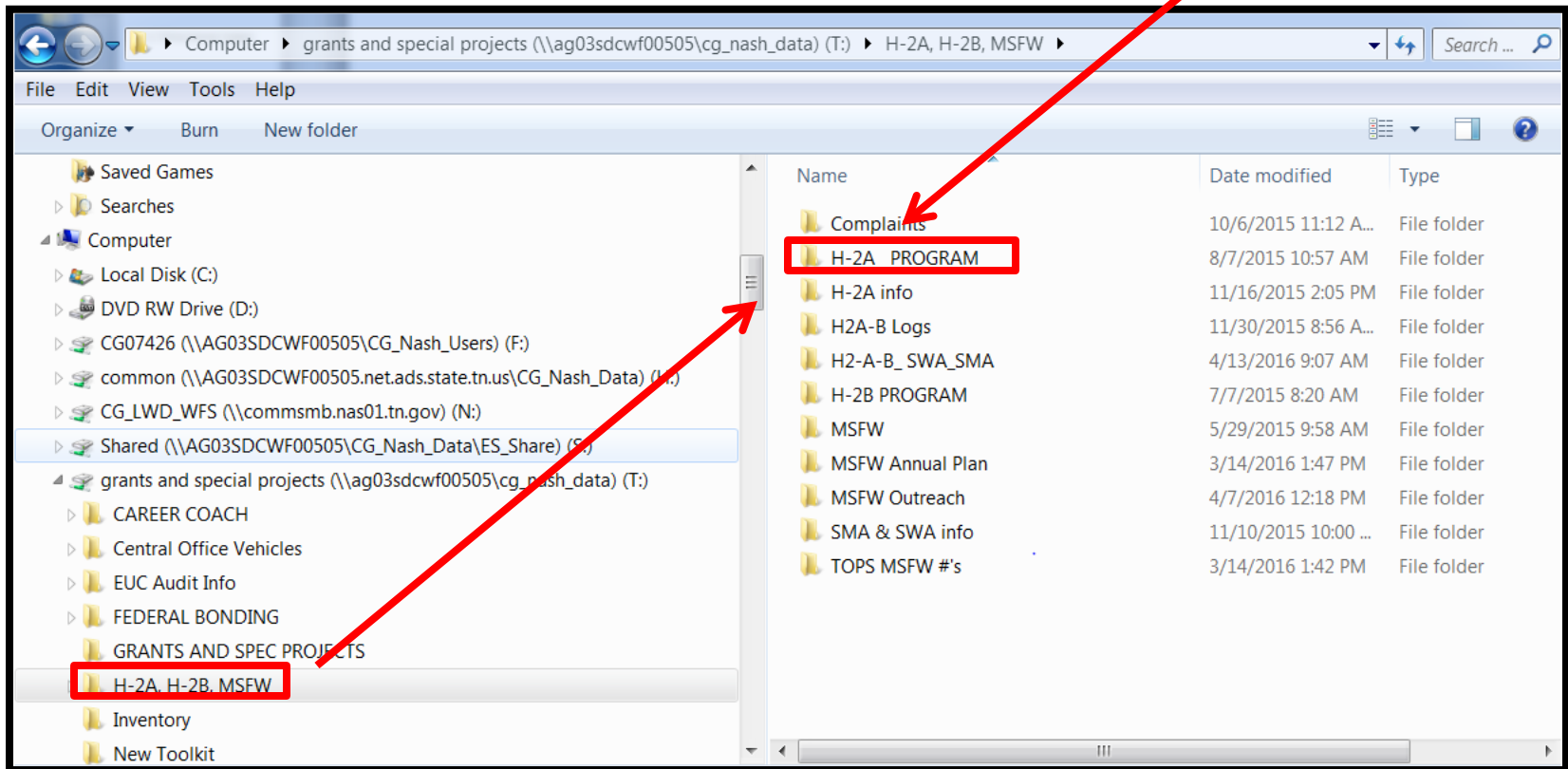
When the Programs and Operations folder opens click the **Agriculture** folder



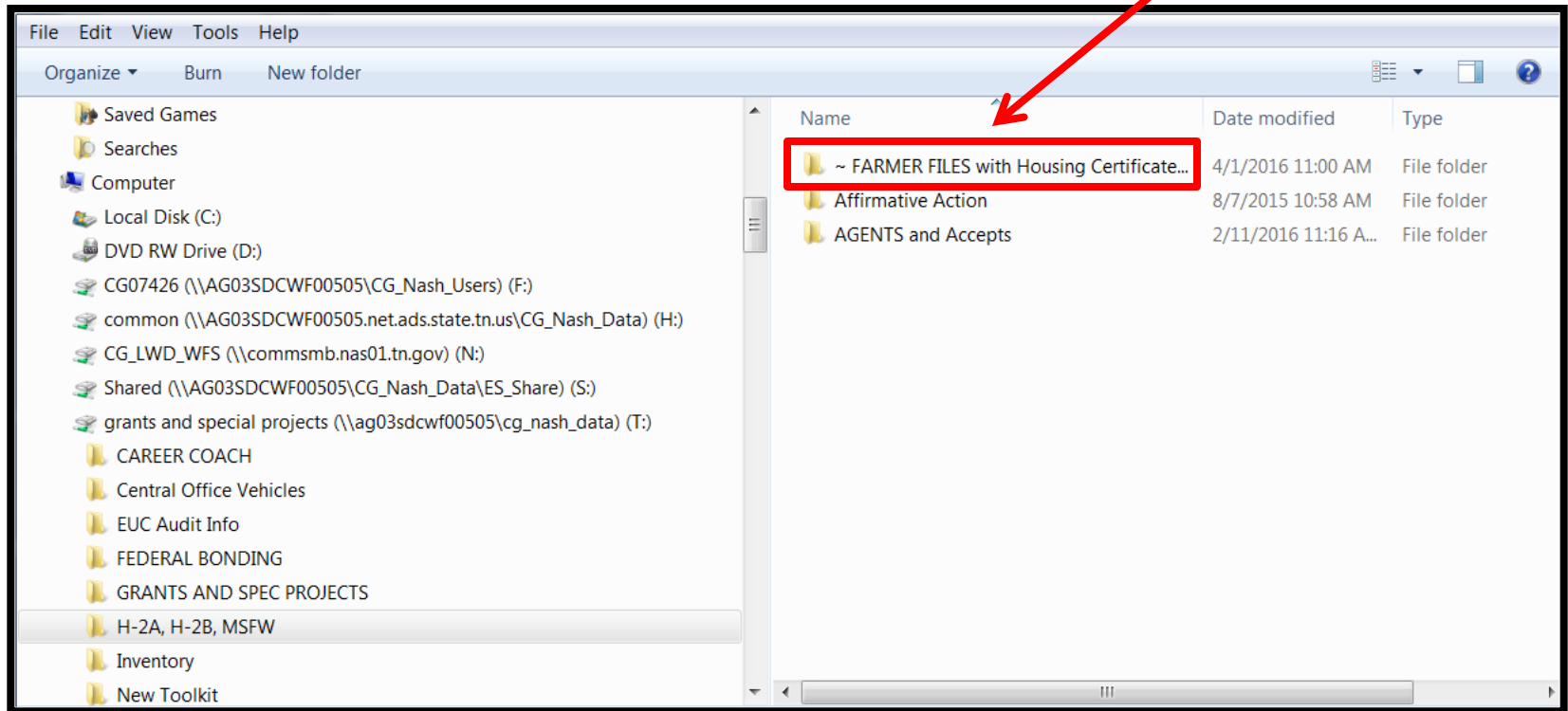
**When the Agriculture folder opens click on the
H-2A, H-2B, MSFW folder**



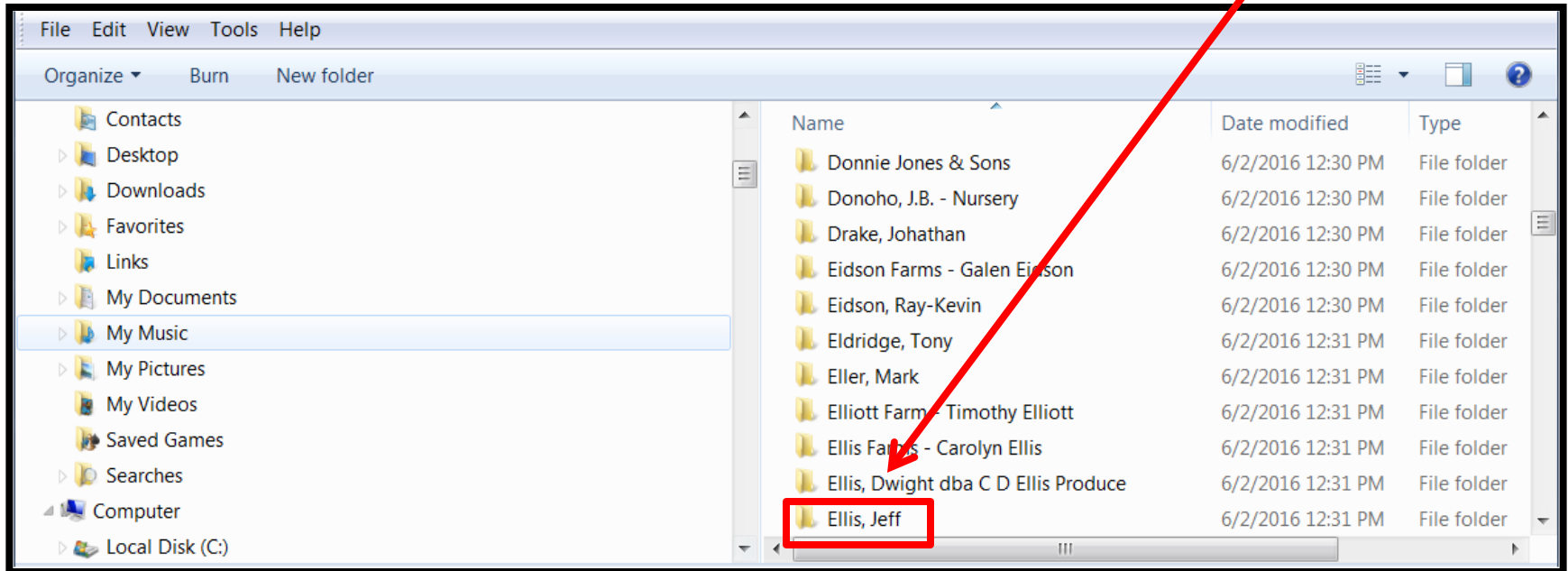
When the H-2A, H-2B, MSFW folder opens click on the **H-2A Program folder**



When the H-2A Program folder opens, click on **FARMER FILES** folder.



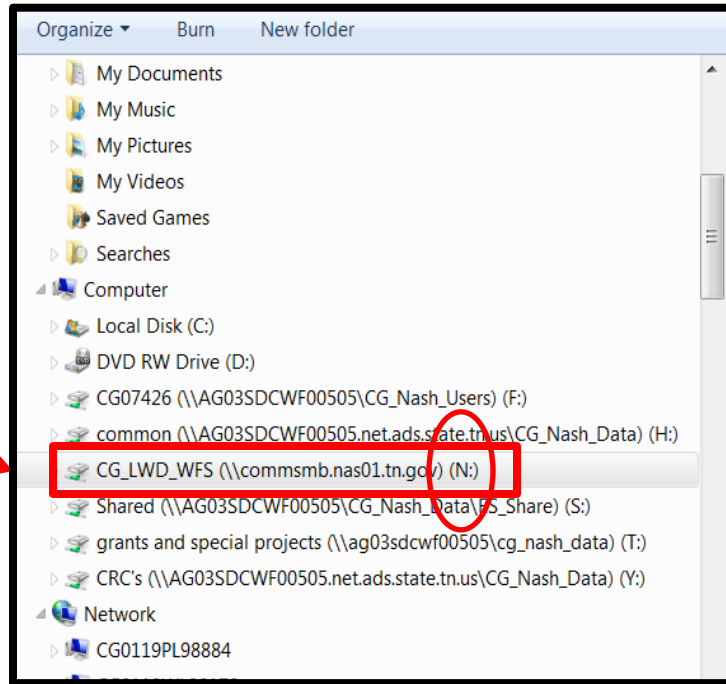
When the folder opens, click on the appropriate **Farmer's folder (Jeff Ellis)**.



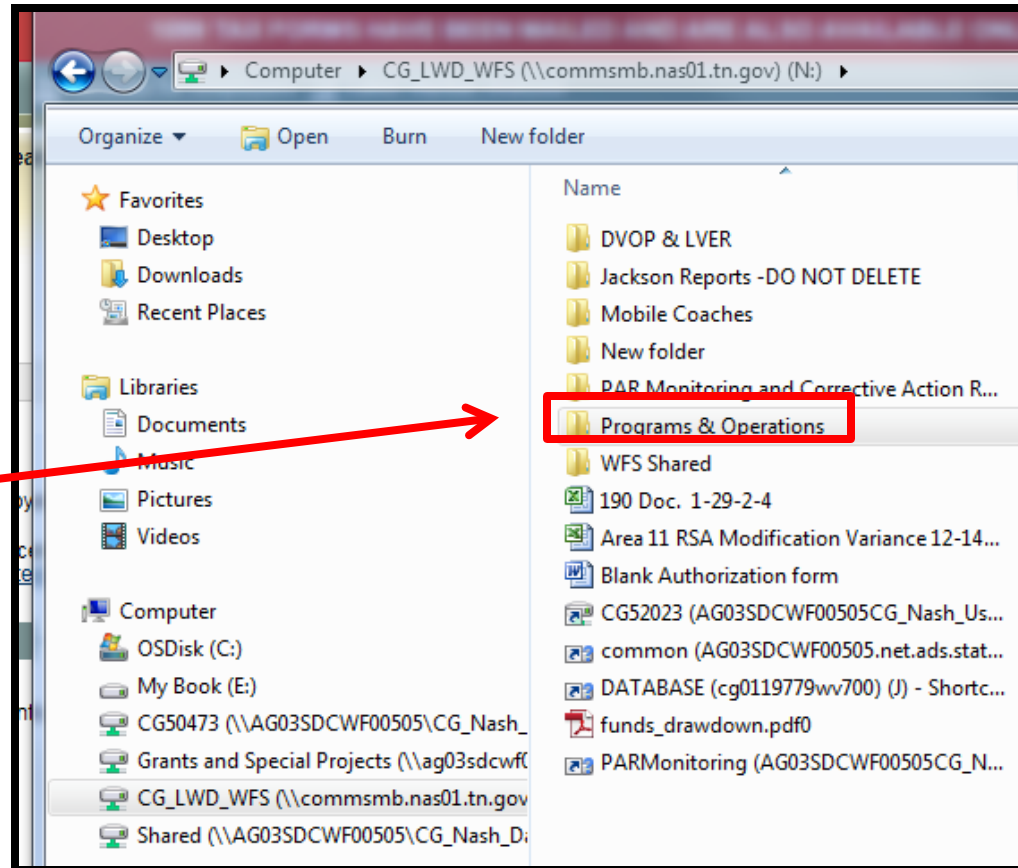
If the Tennessee Farmer's folder is not found, create one to hold the other necessary files.

Out-of-State Farmers Folders

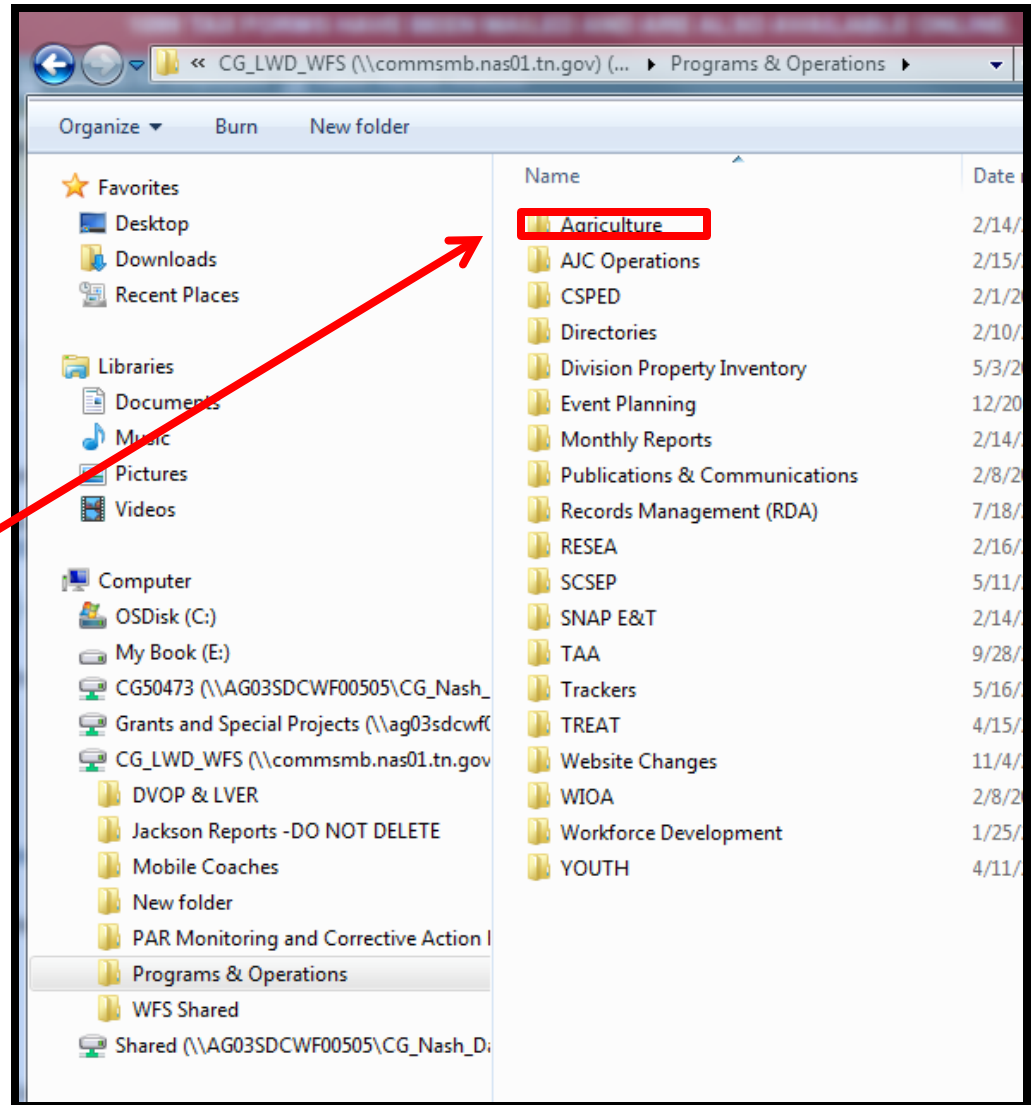
Click on **N**
Drive



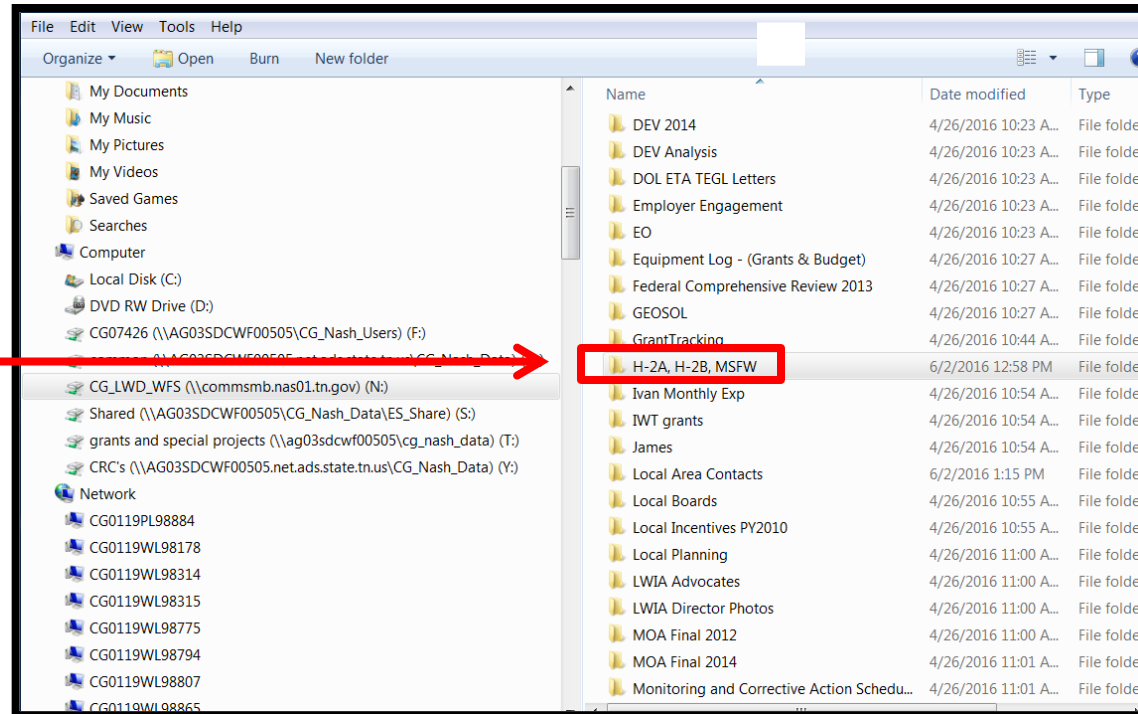
When the N Drive
opens click the
**Programs and
Operations folder**



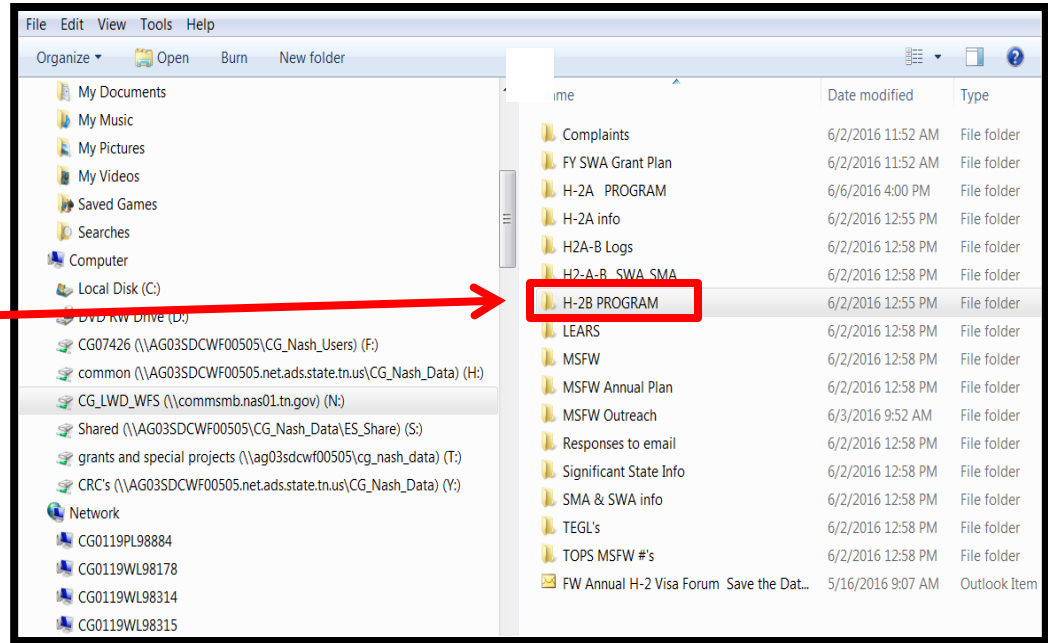
When the Programs and Operations folder opens click the **Agriculture** folder



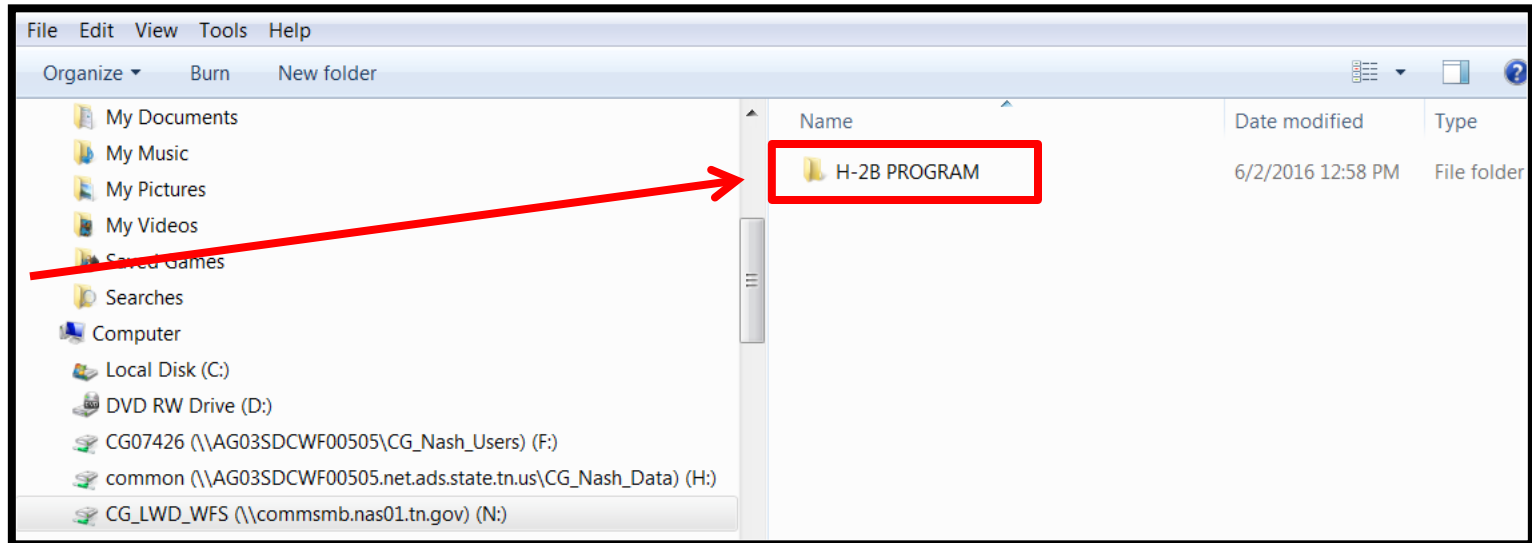
**Open the H-2A,
H-2B, MSFW
folder**



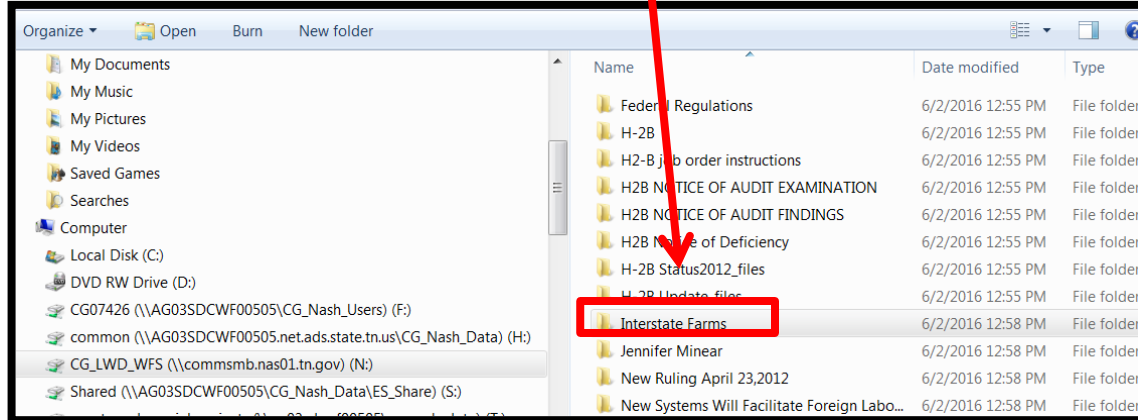
**Open H-2B
Program folder**



**Open the H-
2B Program
folder**

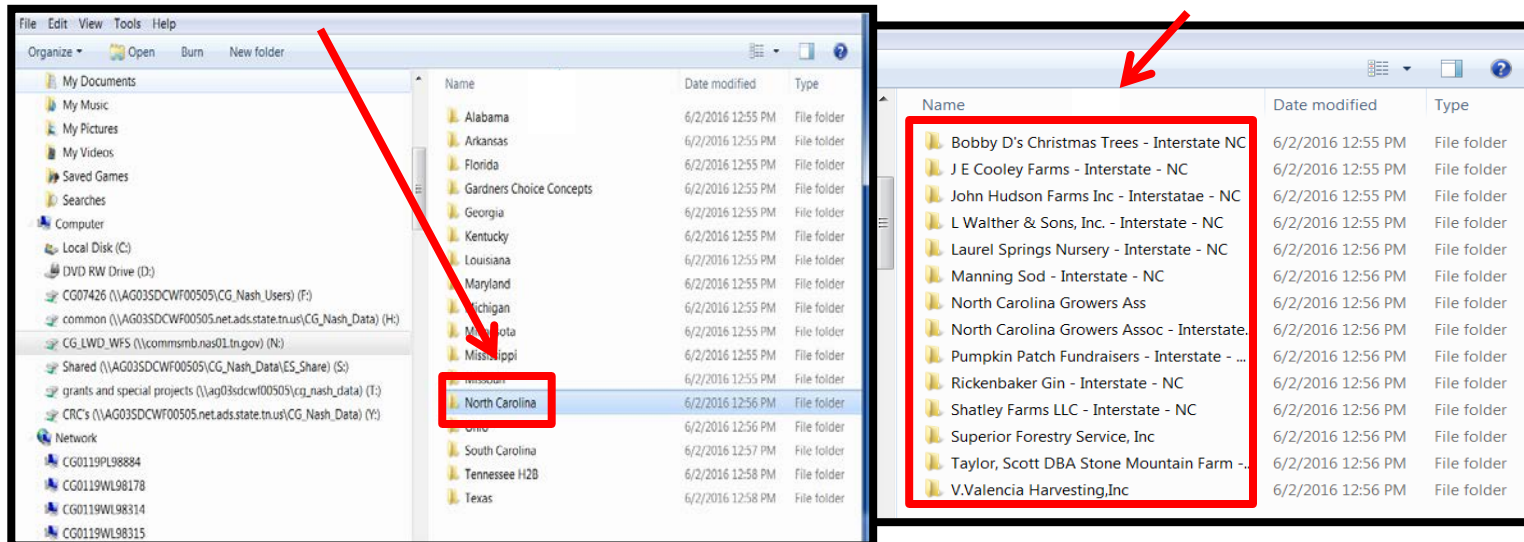


Open the Interstate Farms folder



When multiple state folders appear, **open North Carolina** (since Job Order comes from there)

Choose the farmer's folder or create one if necessary to store information and attachments in



Out-of-State Job Orders

Extra Paragraph Added to the Job Description

**E-mail for
Walter P. Rawl
and Son's, Inc.**

Microsoft Outlook	Delivered: FW: H-2A Walter P. Rawl & Sons, I...	Mon 4/18/2016 2:53 PM	10 KB
tlc.chicago@dol.gov	H2A: Notice of Acceptance - Pearson Farms L...	Mon 4/18/2016 2:51 PM	181 KB
H2A.Application, Chicago - ETA...	DeGraeve - Martha Adkins (H-300-16106-2627...	Mon 4/18/2016 2:47 PM	20 KB
Lance Butler	A. Alexander-Turner - Cooper Creek Farm Associ...	Mon 4/18/2016 2:20 PM	303 KB
Peters, Ruby	FW: H-2A Walter P. Rawl & Sons, Inc.	Mon 4/18/2016 1:52 PM	23 KB
Peters, Ruby	H-2A Walter P. Rawl & Sons, Inc.	Mon 4/18/2016 1:52 PM	6 MB
Lance Butler	Jonathan Moseley	Mon 4/18/2016 12:07 PM	1 MB
Lance Butler	RE: Holmes-KEY FARMS -H-300-16104-546245	Mon 4/18/2016 12:02 PM	28 KB

**This is the
paragraph
which needs to
be inserted in
the Job
Description in
the Job Order
(in Jobs4TN).**

Follow up. Completed on Monday, April 18, 2016.

From: Peters, Ruby <RPeters@devw.sc.gov> Sent: Mon 4/18/2016 1:52

To: H2A.TN Processing

Cc:

Subject: FW: H-2A Walter P. Rawl & Sons, Inc.

Applicant must read ETA 790 Clearance Order and attachment for complete job description. Job Dates 05/02/2016 - 01/03/2017. Workers will perform various tasks involved in planting, cultivating, and harvesting crops according to instructions- collard greens, mustard greens, turnip greens, kale greens, herbs (cilantro and parsley), green onions, beets, squash. May perform hand cultivation tasks, hand weeding and hoeing in field. May plant and cultivate crops for vegetable production. Cut greens with a knife or may break leaves off by hand according to size, color, shape and degree of maturity. May be required to load and unload produce. Must possess physical strength and endurance to repeat the harvest process throughout the workday. Allergies to ragweed, goldenrod, insecticides, agricultural chemicals, etc may affect ability to perform job. MUST HAVE 3 MONTHS VERIFIABLE EXPERIENCE HAND HARVESTING PRODUCE.

[Redacted]

Good afternoon,

The attached H-2A order for Walter P. Rawl & Sons, Inc. has been accepted.

Thank you,

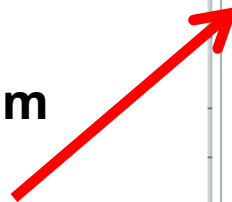
When the **Job Description** section of Jobs4TN comes up...



Job Description



Insert the paragraph, from Ruby Peters e-mail, here at the beginning of the Job Description



Collard Greens, Mustard Greens, Turnip Greens, Kale Greens, Herbs (cilantro, and parsley) Green Onions Beets, and Squash: Worker may plant and cultivate crops for vegetable production. Worker may set up, operate, and maintain Irrigation equipment. Worker may irrigate soil and plants, using portable pipes and ditch systems, and maintain ditches, pipes, and pumps. Worker may pull plants for transplanting. Worker may set plants by hand and perform activities on a plant setter. Worker may thin plants In fields. Worker may perform hand cultivation tasks, hand weeding, and hoeing in field. Worker may load and unload supplies, packing equipment, full and empty containers, etc. in van, trailer and harvesting machines. Worker may fill water coolers. Worker may make boxes. Worker may repair pallets. Worker may clean van and fields of all trash. Worker may clean roadsides, and perform field and grounds maintenance such as bush hogging, mowing, shrubbing, trimming, and picking up roots and limbs. Worker may fill water tanks on farm equipment and machinery with water and soap and chemicals. Worker may be required to burn packaging supplies, trash, roots and limbs. Worker may drive vans, tractors, pickups and other farm equipment. Worker may work with Irrigation. Worker may conduct van and trailer sanitation. Worker may direct and supervise a crew. Worker may ensure employee job safety and ensure compliance with food safety guidelines in the crew. If worker is supervising a crew, worker is also responsible for the conduct of his crew, responsible for reporting any misconduct of other workers. and responsible for initiating and performing minor disciplinary action. Worker may check port a johns, field sanitation, spray signs and weather safety. Worker may keep counts of harvested and loaded crops, ensuring accuracy of all counts, record keeping, overages, shortages, wrong product harvested and other record keeping. Worker may ensure a crew's quality, paying special attention to poor quality, count pounds per box, number of bunches per container, and box marking. Worker may pick and discard culls and sub-quality vegetables in the fields and on packing equipment. Worker Is not to wear jewelry or loose fitting clothing. Worker should keep shirts

**Paragraph
is now inserted
from Ruby
Peters e-mail, at
the beginning of
the Job
Description.**



Job Description

Job Description

Applicant must read ETA 790 Clearance Order and attachment for complete job description. Job Dates 05/02/2016 - 01/03/2017. Workers will perform various tasks involved in planting, cultivating, and harvesting crops according to instructions- collard greens, mustard greens, turnip greens, kale greens, herbs (cilantro and parsley), green onions, beets, squash. May perform hand cultivation tasks, hand weeding and hoeing in field. May plant and cultivate crops for vegetable production. Cut greens with a knife or may break leaves off by hand according to size, color, shape and degree of maturity. May be required to load and unload produce. Must possess physical strength and endurance to repeat the harvest process throughout the workday. Allergies to ragweed, goldenrod, insecticides, agricultural chemicals, etc may affect ability to perform job. MUST HAVE 3 MONTHS VERIFIABLE EXPERIENCE HAND HARVESTING PRODUCE.

Collard Greens, Mustard Greens, Turnip Greens, Kale Greens, Herbs (cilantro, and parsley) Green Onions Beets, and Squash: Worker may plant and cultivate crops for vegetable production. Worker may set up, operate, and maintain Irrigation equipment. Worker may irrigate soil and plants, using portable pipes and ditch systems, and maintain ditches, pipes, and pumps. Worker may pull plants for transplanting. Worker may set plants by hand and perform activities on a plant setter. Worker may thin plants In fields. Worker may perform hand cultivation tasks, hand weeding, and hoeing in field. Worker may load and unload supplies, packing equipment, full and empty containers, etc. in van, trailer and harvesting machines. Worker may fill water coolers. Worker may make boxes. Worker may repair pallets. Worker may clean van and fields of all trash. Worker may clean roadsides, and perform field and grounds maintenance such as bush hogging, mowing, shrubbing, trimming, and picking up roots and limbs. Worker may fill water tanks on farm equipment and machinery with water and soap and chemicals. Worker may be required to burn packaging supplies, trash, roots and limbs. Worker may drive vans, tractors, pickups and other farm equipment. Worker may work with Irrigation. Worker may conduct van and trailer sanitation. Worker may direct and supervise a crew. Worker may ensure employee job safety and ensure compliance with food safety guidelines in the crew. If worker is supervising a crew, worker is also responsible for the conduct of his crew, responsible for reporting any misconduct of other workers. and responsible for initiating and performing minor disciplinary action. Worker may check port a johns, field sanitation, spray signs and weather safety. Worker may keep counts of harvested and loaded crops, ensuring accuracy of all counts, record keeping, overages, shortages, wrong product harvested and other record keeping. Worker may ensure a crew's quality, paying special attention to poor quality, count pounds per box, number of bunches per container, and box marking. Worker may pick and discard culls and sub-quality vegetables in the fields and on packing equipment. Worker Is not to wear jewelry or loose fitting clothing. Worker should keep shirts

**Other States'
Prevailing Wage
May Be Different
from Tennessee's**

Notice that this out-of-state Job Order does not have the Tennessee wage of **\$10.92**. Instead, this **South Carolina wage is \$10.59** per hour.

Drivers License Requirements	
Is this job accessible by public transportation?	No
Is a driver's license required for this position?	No
[Edit Drivers License Requirements]	

Compensation and Hours	
Salary requirements are visible to job seekers	
Minimum Salary:	\$ 10.59
Maximum Salary:	\$ 10.59
Basis for unit of salary pay:	Hour
Typical Labor Market Rates:	View Typical Labor Market Rates for Farmworkers and Laborers, Crop
Pay Comments:	DOE (Depends on Experience)
Is Supplemental Compensation offered?	No
Hours Per Week:	Hours are Specific
Hours	40
Shift:	Day Shift
[Edit Compensation & Hours]	

Benefits Offered	
------------------	--

**How to Fill Out a Job
Order from
Information in the
Out-of-State 790 Form**



Agricultural and Food Processing Clearance Order ETA Form 790
Orden de Empleo para Obreros/Trabajadores Agrícolas y Procesamiento de Alimentos

(Print or type in each field block - To include additional information, go to block # 28 - Please follow Step-By-Step Instructions)
(Favor de usar letra de molde en la solicitud - Para incluir información adicional vea el punto # 28 - Favor de seguir las instrucciones paso-a-paso)

Since the employer's AGENT is in Florida, the file is located in the Florida state folder

Notice: these jobs are in SC and the holding company is in SC

1. Employer's and/or Agent's Name and Address (Number, Street, City, State and Zip Code / Nombre y Dirección del Empleador/Patrón y/o Agente (Número, Calle, Ciudad, Estado y Código Postal):

AGENT FOR: [Redacted] Inc. [Redacted] Market Road FL 32142

a) Federal Employer Identification Number (FEIN) / Número federal de identificación del Empleador: 59-0709966

b) Telephone Number / Número de Teléfono: 239-657-4421

c) Fax Number / Número de Fax: 239-867-5238

d) E-mail Address / Dirección de Correo Electrónico: john.martinez@lipmanproduce.com/(agent) h2.labor@ffva.com

2. Address and Directions to Work Site / Domicilio y Direcciones al lugar de trabajo:

There are four worksite locations:

[Redacted] SC 29920
[Redacted] SC 29931
[Redacted] Varnville, SC 29944
[Redacted] Varnville, SC 29944

Kuzzen's Inc. owns and controls all worksite locations indicated above.

Attached are directions to each field.

3. Address and Directions to Housing / Domicilio y Direcciones al lugar de vivienda:
All housing is located at:
[Redacted]

a) Description of Housing / Descripción de la vivienda:
The employer will provide to those workers housing, which meets applicable state, local and federal housing standards, without charge, who come from beyond normal commuting distance from their residence and, are not reasonably able to return to their residence within the same day.

Dormitory Housing is for workers only. No housing will be provided to non-workers. Male workers will be offered housing to share sleeping quarters, bath, common and cooking areas with only male workers. Female workers will be offered housing to share sleeping quarters, bath, common and cooking areas with only female workers.

Nos. 4 through 8 for STATE USE ONLY
Números 4 a 8 para USO ESTATAL

4. SOC (O*NET/OES) Occupational Code / Código Industrial: 45-2092.02

5. Job Order No. / Num. de Orden Empleo: 657089

a. SOC (ONET/OES) Occupational Title / Título Ocupacional: Crop Farmworkers & Laborers

6. Address of Order Holding Office (include telephone number) / Dirección la Oficina donde se radica la oferta (incluya el número de teléfono): [Redacted]

b. Name of Local Office Representative (include direct dial telephone number) / Nombre del Representante de la Oficina Local (incluya el número de teléfono de su línea directa): Ruby Peters (803) 737-2633

7. Clearance Order Issue Date / Fecha de Emisión de la Orden de Empleo: 03/25/16

8. Job Order Expiration Date / Fecha de Vencimiento o Expiración de la Orden de Empleo: 06/24/16

9. Anticipated Period of Employment / Período anticipado o previsto de Empleo: From / Desde: 05/27/2016 To / Hasta: 07/21/2016

10. Number of Workers Requested / Número de Trabajadores Solicitados: 95

11. Anticipated Hours of Work per Week / Horas Anticipadas/Previstas de Trabajo por Semana. Total: 36 hours (7 am to 1:30 pm)

Sunday / Domingo _____ Thursday / Jueves 6
Monday / Lunes 6 Friday / Viernes 6
Tuesday / Martes 6 Saturday / Sábado 6
Wednesday / Miércoles 6

12. Anticipated range of hours for different seasonal activities: / Rango previsto de horas par alas diferentes actividades de la temporada:
Six (6) hours per day, Monday through Saturday, is normal, however the worker may be requested but not required to work additional hours per day and the Sabbath and/or federal holidays and Sunday depending upon the conditions of the crop, weather, maturity of the crop and market conditions. Workers will be provided a 30 minute lunch break on most days unless unforeseen circumstances necessitate working 5 hours or less on a work day.

13. Collect Calls Accepted from: / Aceptan Llamadas por Cobrar de:



Agricultural and Food Processing Clearance Order ETA Form 790
Orden de Empleo para Obreros/Trabajadores Agrícolas y Procesamiento de Alimentos

(Print or type in each field block - To include additional information, go to block # 28 - Please follow Step-By-Step Instructions)
(Favor de usar letra de molde en la solicitud - Para incluir información adicional vea el punto # 28 - Favor de seguir las instrucciones paso-a-paso)

Repeat: since the employer's **AGENT is in Florida**, the "Kuzzens" folder is located in the Florida state folder

The "Kuzzens" folder is reached by: N Drive → Programs and Operations → Agriculture → H-2A, H-2B, MSFW → H-2B Program → Interstate Farms → Florida → Florida Fruit and Veg. Assoc. → 2016 → 2nd 290 → Kuzzen's Inc

1. Employer's and/or Agent's Name and Address (Number, Street, City, State and Zip Code / Nombre y Dirección del Empleador/Patrón y/o Agente (Número, Calle, Ciudad, Estado y Código Postal):
Florida Fruit & Vegetable Association
800 Trafalgar Ct., Ste. 200
Maitland, FL 32751 (321) 214-5200
AGENT FOR: Kuzzen's, Inc.
315 E. New Market Road
Immokalee, FL 34142

a) Federal Employer Identification Number (FEIN) / Número federal de Identificación del Empleador:
59-0709966

b) Telephone Number / Número de Teléfono:
239-657-4421

c) Fax Number / Número de Fax:
239-867-5238

d) E-mail Address / Dirección de Correo Electrónico:
john.martinez@lipmanproduce.com(agent) h2.labor@ffva.com

2. Address and Directions to Work Site / Domicilio y Direcciones al lugar de trabajo:
There are four worksite locations:
53 Storyteller Road, St. Helena, SC 29920
#3 Lobeco Shed Road, Lobeco, SC 29931
1555 Huggin Oak Plant Road, Varnville, SC 29944
11479 Old Salkehatchie Road, Varnville, SC 29944
Kuzzen's Inc. owns and controls all worksite locations indicated above.
Attached are directions to each field.

3. Address and Directions to Housing / Domicilio y Direcciones al lugar de vivienda:
All housing is located at:
53 Storyteller Road, St. Helena, SC 29920

a) Description of Housing / Descripción de la vivienda:
The employer will provide to those workers housing, which meets applicable state, local and federal housing standards, without charge, who come from beyond normal commuting distance from their residence and, are not reasonably able to return to their residence within the same day.
Dormitory Housing is for workers only. No housing will be provided to non-workers. Male workers will be offered housing to share sleeping quarters, bath, common and cooking areas with only male workers. Female workers will be offered housing to share sleeping quarters, bath, common and cooking areas with only female workers.

Nos. 4 through 8 for STATE USE ONLY
Números 4 a 8 para USO ESTATAL

4. SOC (O*NET/OES) Occupational Code / Código Industrial:
45-2092.02

5. Job Order No. / Num. de Orden Empleo:
657089

a. SOC (ONET/OES) Occupational Title / Título Ocupacional *Crop Farmworkers & Laborers*

6. Address of Order Holding Office (include Telephone number) / Dirección la Oficina donde se radica la oferta (incluya el número de teléfono):
SC Department of Employment and Workforce
1550 Gadsden Street
PO Box 995
Columbia, South Carolina 29202

a. Name of Local Office Representative (include direct dial telephone number) / Nombre del Representante de la Oficina Local (incluya el número de teléfono de su línea directa).
Ruby Peters (803) 737-2633

7. Clearance Order Issue Date / Fecha de Emisión de la Orden de Empleo:
03/25/16

8. Job Order Expiration Date / Fecha de Vencimiento o Expiración de la Orden de Empleo:
06/24/16

9. Anticipated Period of Employment / Período anticipado o previsto de Empleo:
From / Desde: 05/27/2016 To / Hasta: 07/21/2016

10. Number of Workers Requested / Número de Trabajadores Solicitados:
95

11. Anticipated Hours of Work per Week / Horas Anticipadas/Previstas de Trabajo por Semana. Total: 36 hours (7 am to 1:30 pm)
Sunday / Domingo _____ Thursday / Jueves 6
Monday / Lunes 6 Friday / Viernes 6
Tuesday / Martes 6 Saturday / Sábado 6
Wednesday / Miércoles 6

12. Anticipated range of hours for different seasonal activities: / Rango previsto de horas par alas diferentes actividades de la temporada:
Six (6) hours per day, Monday through Saturday, is normal, however the worker may be requested but not required to work additional hours per day and the Sabbath and/or federal holidays and Sunday depending upon the conditions of the crop, weather, maturity of the crop and market conditions. Workers will be provided a 30 minute lunch break on most days unless unforeseen circumstances necessitate working 5 hours or less on a work day.

13. Collect Calls Accepted from: / Aceptan Llamadas por Cobrar de:

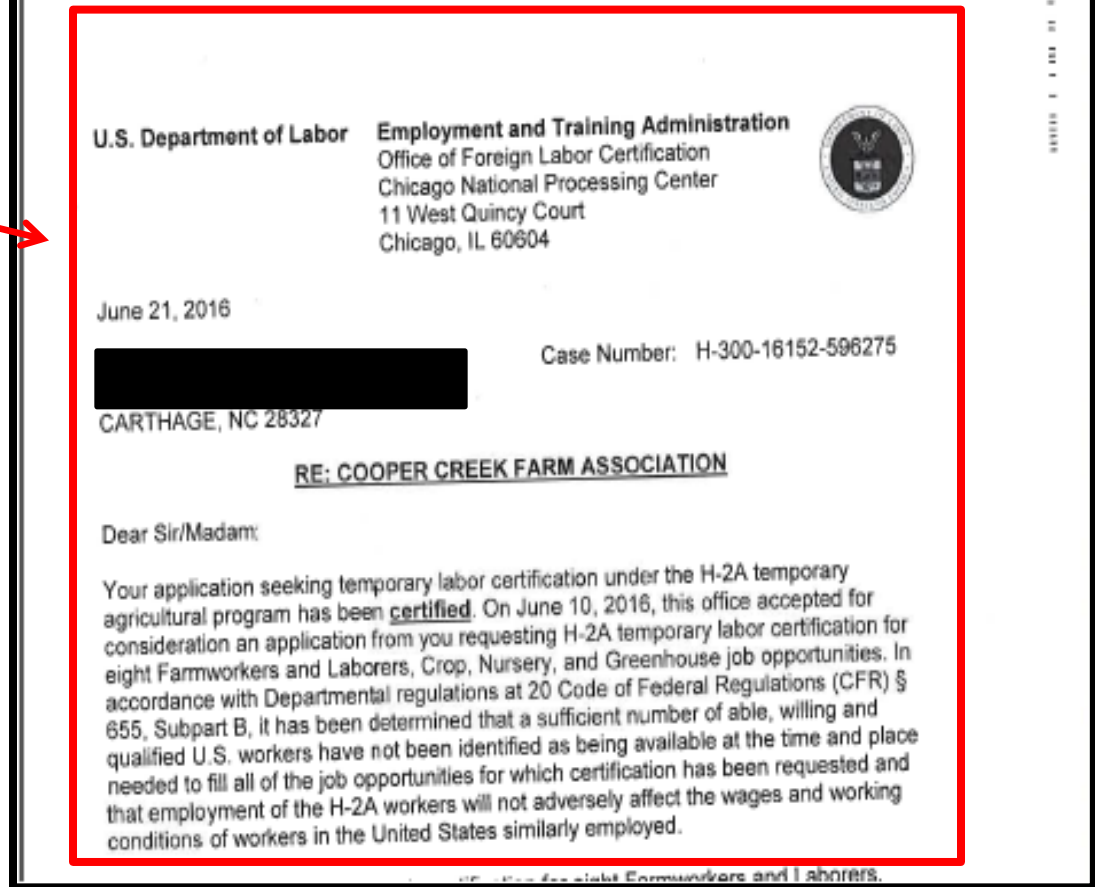
Storing Documents

Scan Documents at Copy Machine

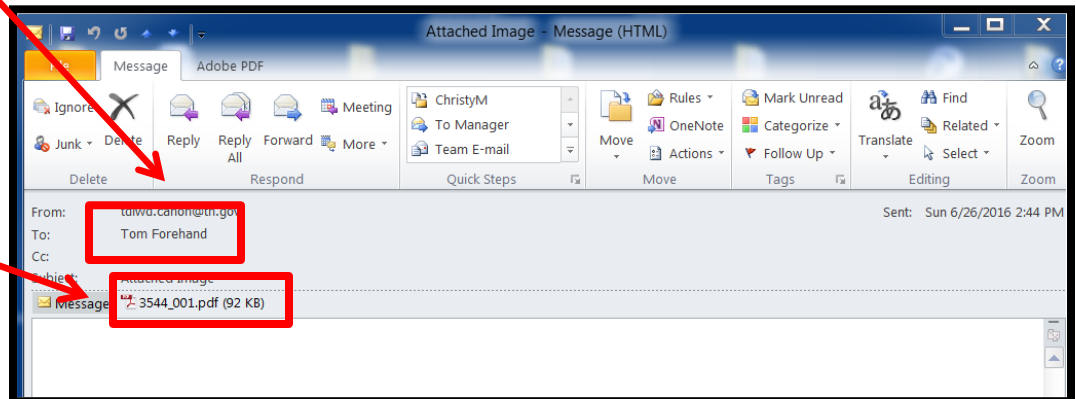
1. Scan the document or the letter

Before scanning, make sure to select the "2-sided original" mode in case the letter (document) is typed on both sides of a page.

Then, e-mail a copy of the document (letter) to the worker's e-mail address

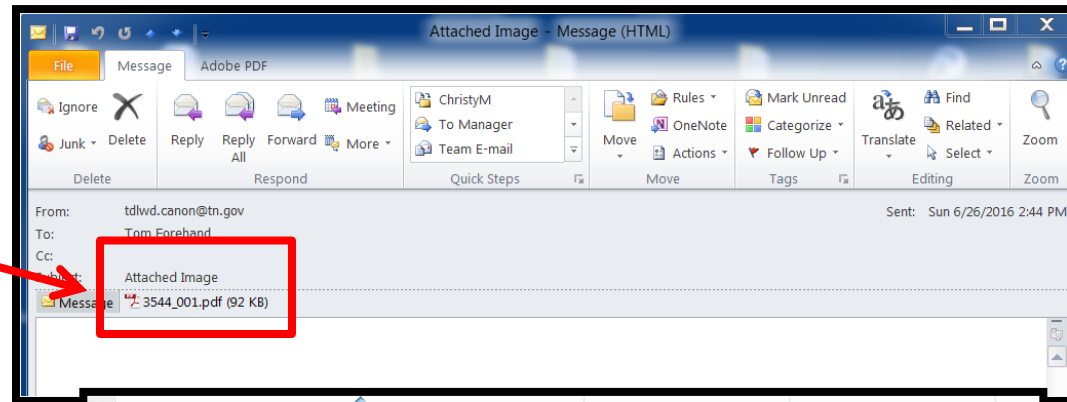


2. Attach the document

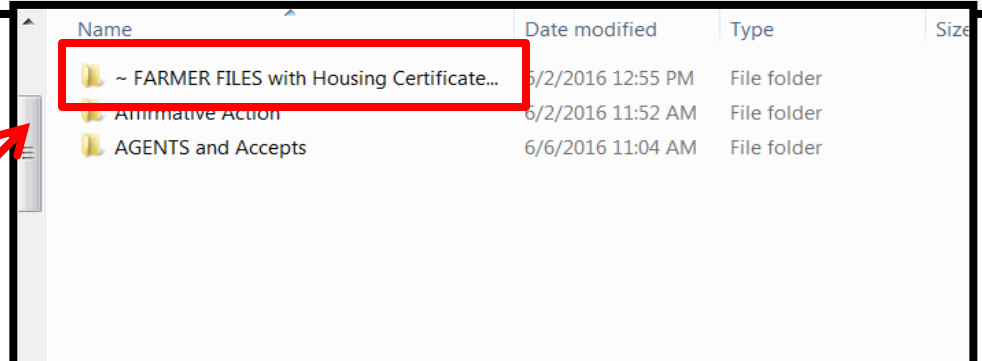


**Place Documents in
Farmer's File Folder**

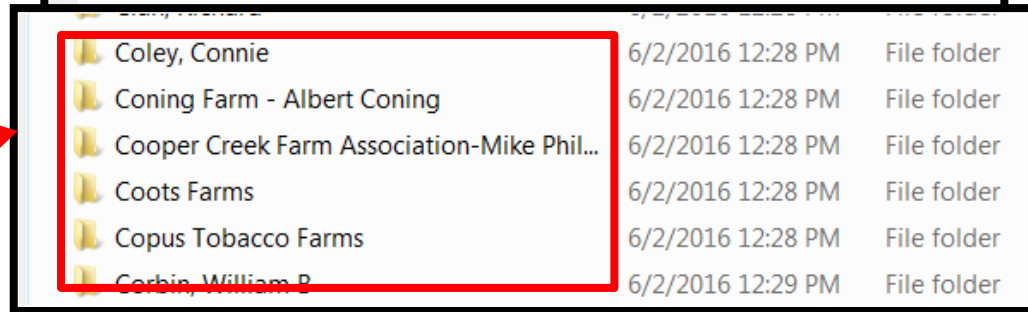
The scanned document is
ready to be
placed in the Farmers file



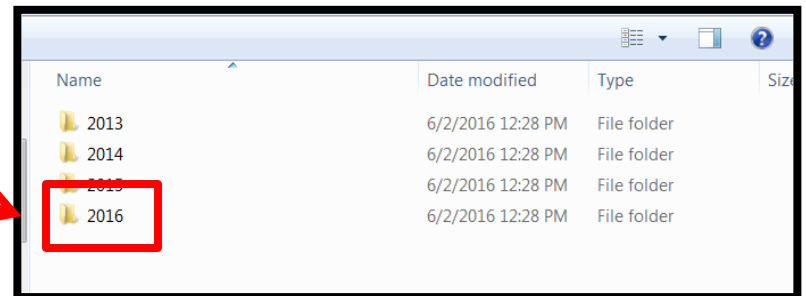
Go to: N Drive → Programs
and Operations →
Agriculture → H-2A, H-2B,
MSFW → H-2A Program →
Farmers Files with Housing



Open Farmers Files
with Housing and **select**
the correct farmer's file

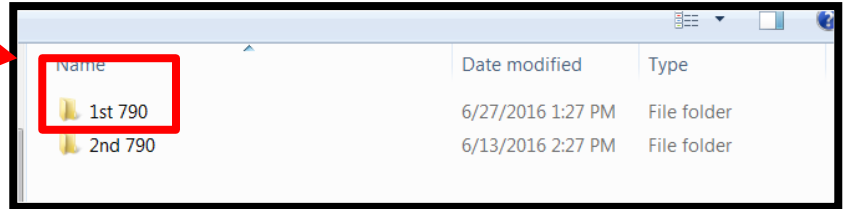


Open the most recent
year folder for Cooper
Creek



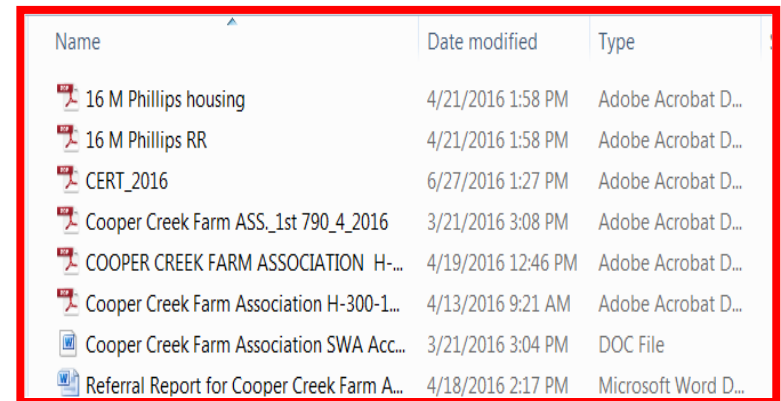
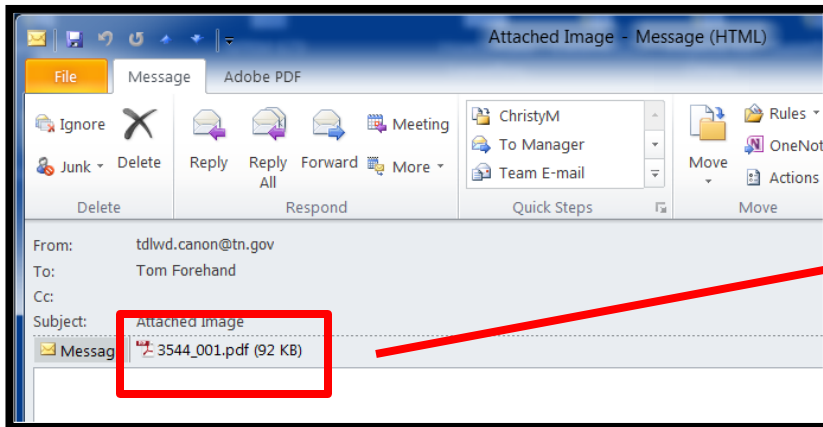
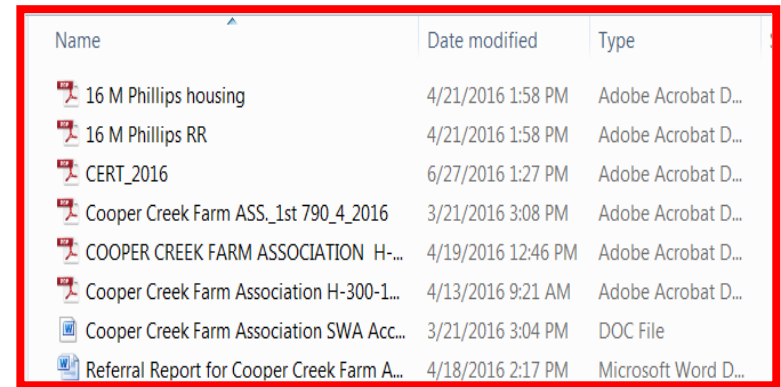
Open the 1st folder for Cooper Creek.

If it contains no “certified” letter, the hard copy that you have scanned will probably go in this folder.

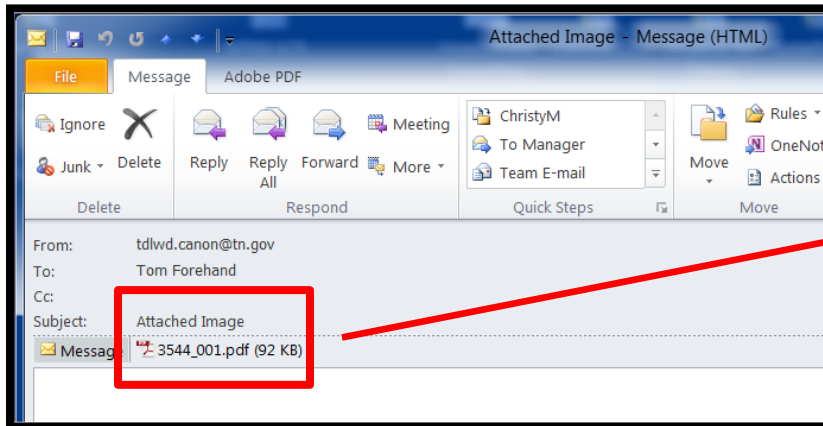


This how the open “1st 790” folder appears

With the e-mail open, drag the scanned copy into this open Cooper Creek file folder. (Or copy and pasted into the folder.)



After dragging the file over to the folder, **change the name of the file**



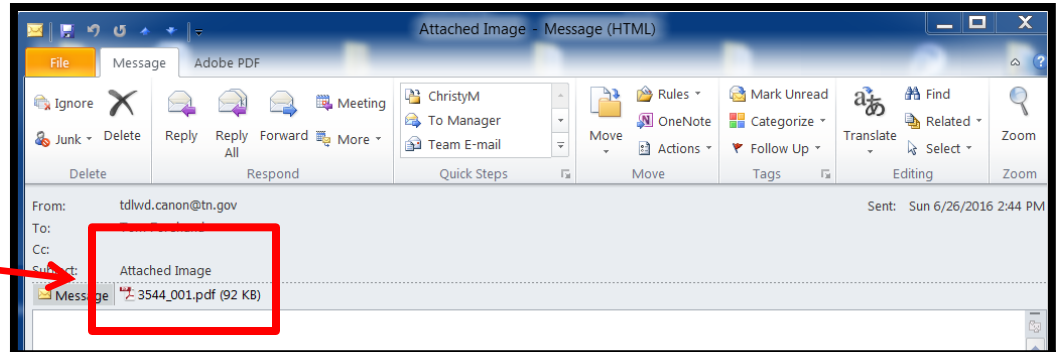
Name	Date modified	Type
16 M Phillips housing	4/21/2016 1:58 PM	Adobe Acrobat D...
16 M Phillips RR	4/21/2016 1:58 PM	Adobe Acrobat D...
CERT_2016	6/27/2016 1:27 PM	Adobe Acrobat D...
Cooper Creek Farm ASS_1st 790_4_2016	3/21/2016 3:08 PM	Adobe Acrobat D...
COOPER CREEK FARM ASSOCIATION H-...	4/19/2016 12:46 PM	Adobe Acrobat D...
Cooper Creek Farm Association H-300-1...	4/13/2016 9:21 AM	Adobe Acrobat D...
Cooper Creek Farm Association SWA Acc...	3/21/2016 3:04 PM	DOC File
Referral Report for Cooper Creek Farm A...	4/18/2016 2:17 PM	Microsoft Word D...

Since this was a **"certified"** (letter of approval), **change this file name from "3544_001" to "CERT_2016"**

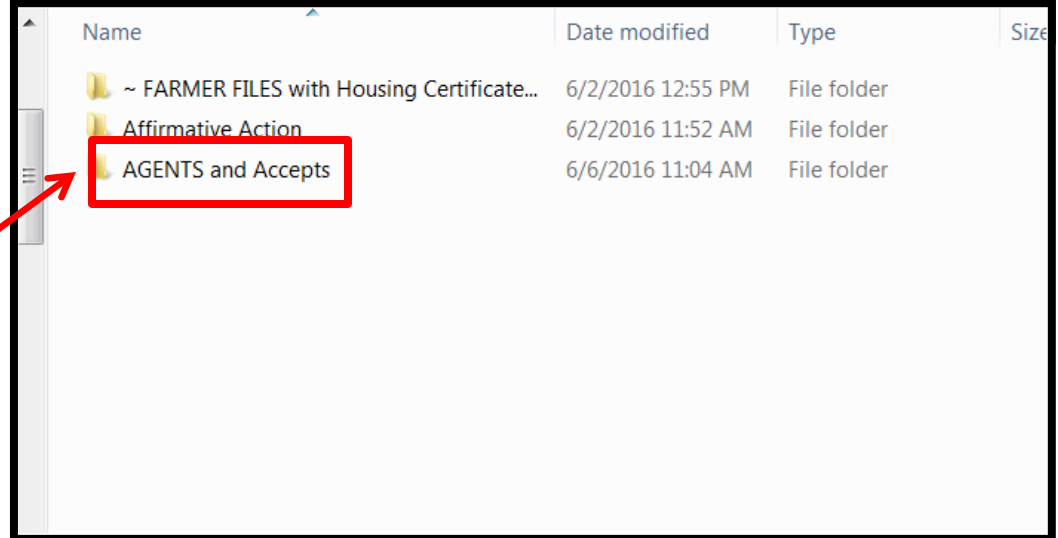
Name	Date modified	Type
16 M Phillips housing	4/21/2016 1:58 PM	Adobe Acrobat D...
16 M Phillips RR	4/21/2016 1:58 PM	Adobe Acrobat D...
CERT_2016	6/27/2016 1:27 PM	Adobe Acrobat D...
Cooper Creek Farm ASS_1st 790_4_2016	3/21/2016 3:08 PM	Adobe Acrobat D...
COOPER CREEK FARM ASSOCIATION H-...	4/19/2016 12:46 PM	Adobe Acrobat D...
Cooper Creek Farm Association H-300-1...	4/13/2016 9:21 AM	Adobe Acrobat D...
Cooper Creek Farm Association SWA Acc...	3/21/2016 3:04 PM	DOC File
Referral Report for Cooper Creek Farm A...	4/18/2016 2:17 PM	Microsoft Word D...

**Place Documents
in Agent's File Folder**

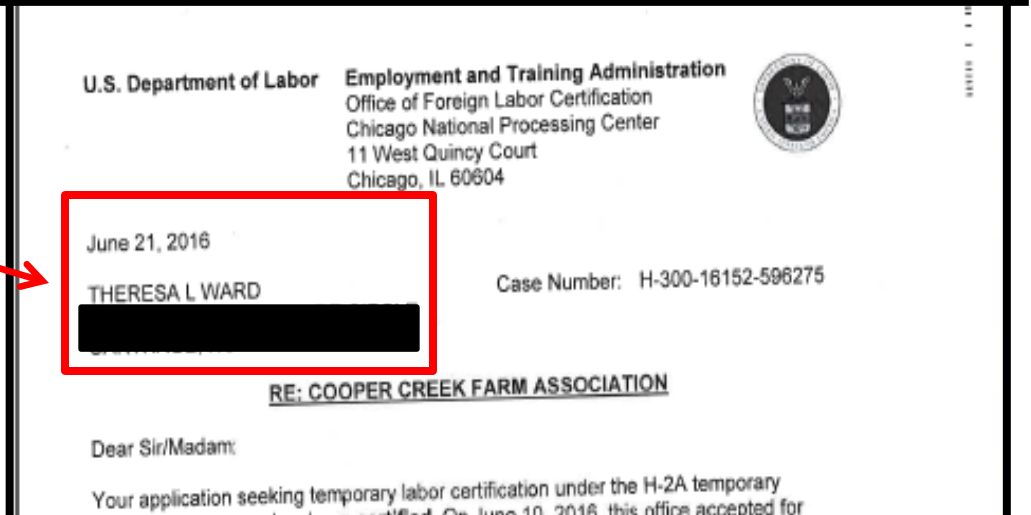
The scanned document is ready to be placed in the agent (for the particular farmer) folder



Go to: N Drive → Programs and Operations → Agriculture → H-2A, H-2B, MSFW → H-2A Program → Agents and Accepts



The agent for Cooper Creek Farm is found on the letter (Theresa Ward)



1. Open Agents and Accepts

2. Open Theresa Ward's folder

Name	Date modified	Type	Size
~ FARMER FILES with Housing Certificate...	6/2/2016 12:55 PM	File folder	
Affirmative Action	6/2/2016 11:52 AM	File folder	
AGENTS and Accepts	6/6/2016 11:04 AM	File folder	

Name	Date modified	Type
Action International, Inc. - Lori Whitten	6/2/2016 11:52 AM	File folder
AgWorksH2, LLC - Christine Register, Cas...	6/2/2016 11:52 AM	File folder
Amigos Ag Solutions - Margie Hawkins	6/2/2016 11:53 AM	File folder
Andrew M. Jackson - Attorney	6/2/2016 11:53 AM	File folder
Antonio Crispin	6/2/2016 11:54 AM	File folder
Berthina Cervantes	6/2/2016 11:54 AM	File folder
Cajun Visa Company Inc	6/2/2016 11:54 AM	File folder
Christine Synan - Florida Fruit & Veg Assoc	6/2/2016 11:54 AM	File folder
Div Gopal	6/2/2016 11:55 AM	File folder
Donna Carpenter - Buffy Edington - swa...	6/27/2016 1:21 PM	File folder
Elizabeth D Whitley	6/2/2016 12:07 PM	File folder
Head Honcho - Todd Miller, Amanda Pr...	6/2/2016 12:07 PM	File folder
Kentucky Tennessee Labor Corporation - ...	6/2/2016 12:07 PM	File folder
MasH2A - Elizabeth Whitley, Shelly Rauc...	6/2/2016 12:08 PM	File folder
Mayra Diaz - Ballard - DBA Seasonal Hands	6/2/2016 12:08 PM	File folder
Melissa Green - KY Farmer's Aid	6/2/2016 12:11 PM	File folder
Michelle Contreras, Attorney	6/2/2016 12:11 PM	File folder
NAC LLC - Theresa Ward,	6/2/2016 12:20 PM	File folder
Paula Bosson - Freedom Tree Farms	6/2/2016 12:20 PM	File folder
Ray Wilcoxson	6/2/2016 12:22 PM	File folder
Ruby Peters	6/2/2016 12:22 PM	File folder
Warren Wilcker	6/6/2016 11:04 AM	File folder

3. Open the Cooper Creek" file

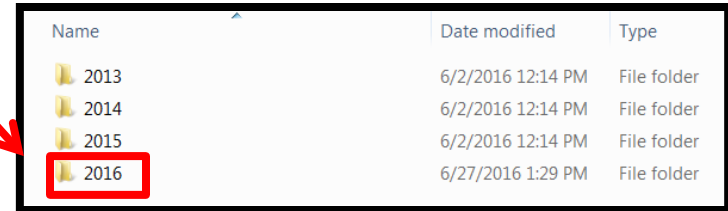
Name	Date modified	Type
A & J Farms - Joe Elliott	6/2/2016 12:12 PM	File folder
A&M Farms - Steven Armstrong	6/2/2016 12:12 PM	File folder
Adkins Farm, Martha Adkins dba	6/2/2016 12:12 PM	File folder
Anthony Brothers Farm	6/2/2016 12:12 PM	File folder
Balthrop, William G	6/6/2016 10:51 AM	File folder
Barnett Farms-Jason Barnett-Chapmansb...	6/2/2016 12:12 PM	File folder
Bejma, Michael dba Bejma Farms	6/2/2016 12:12 PM	File folder
Bellar Farms - Elvis Bellar	6/2/2016 12:13 PM	File folder
Blick Farms - Corey Blick	6/2/2016 12:13 PM	File folder
Bourne, John L	6/2/2016 12:13 PM	File folder
Bourne, Mark	6/2/2016 12:13 PM	File folder
Brooksher Brothers - Randy and Joseph	6/2/2016 12:13 PM	File folder
Bryant Brothers - Sammy Bryant	6/2/2016 12:13 PM	File folder
BSS Farms - Steven Shepard	6/2/2016 12:13 PM	File folder
Carney, Justice, & Jordan Farms	6/2/2016 12:14 PM	File folder
Cooper Creek Farm Association-Mike Phil...	6/27/2016 1:29 PM	File folder
Damer, Spencer A	6/2/2016 12:14 PM	File folder
Darnell Farms - Bobby Darnell Sr	6/2/2016 12:14 PM	File folder
Davis Tobacco Farms LLC - Greg Davis, D...	6/2/2016 12:14 PM	File folder
Ellis, Jeff	6/2/2016 12:15 PM	File folder
Evans, Paul Jr	6/2/2016 12:15 PM	File folder
Flinnen Fruit Farm	6/2/2016 12:15 PM	File folder

4. After the Cooper folder opens, select the most recent year's folder

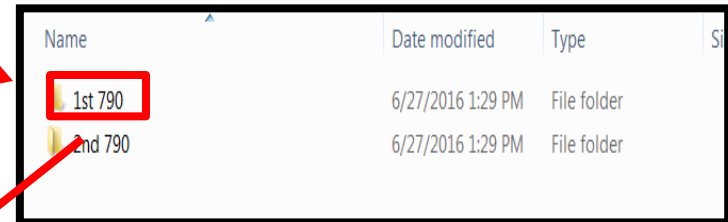
Name	Date modified	Type
2013	6/2/2016 12:14 PM	File folder
2014	6/2/2016 12:14 PM	File folder
2015	6/2/2016 12:14 PM	File folder
2016	6/27/2016 1:29 PM	File folder

4. Repeat: Open the **most recent folder**, select the “1st 790” folder (because the hardcopy document, usually coming later, may **go to the first 790** of the year)

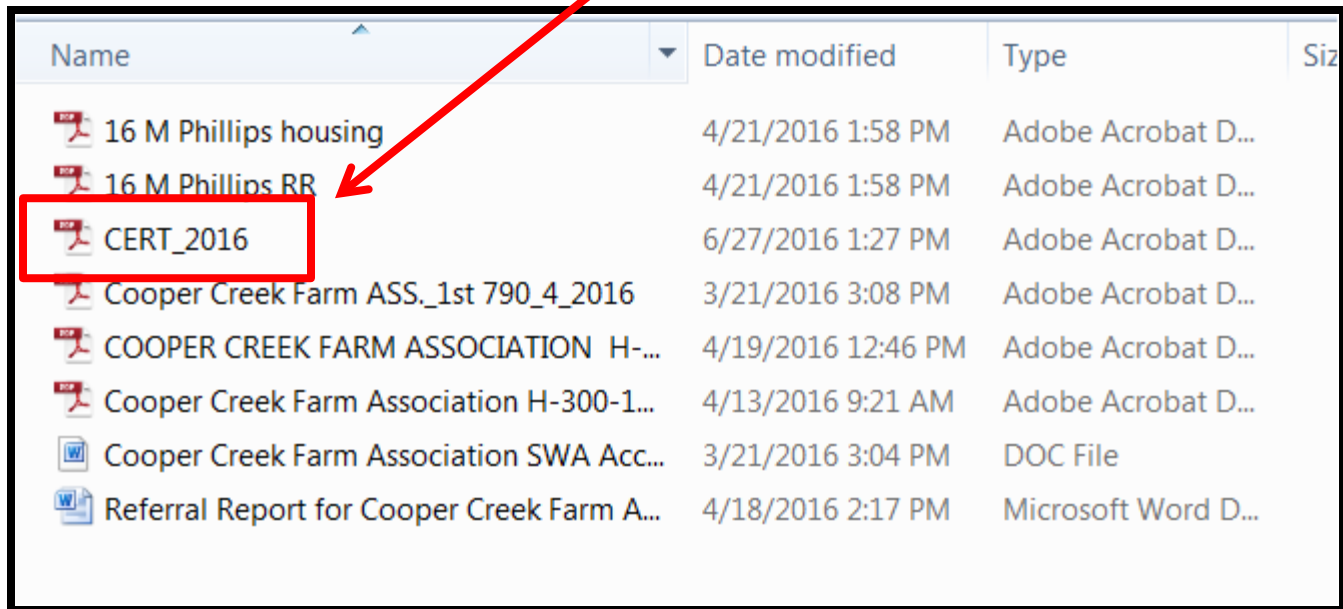
Then place a copy of “CERT_2016” in this folder



Name	Date modified	Type
2013	6/2/2016 12:14 PM	File folder
2014	6/2/2016 12:14 PM	File folder
2015	6/2/2016 12:14 PM	File folder
2016	6/27/2016 1:29 PM	File folder



Name	Date modified	Type	Si
1st 790	6/27/2016 1:29 PM	File folder	
2nd 790	6/27/2016 1:29 PM	File folder	



Name	Date modified	Type	Size
16 M Phillips housing	4/21/2016 1:58 PM	Adobe Acrobat D...	
16 M Phillips RR	4/21/2016 1:58 PM	Adobe Acrobat D...	
CERT_2016	6/27/2016 1:27 PM	Adobe Acrobat D...	
Cooper Creek Farm ASS._1st 790_4_2016	3/21/2016 3:08 PM	Adobe Acrobat D...	
COOPER CREEK FARM ASSOCIATION H...	4/19/2016 12:46 PM	Adobe Acrobat D...	
Cooper Creek Farm Association H-300-1...	4/13/2016 9:21 AM	Adobe Acrobat D...	
Cooper Creek Farm Association SWA Acc...	3/21/2016 3:04 PM	DOC File	
Referral Report for Cooper Creek Farm A...	4/18/2016 2:17 PM	Microsoft Word D...	

Any time a folder is not found, you will need to create one and label it appropriately

Creating the Referral Report (in Jobs4TN)

TN.GOV
TENNESSEE GOVERNMENT

Please enter your search criteria below to help you find an Employer.

For help click the question mark icon.

[Employers | **Job Order** | Contact | LWIA/OneStop | Location | Staff]

Search

You have saved Employer item(s) in My Search List.

Here are the 5 most recent employers you assisted:

Employer Criteria

Show User Accounts:

- Primary User Account Only
- Include all contacts with logins
- Include all contacts with and without logins

Employer Name:

Doing Business as:

Employer User Name:

Employer User ID:

Employer Size:

Employer Type:

Employer Federal Contractor:

Employer Status:

Account Type:

Pending UI Access request:

Employer ID Number (EIN) / Federal Tax ID: Example: 999001111

UI Employer Account Number:

Site Employer ID:

Registered Within: days

Last Login Date: Between: Today And: Today

Registration IP:

Login IP:

Employer Industry Code: [Search for NAICS Code]

Or

Employer Industry Sector:

Go to the
**Employer
Criteria** page
in Jobs4TN

Click **Job
Order**

The page automatically scrolls down so that the Job Order slot appears. Insert the Job Order number in the slot

The screenshot shows a web application interface with a sidebar on the left and a main content area on the right. The sidebar contains a list of menu items: Manage Activities, Manage Case Assignment, Manage Profiling, Manage Follow-Up, Manage Providers, Manage Funds, Manage Visitors, Manage WARN Notifications, Reports, My Reports, Summary Reports, Detailed Reports, and Custom Reports. The main content area is divided into sections. The top section has a header with checkboxes for 'Union Shop' and 'Non-Union Shop'. Below this is a search bar with a 'Search' button. The middle section has a dropdown menu with 'None Selected' and a text input field containing '483578'. Below this is another dropdown menu with 'None Selected'. The bottom section has a 'Contact Criteria' section with input fields for 'Contact First Name' and 'Contact Last Name'. Red arrows point from the text above to the 'Search' button and the '483578' input field.

Scroll back up to the top of the page and click Search

When the Job Order screen appears for that employer, click the employer's name to go to the next screen

TEMPORARY/SEASONAL LAYOFFS: All individuals are now required to file for Unemployment Insurance.

Home Sign Out Services for Individuals Services for Employers Labor Market Analysis

TN.GOV
TENNESSEE GOVERNMENT

Quick Search
Enter Search...

Services for Unemployment Staff

- Manage Claimants
- Manage Employers
- Manage Trade Act (TRA)
- Manage Benefit Charges
- Manage UI Accounting
- Manage Disaster Unemployment Assistance (DUA)

To assist a specific Employer, click on a link in the Action column below.

Results View: [Summary](#) | [Detailed](#)
To sort on any column, click a column title.

Username	Contact	Employer	Emp ID	Primary Contact Login	City	Active Contacts	Created	Access	Action	Set
[REDACTED]	[REDACTED]	[REDACTED]	6036	Yes	Springfield	[REDACTED]	4/19/2013	Enabled	General Contacts Activities Job Orders Notes	

Page 1 of 1

Help Rows 100

When the screen appears, make sure Job Orders is selected. If it is, then a list of most of the orders for this employer should appear below

If not, select Show Filter Criteria select "Any" then choose "Filter" and the orders should appear

Then, scroll down to the Job Order in question. Select Applicants

TEMPORARY/SEASONAL LAYOFFS: All individuals are now required to file for Unemployment Insurance.

[Assist an Employer | Staff Services | Employer Portfolio]

Employer Profiles

- Corporate Profile
- General Information
- Locations
- Contacts/Users
- Account Summary
- Documents
- Agents
- Search History Profile
- Communications Profile

Human Resource Plan

- Job Orders**
- Application Questions
- Job Skill Sets
- Tools and Technology
- Recruitment Plan
- Job Applicants
- Favorite Candidates
- Virtual Recruiter

Staff's Profile

Job Orders | Job Order Templates | Application Questions | Job Skill Sets | Tools and Technology

For help click the question mark icon.

Show Filter Criteria

Results View: Summary | Detailed
To sort on any column, click a column title.

#	Job Title	Employer Job Status	On-line Status	System Status	Created	Inactive After	Views	Applicants	Action	Select
425690	Farmworkers and Laborers, Crop H-2A	Open and available	On-Line	Open and available	2/3/2016	8/24/2016	10	0	Copy Edit Delete Search by Job Criteria	<input type="checkbox"/>
463578	Farmworkers and Laborers, Crop H-2A	Open and available	On-Line	Open and available	6/1/2016	10/23/2016	3	0	Copy Edit Delete Search by Job Criteria Pre-fill Advanced Resume Search	<input type="checkbox"/>

Applicants

When this screen appears, use the mouse cursor to highlight the pertinent information for the Referral Letter

When the information is highlighted, it will appear like this...

Copy this highlighted information

The screenshot shows the TN.GOV website interface. On the left is a navigation menu with 'Services for Unemployment Staff' expanded, listing various management options. The main content area is titled 'Job Order Statistics' and contains the following information:

Job Order Number: [463578](#)
Job Order Title: [Farmworkers and Laborers, Crop H-2A](#)
On-Line Status: [Open and available](#)
Employer Status: Open and available
Available Online: On-Line

Positions Available:	3	Number of Applicants Requested:	30
Applicants Hired:	0	Actual Applications Made:	0
Positions Remaining:	3	Applicant Balance:	30

Click [here](#) to set to 'Not Hired' the status of all applicants with a status of 'Not Specified'.

Below this is the 'Applicant Information' section, which includes a filter options button and a note about identifying hired applicants.

This is a close-up of the highlighted information from the screenshot above. The text is as follows:

[Job Order Number:](#) [463578](#)
[Job Order Title:](#) [Farmworkers and Laborers, Crop H-2A](#)
[On-Line Status:](#) [Open and available](#)
[Employer Status:](#) [Open and available](#)
[Available Online:](#) [On-Line](#)

Positions Available:	3	Number of Applicants Requested:	30
Applicants Hired:	0	Actual Applications Made:	0
Positions Remaining:	3	Applicant Balance:	30

[Click here](#) to set to 'Not Hired' the status of all applicants with a status of 'Not Specified'.

With the highlighted material copied, open a new File Microsoft Word (and save it as the "Referral Form")

Job Order Number: 463578
Job Order Title: Farmworkers and Laborers, Crop H-2A
On-Line Status: Open and available
Employer Status: Open and available
Available Online: On-Line

Positions Available:	3	Number of Applicants Requested:	30
Applicants Hired:	0	Actual Applications Made:	0
Positions Remaining:	3	Applicant Balance:	30

Click [here](#) to set to 'Not Hired' the status of all applicants with a status of 'Not Specified'.



With the file open paste the copied information into the new file, the Referral Form (next slide)

Job Order Statistics

Job Order Number: [463578](#)

Job Order Title: [Farmworkers and Laborers, Crop H-2A](#)

On-Line Status: [Open and available](#)

Employer Status: Open and available

Available Online: On-Line

Positions Available:	3	Number of Applicants Requested:	30
Applicants Hired:	0	Actual Applications Made:	0
Positions Remaining:	3	Applicant Balance:	30

Click [here](#) to set to 'Not Hired' the status of all applicants with a status of 'Not Specified'.

William B. Corbin Referral Report July 11, 2016

Job Order Statistics

Job Order Number:
[463578](#)

Job Order Title:
[Farmworkers and Laborers, Crop H-2A](#)

On-Line Status:
[Open and available](#)

Employer Status:
Open and available

Available Online:
On-Line

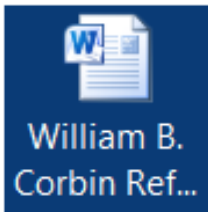
Positions Available:	3	Number of Applicants Requested:	30
Applicants Hired:	0	Actual Applications Made:	0
Positions Remaining:	3	Applicant Balance:	30

Click [here](#) to set to 'Not Hired' the status of all applicants with a status of 'Not Specified'.

Next, **insert** the heading for the employer



Then **Save the file**. Close the file. Rename it appropriately.



If there is a number indicating Applications Requested see the next side for the **disclaimer that must be added to the Referral Form**



Place the "Referral Form" file in the Farmer's (employer's) folder and also in the Agent's folder. The file is also ready to be e-mailed to Chicago at the right time.

Copy and paste this to the bottom of the Referral Form



Referrals of individuals will be made through the TN Department of Labor in order to ascertain employment information. The job seeker will be informed of the terms and conditions of the job as contained in the TN job order, and **will be referred to the employer with a copy of the TN job order**, which contains all pertinent information concerning the job. The employer agrees to interview all US workers referred for;

1. Availability and commitment to work the entire length of the contract.
2. Have transportation to the job site
3. Have been fully apprised of the job information, terms and conditions of the job and the nature of the employment
4. Workers state he / she can physically perform the job requirements
5. Ability to provide documentation to complete the INS Form I-9.

PLEASE NOTE: The referrals on the SWA report indicate individuals that were referred on the order, but that doesn't mean they followed through on interviewing or applying with the employer. On our system, if the applicant clicks "how to apply," and receive the contact information, it will show as a referral on the system, even though they may have never followed through. The reason the SWA report and employer reports are different on occasion is because the employer or agent fails to result the referral reports that our jobs database system sends to them via email. If the employers/agents indicate if the SWA referrals showed, failed to show, were hired, etc., the reports should match.

[State Workforce Agent Name]

State Coordinator for the H2A Program

Housing Inspections

Housing Inspections

Tennessee Department of Labor and Workforce Development

Presented by: Lance Butler

State Monitor Advocate

REGULATIONS

ETA

Employment & Training
Administration

Housing built before
April 3, 1980

OSHA

Occupational Safety and
Health Administration

Housing built on April 3,
1980 to present or
remodels

Housing Checklist

ETA

- Housing Site 654-404
 - Complete a thorough walk around the perimeter of the grounds.
 - Well drained and free of depressions

OSHA

- Site 1910.142 (a)
 - Same as ETA, but in addition:
 - (a)(1) stagnating pools, sink holes or other surface collections of water must be at least 200 ft. away from housing units
 - (a)(2) Housing units adequately spaced apart
 - (a)(2) Housing is located at least 500 ft. from any livestock
 - (a)(3) Free of rubbish, waste and other refuse
 - (a)(4) Whenever camp is closed for season all trash and other refuse must be removed

ETA

- Water Supply 654.405
 - A minimum of 35 gallons of water per occupant per day
 - A water test must be completed if the housing unit is not on city water
 - Hot water supply Gallons Per Hour (GPH) recovery is:
 - $2.652 \times \text{No. of persons} = \text{___ GPH}$
 - Hot water storage (Tank Capacity)
 - $3.28 \times \text{No. of persons} = \text{___ Gallons Tank Capacity Required}$

OSHA

- Water Supply 1910.142 (c)
 - (c) (1) Approved by appropriate health authority
 - (c) (2) Supply 35 gallons per person per day
 - (c) (3) Water lines capable of supplying water at normal pressure simultaneously to all fixtures
 - (c) (4) One drinking fountain for each 100 occupant (no common drinking cups)
- Laundry/Hand Washing 1910.142 (f)
 - Adequate supply of hot and cold water under pressure
 - Facilities for heating water provided
- Shelter 1910.142 (b)
 - (b) (11) Heating, cooking, and water heating equipment installed in accordance with State and local ordinances – camps used in cold weather shall have adequate heating equipment

ETA

- Excreta and Liquid Waste Disposal 654.406
 - City Sewer when possible
- If Septic Tank is used
 - No visible discharge, smell, or ground accumulation

OSHA

- Sewage Disposal Facilities 1910.142 (e)
 - Same as ETA
- Site 1910.142 (a)
 - (a) (3) Free of rubbish, waste and other refuse
 - (a) (4) Whenever camp is closed for season all trash and other refuse must be removed

ETA

- Housing 654.407
 - Structurally Sound
 - Adequate hanging storage per occupant
 - Floors rigid, smooth, readily cleanable
 - Floor space adequate
 - Single bed – sleeping only – 50 sq. ft. per occupant
 - Double bunk – sleeping only – (80 sq. ft.) 40 sq. ft. per occupant
 - Cooking, eating, sleeping – 60 sq. ft. per occupant

OSHA

- Shelter 1910.142 (b)
 - (b)(1) House constructed in a manner which will provide protection against the elements
 - (b)(2) Beds – 50 Sq. Ft. per occupant in rooms used for sleeping only and a 7' ceiling
 - (b) (4) & (5) Floors – Same as ETA
 - (b)(9) In rooms where workers cook, live, and sleep, a minimum of 100 Sq. Ft. per occupant

ETA

- Screening 654.408
 - Window Space & Screening
 - = to 10% of usable floor space
 - 45% of window opens
 - Adequate skylight
 - Air conditioning system okay
 - 16 inch mesh
 - Screen door fly tight

OSHA

- Shelter 1910.142 (b)
 - (b)(7) Windows – Same as ETA but must open to 50%
 - (b)(8) Mesh & Self closing doors – Same as ETA

ETA

- Heating 654.409
 - Each habitable room equipped with properly installed heating
 - Minimum 68°
 - Stoves/Fireplace with properly installed vented and fireproof materials
 - Stove pipe constructed of fireproof materials
 - Well ventilated metal collar around stove pipe

OSHA

- Shelter 1910.142 (b)
 - (b)(11) Heating, cooking, and water heating equipment installed in accordance with State and local ordinances – camps used in cold weather shall have adequate heating
- Laundry & Hand Washing facilities 1910.142 (f)
 - (4) Heating provided during cold weather capable of maintaining at least 70 degrees F

ETA

- Electricity & Lighting
654.410
 - Lighting fixtures in each habitable room
 - Lighting in laundry, hallways, stairwells, laundry, yard
 - At least one wall outlet in each room
 - Wiring in safe condition
 - No exposed wiring

OSHA

- Lighting 1910.142 (g)
 - Each habitable room must have at least one ceiling type light fixture and one wall type outlet
 - Rooms where people congregate i.e. Laundry & toilet must have at least one ceiling or wall type light fixture

ETA

- Toilets 654.411
 - One water closet, privy, toilet per 15 occupants
 - If urinals are used, must be properly constructed
 - Separate toilet accommodations for men and women, unless family unit
 - Toilet tissue must be furnished by employer
 - Clean and sanitary
 - If separate toilet building, then must be within 200 feet of housing unit
 - If privy, not closer than 50 ft. from living unit or food facilities
 - Privy must be fly tight
 - Privy must meet state and local code

OSHA

- Toilet Facilities 1910.142 (d)
 - (d) (2) Window opening directly to outside with 16-mesh or adequate ventilation
 - (d) (3) toilet within 200 ft. and no closer than 100 ft. to any dining, sleeping or kitchen
 - (d) (4) in co-ed facilities, toilets must be marked for separate sexes
 - (d) (5) One toilet per 15 occupants with minimum of two toilets in a shared facility
 - (d) (6) If urinals are used, 1 urinal per 25 men and constructed of approved materials
 - (d) (7) After 8/1971 every water closet must have its own room
 - (d) (8) must be lighted naturally or artificially at all hours day or night
 - (d) (9) Toilet paper supplied
 - (d) (10) Kept in sanitary condition – cleaned at least daily

ETA

- Bathing, laundry, hand washing, Showers 654.412
 - Hot and cold water under pressure
 - Clean and sanitary
 - Within 200 ft. of living unit
 - One shower head per 15 occupants
 - Dry dressing space
 - If multiple shower heads, must be 3 ft. apart & a minimum of 9 sq. ft. floor space per shower head
 - Showers have proper drains
 - Separate shower facilities for each sex except in family unit
 - One sink for each 15 occupants
 - Supplied with hot and cold water under pressure
 - One tub/tray per 25 persons or
 - One mechanical washer per 50 persons
 - With minimum of one tub per 100 persons
 - Clothes line or mechanical clothes dryer

OSHA

- Laundry, hand washing, & bathing facilities 1910.142 (f)
 - (1) Ratio:
 - (i) 1 (one) basin for each family or for 6 (six) occupants
 - (ii) 1 (one) shower head per 10 occupants
 - (iii) 1 (one) laundry tray/tub for every 30 occupants
 - (2) Floors: smooth but not slippery
 - Floor drains
 - Walls smooth and impervious
 - (5) Facilities to dry clothes shall be provided
 - (6) All service building shall be kept clean

ETA

- Space provided for cooking & eating in individual units
- One stove or at least 2 burners per 10 occupants
- Counter for food preparation & adequate food storage shelves/cabinets
- Mechanical refrigerator maximum temperature 45°
- Table and chairs equivalent seating and eating arrangements per number of occupants
- Floors of non-absorbent easy to clean material
- Adequate lighting and ventilation
- Adequate sink with hot and cold water under pressure
- Wall adjacent to stove easily cleaned, fire resistant
- Cooking & Eating Facilities
654.413

OSHA

- Shelter 1910.142 (b)
 - (b) (10) One stove per 10 occupants – sanitary facilities for storing and preparing food
 - (b) (11) Heating, cooking, and water heating equipment installed in accordance with State and local ordinances – camps used in cold weather shall have adequate heating equipment
 - Kitchens, dining hall, and feeding facilities 1910.142 (i)
 - (1) in all camps where central dining or multiple family feeding operations are permitted, must comply with requirements of the “Food Service Sanitation Ordinance and Code.”
 - (2) Kitchen and dining hall adequate in size, separate from sleeping quarters, there shall be no direct opening from living or sleeping quarters into kitchen or dining hall
 - (3) No person with any communicable disease shall be employed or permitted to work in the preparation, cooking, serving, or handling of food

ETA

- Fly tight 20 gallon container
 - At least 1 for each 15 occupants
 - Collected at least 2 times per week
 - Disposal in accordance to state code
- Insect & Rodent Control 654.415
- Free of insects, rodents, or other vermin
 - Check for evidence of infestation
 - Garbage & other refuse 654.414

OSHA

- Refuse Disposal 1910.142 (h)
- (1) Fly-tight, rodent-tight container approved by the appropriate health authority
 - Shall be located within 100 feet of each shelter
- (2) Must be kept clean
- (3) Shall be emptied when full but no less than 2 times per week
- Insect & Rodent Control 1910.142 (j)
- Effective measures shall be taken to prevent infestation

ETA

- Sleeping Facilities 654.416
- Comfortable beds
- Clean mattress & covers
- Beds at least 30 inches apart from each other, end to end or side by side
- Bedding Clean and sanitary
- Double beds for family only
- No triple bunks
- Bunk beds must meet clearance
 - 27 inches from top of bottom mattress to bottom of top bunk
 - 36 inches from top of top mattress to ceiling

OSHA

- Shelter 1910.142 (b)(3)
- Clean mattresses and suitable storage for personal articles in each room used for sleeping
 - Beds at least 36 inches apart from each other
 - Beds elevated 12 inches off the floor
 - Bunks must be 48 inches apart from each other
 - Bunk clearance same as ETA

ETA

- Fire, Safety, & First Aid 654.417
- Building constructed & maintained in conformity to State and local fire safety laws
- Two means of escape provided
 - Open window of at least 24"X24" may be used as second means of escape of less than 10 people and in 1 story construction only
 - For more than 10 people, two doors for escape
 - Second story sleeping quarters & common room have stairway & a permanently affixed exterior ladder or a second stairway
 - Complies with local fire codes

ETA Cont.

- Fire extinguisher provided & readily accessible
 - 2 ½ gallon stored pressure
 - Within 100' from each housing unit
 - ABC code for all fires
- First aid facilities to include 16 unit first aid kit at a ratio of 1 for 50 occupants
- No flammable or volatile liquids stored adjacent to rooms
- No agricultural pesticides and toxic chemicals stored in housing area

OSHA

- First Aid 1910.142 (k)
- (1) Adequate first aid facilities – same as ETA
- (2) Such facilities shall be made accessible for use at all times

OSHA

- Reporting Communicable Disease 1910.142 (I)
 - (1) The camp superintendent must report immediately to the local health authority the names of occupants known to have or suspected of having a communicable disease
 - (2) If a camp has a suspected case of food poisoning or unusual prevalence of any illness including fever, diarrhea, sore throat, vomiting, or jaundice symptoms, it shall be immediately reported to the local health authority

Special Procedures

Sheepherders and Goat Herders

Special variance is provided for sheepherders and goat herder housing

Structure:

- Structurally sound
- Sanitary condition
- Provide protection against the elements
- Must have at least one window

Heating:

- Properly installed heating – can be wood burning stove
- Installed and vented to prevent fire hazard and dangerous gas concentration
- Fireproof material on floor extending 18 inches beyond the perimeter of the stove base

Housing Site Water Supply Excreta & Liquid Waste



Housing Site

- Well drained

Water Supply

- Adequate supply of water for drinking, cooking, & bathing
 - Meets state standards
 - 35 gallons per day
 - Individual drinking cups

Waste Disposal

- Maintained for effective waste disposal
- Pits must be fly tight when not filled in completely

Lighting
Bathing/Laundry/Hand washing
Food Storage

Lighting

- Where electricity is not available, lanterns shall be provided
- At least one lantern per occupant

Bathing, Laundry, Hand Washing

- Movable bathing, laundry and hand washing tub shall be provided when hot and cold water under pressure is not available

Food Storage

- Mechanical refrigeration or when not available, other means of refrigeration is acceptable such as gas or propane refrigerators

Cooking and Eating Facilities/Garbage & Other Refuse

Cooking & Eating Facilities

- Space shall be provided with adequate lighting and ventilation
- Wall surfaces next to food prep area and cooking area shall be of nonabsorbent, easy to clean material
- Wall surface next to cooking area shall be of fire-resistant material

Garbage & Other Refuse

- Durable fly-tight, clean containers for storing garbage shall be provided to each housing unit, including tents
- Provisions made for collecting or burying refuse at least 2X per week or more often if necessary
- Refuse disposal shall conform to Federal, State or local law

Insect and Rodent Control

- Appropriate materials including sprays must be provided

Sleeping Facilities

- Separate sleeping unit shall be provided for each person
- Shall include comfortable bed w/clean mattress

Fire, Safety, & First Aid

- All units shall be constructed & maintained in accordance to applicable State or local fire and safety law

Fire, Safety, & First Aid

- No flammable or volatile liquid or materials stored in or next to room used for living purposes, except those needed for current household use
- Must have second means of escape. Must be demonstrated that the herder would be able to crawl through without difficulty
- Soft wall tents are not required to have second escape
- Adequate fire extinguishers in good working condition and first aid kits shall be provided

Forms

- WH-520 Housing Occupancy Certificate-MSPA
- ETA-338 Employer Furnished Housing & Facilities
- R 3/80 Title 20 – Employee Benefits Part 654 – Housing for Agricultural Workers Worksheet
- WH-(April 1983) Housing Terms & Conditions
- Request for Variance
- OSHA – Migrant Housing Standard Housing Inspection Checklist
- ETA Housing Inspection Checklist

Tips

- Know your measurements
 - 1 inch = .08 not .1
 - Double check your math
- Use your checklist
- Bring your regulations with you
- Keep in contact with your enforcement agency
 - Wage & Hour or OSHA
- 29 CFR 500.132 (a)(1)
 - Regardless of which regulation is used must comply with strictest standard

Tool Box



- Laser Measure
- Tape Measure
- Flashlight
- Gloves- Disposable
- Calculator
- First Aid Kit
- Pen/Pencil
- Post-it notes
- Camera/phone

Summary of Annual Agricultural Outreach Plan Requirements

The Agricultural Outreach Plan (AOP) portion of the State Plan must describe plans for providing services to the agricultural community, both for agricultural employers and Migrant and Seasonal Farmworkers (MSFWs), as described in Wagner-Peyser (W-P) regulations at 20 CFR 653.107, the Workforce Investment Act (WIA) Title I final regulations at 20 CFR 652.107(b)(1), the WIA/W-P Act Integrated Workforce Planning Guidance, and the Unified Planning Guidance. This attachment provides greater detail on what states must include in the AOP section of the State Plan.

A. Assessment of Need. The assessment of need must include:

(i) A review of the previous year's agricultural activity in the state.

- ✓ Identify each major labor intensive crop activity in the previous year, indicating the months of heavy activity and the geographic area of prime activity.

(ii) A review of the previous year's MSFW activity in the state.

- ✓ Estimate the agricultural labor employed in each of the crops identified in item (i) above. Estimate the number of MSFWs involved in each, and indicate crop areas that experienced labor shortages.

(iii) A projected level of agricultural activity in the state for the coming year.

- ✓ Identify any changes from last year's crop activities as described in item (ii) above.

(iv) A projected number of MSFWs in the state for the coming year, which must take into account data supplied by WIA Section 167 National Farmworker Jobs Program (NFJP) grantees, other MSFW organizations, employer organizations and federal and/or state agency data sources such as the U.S. Department of Agriculture and the Employment and Training Administration.

B. Outreach Activities. The proposed outreach activities must be designed to meet the needs of the MSFWs in the state and to locate and to contact MSFWs who are not being reached by the normal intake activities conducted by the local offices.

The plan for the proposed outreach activities must include:

(i) Numerical goals for the number of MSFWs to be contacted during the program year by W-P staff. The number of MSFWs planned to be contacted by other agencies under cooperative arrangements during the fiscal year also should be included in the plan. These numerical goals must be based on the number of MSFWs estimated to be in the state in the coming year, taking into account the varying concentration of MSFWs during the seasons in each geographic area,

the range of services needed in each area and the number of W-P and/or cooperating agency staff who will conduct outreach.¹

(ii) Assessment of Available Resources. The assessment of the resources available for outreach must include:

1. The number of SWA staff positions the state will assign to outreach activities. The assessment must indicate the full-time equivalent positions for each local office to which staff must be assigned, and the number of staff assigned to the state office for this purpose.
2. Where the number of SWA staff positions assigned to outreach activities is less than in the prior year, please provide an explanation for the reduction and the expected effect of the reduction on direct outreach activities, as indicated in 20 CFR 653.107(h)(3)(i).
3. Identify resources to be made available through existing cooperative agreements with public and private community service agencies and MSFW groups. (States are encouraged to initiate cooperative agreements with WIA Section 167 NFJP grantees for outreach position).

(iii) The tools which will be used to conduct outreach contacts, including personal contact, printed matter, videotapes, slides, and/or cassette recordings.

C. Services Provided to MSFWs through the American Job Center Network. The plan must provide specific information on how core, intensive, and training services required under WIA Title I will be provided to MSFWs through the American Job Center (AJC) network (also referred to as the One-Stop Career Center system). States should provide information on how MSFWs will be provided staff-assisted services and how MSFWs will be served in an electronic environment in the AJCs and/or affiliate sites. States should consider how they will enable these AJC customers to advance their skills and be competitive in a local, regional and global economy.

D. Services Provided to Agricultural Employers through the American Job Center Network. The plan must describe efforts that will be taken to provide services to agricultural employers in states with an adequate supply of U.S. workers and in those states where a shortage of workers is anticipated. The services provided to agricultural employers can be incorporated into the section of the WIA/W-P plan on serving employers in general.

¹ The numerical goals that must be included in the agricultural outreach plan are in reference only to the proposed outreach activities and are not negotiated performance targets.

E. Data Analysis.

(i) Previous year's history (based on Program Year (PY) 2011 data):

Number of agricultural job orders and openings received,
Number of agricultural job orders filled,
Percent to be filled,
Number of interstate clearance orders received, and
Number of interstate clearance orders initiated.

(ii) Plan for upcoming year (based on estimated data):

Number of agricultural job orders expected to be received,
Number of agricultural job orders projected to be filled,
Percent to be filled,
Estimated number of interstate clearance orders the state will receive, and
Estimated number of interstate clearance orders the state will initiate.

F. Other Requirements.

(i) *State Monitor Advocate*. The plan must contain a statement that indicates that the State Monitor Advocate has been afforded the opportunity to review and comment on the PY 2013 AOP.

(ii) *Review and Public Comment*. The plan must provide information indicating that WIA Section 167 NFJP grantees, other appropriate MSFW groups, public agencies, agricultural employer organizations and other interested employer organizations, have been given an opportunity to comment on the state AOP. Include the list of organizations from which information and suggestions were solicited, any comments received, and state responses to those comments.



**Domestic Agricultural In- Season Wage Report
 ETA Form 232
 U.S. Department of Labor**

Name of the Wage Reporting Area: _____ State: _____

Survey Number: _____ **If this is resubmission, insert X in the block**

Crop/Agricultural Commodity: _____

Occupation/Activity: _____

Survey Period Begin: _____ Survey Period End: _____ Date of Finding: _____

1. Estimated Number of Employers and U.S Workers engaged in Crop/Agricultural Commodity and Occupation/Activity in the Wage Reporting Area

- a. Estimated number of employers
- b. Estimated number of U.S. workers
- c. Provide the name of the source(s) used for estimation of number of employers and U.S. workers

2. Number of Employers Contacted (Sample Size)

- a. Total number of employers contacted during the survey
- b. Total number of respondents
- c. Total number of employer-respondents who employ U.S. workers
- d. Total number of U.S. workers reported by the employers
- e. Identify method(s) of contact _____

3. Reported Wage Rates for U.S. Workers

Provide all wage rates, applicable unit of payment (e.g., per hour) and the number of U.S. workers receiving each wage as reported by the surveyed employers

Wage Rate(s) (\$) A	Unit (e.g. per hour) B	Number of U.S. Workers C
\$		
\$		
\$		
\$		
\$		
\$		
\$		
\$		
\$		
\$		
\$		

" Prevailing " Wage "



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4. Calculated Prevailing Wage Rate Finding(s)

Based on the reported wages in Item 3, provide the prevailing wage rate(s) and unit(s) for the crop/agricultural commodity and occupation/activity

Prevailing Wage Rate(s)	Unit

5. Productivity and Average Earnings of Piece Rate Workers

Complete the table below only if employers reported productivity standards and payments to U.S. workers based on piece rates. Do not include in this section information pertaining to youth under 16 years of age.

Rate Amount per Unit		Number of U.S. Workers	Number of Hours Worked	Total Unit(s) of Production	Average Hourly Earnings
Rate(s)	Unit(s)				
A	B	C	D	E	F
\$					\$
\$					\$
\$					\$
\$					\$
\$					\$
\$					\$
\$					\$

6. Comments

Describe variables affecting rates, crop conditions or other explanatory and pertinent information _____

7. State Workforce Agency Prevailing Wage Survey Point of Contact

Provide a State Workforce Agency point of contact for the information provided on this form.

Name: _____ **Title:** _____

Mailing Address: _____

City: _____ **State:** _____ **Zip Code:** _____

Telephone Number: _____ **E-mail:** _____

Obligations – Persons are not required to respond to this collection of information unless it displays a currently valid OMB control number. Respondents' obligations to reply to these reporting requirements are voluntary (20 CFR 653.000 and 20 CFR 655). Public reporting burden for this collection of information is estimated to average 15 minutes per response, including the time for reviewing instruction, searching existing data sources, gathering and maintaining the data needed, and completing and reviewing the collection. Send comments regarding this burden estimate or any other aspect of this collection of information, including suggestions for reducing this burden, to the U.S. Department of Labor, Office of National Programs, Room C-4312, 200 Constitution Avenue, N.W., Washington, D.C. 20210 (Paperwork Reduction 1205-0017).



Domestic Agricultural In- Season Wage Report
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Domestic Agricultural In-Season Wage Report
GENERAL INSTRUCTIONS

Collection and Distribution of Wage Information

- a. State agencies should conduct surveys at least once per season in any crop activity in a wage reporting area in which:
 - (1) One hundred (100) or more workers were employed in the previous season, or are expected to be employed in the current season;
 - (2) Foreign workers were employed in the previous season, or employers have requested or may be expected to request foreign workers in the current season, regardless of the number of workers involved;
 - (3) The crop/agricultural commodity and occupation/activity has an unusually complex wage structure, or there are other factors affecting the prevailing wage which can best be determined by a wage survey; or
 - (4) The crop/agricultural commodity or occupation/activity has been designated by the National Office as a major crop/agricultural commodity or occupation/activity, either because of the importance of the production of this crop/agricultural commodity to the national economy or because large numbers of workers are employed in the occupation/activity in a number of different areas in the country.
- b. Wage data should be collected often enough to promptly reflect changes in wage rates and to permit current prevailing wage rate findings to be made applicable to the employment of the agricultural workers.
- c. Surveys should be conducted in accordance with the preseason survey schedule set up by each State agency. Should a survey not result in a prevailing wage rate finding, another survey should be made at the earliest appropriate time. A report must be submitted for each survey, whether or not it results in a finding. The reason for not making a finding should be explained.
- d. The original of the ETA Form 232 and one copy must be submitted to the National Office within two weeks after completion of the survey.

Completion Instructions

All items on the form are to be completed with no change in the format. However, the report may be supplemented by the inclusion of additional material. If the space provided on the form for any item is not adequate, complete information should be given on a separate attached sheet with the item(s) numbered to correspond to those on the form. All items should be checked for completeness and accuracy before transmittal.

Heading of Report

Name of the Wage Reporting Area - Enter the name of the wage reporting area as assigned by the State agency.

State - Enter the name of the State.

Wage Reporting Area Survey Number - Enter the number as assigned by the National Office.

Resubmission - Check the box if submitting a revised survey previously submitted to the National Office for the same period and crop/commodity and occupation/activity.

Crop/Agricultural Commodity - Enter the crop or agricultural commodity involved in the survey, i.e., apples, honey, sheep, etc. If several crops or commodities are reported, include all.

Occupation/Activity - Enter a description of the job actually being performed in the crop/agricultural commodity at time of the survey, i.e., harvester, herder, shearer, etc. Some occupations/activities associated with a specific crop involve a number of separate and distinct operations. For example, in harvesting tomatoes, some workers pick the tomatoes and place them in containers while others load the containers into trucks or other conveyances. Separate wage rates are usually paid for individual operation or combinations of operations. Each operation or job related to a specific occupation/activity for which a separate wage rate is paid should be identified and listed separately.

Survey Period - Enter the date on which the collection of the wage rate information reported in Section 3. of the form began and ended.

Date of Finding - Enter the date on which the prevailing wage rate finding was made.



Domestic Agricultural In- Season Wage Report
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Section 1

Estimated Number of Employers and U.S Workers Engaged in Crop/Agricultural Commodity and Occupation/Activity in the Wage Reporting Area

- Enter an estimate of the total number of employers in the reporting area who were engaged in the crop/agricultural commodity and occupation/activity during the survey period.
- Enter an estimate of the total number of U.S. workers in the reporting area who were employed in the crop/agricultural commodity and occupation/activity covered by the survey during the survey period.
- Enter the name of the source used to obtain the estimate of employers and U.S. workers.

Section 2

Number of Employers Contacted (Sample Size)

Before conducting a survey, the State agency should assure itself that the planned sample will yield data which will be representative of the wage rates paid in the crop activity. Without regard to whether employers do or do not utilize the facilities of the Job Service, the wage survey sample should include workers of small, medium and large employers of domestic workers from all sectors of the area being surveyed, and should be selected by probability sampling methods. In constructing a sample, the following general guide should be observed.

Number of Workers in Crop/Agricultural Commodity and Occupation/Activity in Area	Sample size (percent of workers)
100-349	100
350-499	60
500-799	50
800-999	40
1000-1249	35
1250-1599	30
1600-2009	25
2100-2999	20
3000 or more	15

- Enter the actual number of employers contacted during the survey period.
- Enter the actual number of employers that responded to the survey.
- Enter the actual number of employers who responded to the survey and who reported employing U.S. workers.
- Enter the total number of U.S. workers engaged in crop/agricultural commodity and occupation/activity as reported by employers.
- Provide method(s) of contact with the employers (i.e., personal interviews, telephone, mail, etc.)

Section 3

Reported Wage Rates for U.S. Workers

- Column A. Enter all wage rates, including schedules, being paid during the survey period.
- List each different rate paid to U.S. workers covered in the survey. List the rates in descending order and group by method of pay.
 - When a standard schedule is found to be paid by an employer, enter the word "schedule" on a single line in Column A just as if it were a separate rate. A copy of the schedule should be attached and a cross reference "see attached schedule" should be entered in this item.
 - Piece rates with earnings guarantee represent a different method of payment from piece rates without earnings guarantee, and should be listed separately.
 - Base rates with bonuses should also be shown separately from base rates without bonuses. Piece rates should not be converted into hourly rates; likewise, hourly rates should not be converted into piece rates. Units of payment should not be expressed in the form of a range or scale, even when the same rates are shown for different unit. For Example, if workers are receiving the same rates for different units, such as .25 for a 40 pound box and .25 for a 50 pound box of apples, the rates for each weight unit should be listed separately. However, it is permissible to show a range or scale of units of payment when, and only when, the data cannot

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be obtained from the original source in any other manner; e.g., when an employer states that a single rate is paid for varying size containers.

- When shift, daily, weekly or monthly wages are paid, show the approximate number of hours worked in the time for which the rate is paid.

Column B. Enter on the appropriate lines in Column B the method of payment made to the number of U.S. workers reported by employers to whom each rate in Column A is applicable.

Column C. Enter on the appropriate lines in Column C the number of U.S. workers reported by employers to whom each rate in Column A is applicable. Avoid double counting.

Section 4

Calculated Prevailing Wage Rate Finding(s)

Calculate and enter the actual wage rate which has been found to be prevailing among the U.S. workers who were employed in the crop/agricultural commodity and occupation/activity covered in the survey during the reporting period. If workers are used interchangeably for more than one activity in a crop/agricultural commodity, there may be more than one wage finding, i.e., pick, pick-load. Each activity/occupation should be reported on a separate ETA-232. The prevailing wage rate finding should be a single rate unless an equal number of workers receive two different methods of pay. If this occurs, the prevailing rate for each method should appear in the wage finding.

The State agency shall make the prevailing wage rate findings based upon the collected wage information and in conformity with the following:

- (a) 40 percent rule.** A single rate or schedule which accounts for the wages paid to 40 percent or more of the seasonal U.S. workers in a single crop activity is the prevailing rate. If there are two such rates or schedules, the one accounting for the greater number of seasonal U.S. workers becomes the prevailing rate. If two rates or schedules are being paid to the same number of workers and each rate accounts for at least 40 percent of the workers, then both rates or schedules are prevailing.
- (b) 51 percent rule.** If no single rate or schedule accounts for 40 percent or more of the workers and the rates are all in the same unit of payment (e.g., per lb.), array the rates in descending order and then count the cumulative number of workers, starting with the lowest in the array, until 51 percent of the workers covered in the survey are included. The rate reached at this point is the prevailing wage rate. (Rates such as per bushel and per 1 ¼ bushel box represent different units of payments).
- (c) More than one unit of payment.** If no single rate is being paid to at least 40 percent of the workers in a single crop activity and there is more than one unit of payment, such as per 1 bushel and per 1 1/8 bushels, determine the unit which is applicable to the largest number of workers. Using this unit of payment, determine the prevailing rate in accordance with (a) or (b) above. If there are different units of payment, each one accounting for an equal number of workers, make a separate prevailing rate finding for each unit.
- (d) Special procedures and requirements for base rate-bonus combinations:**
 - (1) For wage rates that include bonus rates in the same units as the base rates (e.g., 25 cents per box plus a 5-cent bonus per box), add the bonus to the base rate, in each case, to determine the gross rate. Array the gross rates including the piece rates within each gross rate in descending order. Each base rate and bonus combination and each piece rate without bonus will be considered separate rates for purposes of determining the prevailing rate. For wage rates that include bonus rates in units different from the base unit (e.g., \$1.10 per hour plus 40 cents per box) treat each such rate and bonus arrangement as a different unit of payment. After the above steps are taken, the prevailing wage rate finding should be made as described in paragraphs (a), (b), or (c) above, whichever is applicable to the situation.
 - (2) Wage offers that include bonus rates in the same units as the base rates must include a base rate component not less than the base rate component of the prevailing wage. The following example is illustrative:

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Rate (per box)	Gross Rate	Number of Workers
Total		1,000
.20 + .02 bonus	.22	100
.17 + .04 bonus	.21	50
.20 + (no bonus)	.20	150
.18 + .02 bonus	.20	250
.17 + .03 bonus	.20	300
.16 + .04 bonus	.20	100
.19 + (no bonus)	.19	50

Using the 51-percent rule (since no single rate accounts for 40 percent of the workers), the prevailing wage rate is .20 per box including a base rate of .18. The rate of .17 + .03 bonus and .16 + .04 bonus equal the .20 prevailing gross rate, and the rate of .17 + .04 bonus exceeds it, but they are not acceptable for clearance orders because the base rates are less than the prevailing base rate of .18.

Section 5

Productivity and Average Hourly Earnings of Piece Rate Workers

- Column A. Enter all wage rates being paid to piece rate workers during the survey period.
Column B. Enter the unit of payment made to the number of U.S. workers reported by employers to whom each rate in Column A is applicable.
Column C. Enter the number of U.S. workers reported by employers to whom each rate in Column A is applicable.
Column D. Enter the total number of hours worked by the workers in Column C.
Column E. Enter the total number of units (specified in Column B) produced by the workers in Column C during the total hours worked (Column D).
Column F. Enter the average hourly earnings based on production.

Section 6

Comments

- Use for any pertinent explanation of developments during the survey or reporting period which require clarification, e.g.:
- Why no wage finding is made.
 - Increase or decrease in prevailing rate from comparable period of previous year.
 - Factors which will aid the National Office in its interpretation of the data.
 - Deviations from standard operating procedures or instructions.
 - Use of weighting procedures to arrive at a prevailing wage finding.
 - Description of prerequisite arrangements included in work agreements. Prerequisites are not counted as part of wages and should not be included in Item 4 of Form ETA - 232.

Section 7

State Workforce Agency Prevailing Wage Survey Point of Contact

- Name** - Enter the name of the State Workforce Agency point of contact.
Title - Enter the title of the State Workforce Agency point of contact.
Mailing Address - Enter the street address of the State Workforce Agency point of contact.
City - Enter the name of the city of the State Workforce Agency point of contact.
State - Enter the name of the State.
Telephone Number - Enter the area code and telephone number of the State Workforce Agency point of contact.
E-mail - Enter the e-mail address of the State Workforce Agency point of contact in the format name@emailaddress.top-level domain.

Wage Survey Interview Record
ETA Form 232A
U.S. Department of Labor
Employment and Training Administration



WAGE SURVEY INTERVIEW RECORD
GENERAL INSTRUCTIONS

This form shall be completed during the actual prevailing wage survey contacts for transfer to the ETA 232 form. It should be maintained in a confidential manner since it identifies specific employers and contain information which is confidential in nature. All items on the form are to be completed with no change in the format. If the space provided on the form for any item is not adequate, complete information should be provided on a separate attached sheet, with the item(s) numbered to correspond to those on the form.

Name of the Wage Reporting Area - Enter the name of the wage reporting area and State.

State - Enter the name of the State.

Crop/Agricultural Commodity - Enter all crops or agricultural commodities involved in the survey, i.e., apples, honey, sheep, etc.

Occupation/Activity - Enter surveyed occupation or activity associated with the crop or commodity identified above, i.e., harvester, herder, shearer, etc.

Name of Employer - Enter full name of the surveyed employer.

Active Acreage of Total Production - Enter the approximate number of acres of estimated production, etc., (as appropriate as an indication of the size, or relative significance of the employers operation to the crop activity.

Method of Contact - Indicate the method of contact, i.e., personal visit, telephone contact, etc.

Name of Interviewer - Enter the name of the person who conducted the interview.

Date of Survey - Enter the date the survey was completed.

Part 1

Number of U.S. Workers in Crop Activity by Rate

Column A. Enter the wage rate.

Column B. Enter on the appropriate lines in Column B the method of payment made to the number of U.S. workers reported by employers to whom each rate in Column A is applicable.

Column C. Enter on the appropriate lines in Column C the total number of U.S. workers reported by employers to which each rate in Column B is applicable.

Part 2

Productivity and Average Hourly Earnings of Piece Rate Workers.

Note: Columns A, B, C and D may, in some instances, be obtained from payroll records or field tally sheets. Do not include information pertaining to youth under 16 years of age.

Column A. Enter all wage rates being paid to piece rate workers during the survey period.

Column B. Enter the unit of payment made to the number of U.S. workers reported by employers to whom each rate in Column A is applicable.

Column C. Enter the number of U.S. workers reported by employers to whom each rate in Column A is applicable.

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Column D. Enter the total number of hours worked by the workers in Column C.

Column E. Enter the total number of units (specified in Column B) produced by the workers in Column C during the total hours worked (Column D).

Column F. Enter average hourly earnings based on production.

Part 3

Comments

Enter variables affecting rates, crop conditions, or other explanatory and pertinent information. Describe variables affecting rates. If a variation in wage rates is reported in Section 1, explain the factors responsible for the variation, such as differences in yield and field conditions. Also discuss variations in the methods or units of payment. Unexplained statements are of no value.

List the rate found prevailing in the previous season. If a standard schedule of rates applied, attach a copy of the schedule or cross reference to the schedule if previously submitted.

Other. Use for any pertinent explanation of developments during the survey or reporting period which require clarification, e.g.:

- Why no wage finding is made.
- Increase or decrease in prevailing rate from comparable period of previous year.
- Factors which will aid the National Office in its interpretation of data.
- Deviations from standard operating procedures or instructions.
- Use of weighting procedure to arrive at a prevailing wage finding.
- Description of perquisite arrangements included in work agreements. Perquisites are not counted as part of wages and should not be included in Item 4 of Form ETA – 232.

Part 4

State Workforce Agency Point of Contact

Name - Enter the name of the State Workforce Agency point of contact.

Title - Enter the title of the State Workforce Agency point of contact.

Mailing Address - Enter the street address of the State Workforce Agency point of contact.

City - Enter the name of the city of the State Workforce Agency point of contact.

State - Enter the name of the State.

Telephone Number - Enter the area code and telephone number of the State Workforce Agency point of contact.

E-mail - Enter the e-mail address of the State Workforce Agency point of contact in the format name@emailaddress.top-level domain.



Wage Survey Interview Record
 ETA Form 232A
 U.S. Department of Labor
 Employment and Training Administration

Name of the Wage Reporting Area: Springfield State: TN
 Crop/Agricultural Commodity: Dark Fire Tobacco
 Occupation/Activity: Harvester, Tobacco
 Name of Employer: M+H Farms Inc
 Employer Address: 1919 Wholson Rd
 Active Acreage of Total Production: 80 Method of Contact: Hull Cotton Receiving
 Interviewer: Lance Butler Date of the Survey: 10/22/15

1. Number of U.S. Workers Employed in Crop Activity/Occupation by Rate

Provide all wage rates, applicable unit of payment (e.g. per hour) and the number of U.S. workers receiving each wage as reported by the surveyed employer.

Wage Rate(s) (\$) A	Unit (e.g., per hour) B	Number of U.S. Workers C
\$ 14.00	hr	3
\$		
\$		
\$		
\$		
\$		
\$		
\$		

2. Productivity and Average Earnings of Piece Rate Workers

Complete the table below only if the employer reported productivity standards and payments to U.S. workers based on piece rates.

Rate Amount per Unit		Number of U.S. Workers C	Number of Hours Worked D	Total Units of Production E	Average Hourly Earnings F
Rate(s) A	Unit(s) B				
\$					\$
\$					\$
\$					\$
\$					\$
\$					\$
\$					\$

Wage Survey Interview Record
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3. Comments

Describe variables affecting rates, crop conditions or other explanatory and pertinent information:

Employed works drive semi-trucks, combines
and planters

4. State Workforce Agency Point of Contact

Provide a State Workforce Agency point of contact for the information provided on this form.

Name: Lance Butler Title: State Workforce Agent
Mailing Address: 220 French Landing Dr
City: Nashville State: TN Zip Code: 37243
Telephone Number: 615-741-5671 E-mail: lance.butler@tn.gov



Wage Survey Interview Record
 ETA Form 232A
 U.S. Department of Labor
 Employment and Training Administration

Name of the Wage Reporting Area: Springfield State: TN
 Crop/Agricultural Commodity: Dark Fire Tobacco
 Occupation/Activity: Harvester, Tobacco
 Name of Employer: Teasley Farms
 Employer Address: 3144 Gause Rd
 Active Acreage of Total Production: 140 Method of Contact: Haul + Cotton Receiving
 Interviewer: Lance Butler Date of the Survey: 10/22/15

1. Number of U.S. Workers Employed in Crop Activity/Occupation by Rate

Provide all wage rates, applicable unit of payment (e.g. per hour) and the number of U.S. workers receiving each wage as reported by the surveyed employer.

Wage Rate(s) (\$) A	Unit (e.g., per hour) B	Number of U.S. Workers C
\$ 32,000	salary	2
\$		
\$		
\$		
\$		
\$		
\$		
\$		
\$		

2. Productivity and Average Earnings of Piece Rate Workers

Complete the table below only if the employer reported productivity standards and payments to U.S. workers based on piece rates.

Rate Amount per Unit		Number of U.S. Workers C	Number of Hours Worked D	Total Units of Production E	Average Hourly Earnings F
Rate(s) A	Unit(s) B				
\$					\$
\$					\$
\$					\$
\$					\$
\$					\$
\$					\$

Wage Survey Interview Record
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3. Comments

Describe variables affecting rates, crop conditions or other explanatory and pertinent information:

None. Employed workers are farm farmhands
and are employed year round.

4. State Workforce Agency Point of Contact

Provide a State Workforce Agency point of contact for the information provided on this form.

Name: Lance Butler Title: State Workforce Agent

Mailing Address: 220 French Landing Dr

City: Nashville State: TN Zip Code: 37243

Telephone Number: 615-741-5671 E-mail: lance.butler@tn.gov



Wage Survey Interview Record
 ETA Form 232A
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Name of the Wage Reporting Area: Springfield State: TN
 Crop/Agricultural Commodity: Dark Fire Tobacco
 Occupation/Activity: Harvester, Tobacco
 Name of Employer: Head + Winters Farm
 Employer Address: 1575 Stroudsville Rd
 Active Acreage of Total Production: 36 Method of Contact: Tobacco receiving Station
 Interviewer: Lance Butler Date of the Survey: 10/22/15

1. Number of U.S. Workers Employed in Crop Activity/Occupation by Rate

Provide all wage rates, applicable unit of payment (e.g. per hour) and the number of U.S. workers receiving each wage as reported by the surveyed employer.

Wage Rate(s) (\$) A	Unit (e.g., per hour) B	Number of U.S. Workers C
\$ 10.25	hr	1
\$		
\$		
\$		
\$		
\$		
\$		
\$		
\$		

2. Productivity and Average Earnings of Piece Rate Workers

Complete the table below only if the employer reported productivity standards and payments to U.S. workers based on piece rates.

Rate Amount per Unit		Number of U.S. Workers C	Number of Hours Worked D	Total Units of Production E	Average Hourly Earnings F
Rate(s) A	Unit(s) B				
\$					\$
\$					\$
\$					\$
\$					\$
\$					\$
\$					\$

Wage Survey Interview Record
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3. Comments

Describe variables affecting rates, crop conditions or other explanatory and pertinent information: _____

4. State Workforce Agency Point of Contact

Provide a State Workforce Agency point of contact for the information provided on this form.

Name: Lance Butler **Title:** State Workforce Agent

Mailing Address: 220 French Landing Dr

City: Nashville **State:** TN **Zip Code:** 37243

Telephone Number: 615-741-5671 **E-mail:** lance.butler@tn.gov

WAGE FINDING PROCESS

Domestic Agricultural In-season Wage Finding Process. Accurate farm wage data are essential to the effective operation of the Public Employment Service in serving farm employers and farm workers and in implementing the Secretary's regulations on the intra/interstate recruitment of farm workers. (20 CFR 653.501)

Included in this process is the planning of surveys, the actual surveys, the compilation of data gathered and the prevailing wage findings.

This Section includes:

- . Special definitions relating to the wage finding process.
- . Standards for preparation of agricultural wage surveys.
- . Information on the collection of wage information.
- . Standards for making the prevailing wage rate findings.
- . Applicability of prevailing wage rates to employer orders.
- . Information on the plan for agricultural wage surveys.
- . Instructions for the completion of the Wage Survey Interview Record. (ETA 232A)
- . Instructions for the completion of the Domestic Agricultural In-season Wage Report. (ETA 232)

WAGE FINDING PROCESS

I. SPECIAL INSTRUCTIONSA. Definitions

1. Crop Activity. This refers to the job actually being performed in a specific crop at time of survey. A single job title, such as "harvest", may apply to the entire crop activity. On the other hand, different stages of the harvest, such as "cotton, 1st pick, 2nd pick, and strip", may be involved; or, a different use of the commodity such as "tomatoes, fresh" or "tomatoes, canning." In such cases, the important consideration is whether the work is different enough to cause the wage structure to be different.

Some crop activities involve a number of separate and distinct operations. Thus, in harvesting tomatoes, some workers pick the tomatoes and place them in containers while others load the containers into trucks or other conveyances. Separate wage rates are usually paid for individual operations or combinations of operations. For the purposes of this report, each operation or job related to a specific crop activity for which a separate wage rate is paid should be identified and listed separately.

2. Wage Reporting Area. The agricultural reporting area as defined for the purpose of ETA-223 reports will be used as the basic unit in making wage surveys. In some instances, it may be found that subareas are justifiable because of substantial dissimilarities in crop or related conditions within the agricultural reporting area. Upon approval by the regional office, an area which is not congruent with a standard agricultural reporting area may be designated as a wage reporting area.
3. Prevailing Wage Rate Finding. The finding is the formal announcement of the prevailing wage rate made after adequate wage data have been collected and the prevailing rate has been determined.

B. Standards for Preparation of Agricultural Wage Surveys

1. Area of coverage. The agricultural reporting area is the basic geographic area in which wage information is collected.

WAGE FINDING PROCESS

2. Planning surveys. A review of seasonal crops should be made by each State agency well in advance of anticipated farm labor needs. In those crops and activities which meet, or are expected to meet, the conditions specified below, plans should be made for scheduled field surveys to determine the prevailing wages. State agency plans need not be forwarded to the national office, but one copy should be sent to the appropriate regional office.

3. Representativeness of wage rates. Before conducting a survey, the State agency should assure itself that the planned sample will yield data which will be representative of the wage rates paid in the crop activity.

Without regard to whether employers do or do not utilize the facilities of the Job Service, the wage survey sample should include workers of small, medium and large employers of domestic workers from all sectors of the area being surveyed, and should be selected by probability sampling methods. In constructing a sample, the following general guide should be observed:

<u>Number of workers in crop activity in area</u>	<u>Sample size (percent of workers)</u>
100 - 349	100
350 - 499	60
500 - 799	50
800 - 999	40
1000 - 1249	35
1250 - 1599	30
1600 - 2099	25
2100 - 2999	20
3000 or more	15

C. Collection of Wage Information

1. Frequency and duration of wage surveys. State agencies should:
 - a. Make surveys at least once per season in any crop activity in a wage reporting area in which:
 - (1) One hundred (100) or more workers were employed in the previous season, or are expected to be employed in the current season;
 - (2) Foreign workers were employed in the previous season, or employers have requested or may be expected to request foreign workers in the current season, regardless of the number of workers involved;
 - (3) The crop activity has an unusually complex wage structure, or there are other factors affecting the prevailing wage which can best be determined by a wage survey; or
 - (4) The crop or crop activity has been designated by the national office as a major crop or crop activity, either because of the importance of the production of this crop to the national economy or because large numbers of workers are employed in the crop activity in a number of different areas in the country.
 - b. Wage data should be collected often enough to promptly reflect changes in wage rates and to permit current prevailing wage rate findings to be made applicable to the employment of the agricultural workers.
 - c. Surveys should be made in accordance with the preseason survey schedule set up by each State agency. Should a survey not result in a prevailing wage rate finding, another survey should be made at the earliest appropriate time. A report must be submitted for each survey, whether or not it results in a finding. The reason for not making a finding should be explained.
 - d. Surveys should normally be completed within 3 days unless there is prior regional office approval, the survey period should not exceed 1 week.

WAGE FINDING PROCESS

2. Method of Collection and Sources of Wage Survey Information.

All wage surveys must include a substantial number of personal employer interviews. Survey information obtained from employers may be supplemented to a limited extent by telephone or mail contacts. Under certain conditions, employer contacts by mail or by telephone may be made, in lieu of personal field contacts, but the State agency must assure itself that information gathered in this manner is representative of the rates being paid in the crop activity. Data supplied by employers must be verified through worker interviews. An average of 10 percent of the workers included in the sample for each wage survey must be interviewed. This 10 percent representation should be drawn from workers of as many as possible of the employers interviewed.

Specific sources for the collection of wage information are:

- a. Employers (including individual association members if the members are paying the workers directly).
 - b. Crew leaders and labor contractors.
 - c. Families.
 - d. Individual workers.
 - e. Local office records of filled orders.
 - f. Other Government agencies.
 - g. Local organizations which may have significant information to contribute on farm wages.
3. Prevailing Wage Rate Findings. The State agency shall make the prevailing wage rate findings based upon the collected wage information and in conformity with the following:
- a. 40 percent rule. A single rate or schedule which accounts for the wages paid to 40 percent or more of the domestic seasonal workers in a single crop activity is the prevailing rate. If there are two such rates or schedules, the one accounting for the greater number of domestic seasonal workers becomes the prevailing rate. If two rates or schedules are being paid to the same number of workers and each rate accounts for at least 40 percent of the workers, then both rates or schedules are prevailing.

WAGE FINDING PROCESS

- b. 51 percent rule. If no single rate or schedule accounts for 40 percent or more of the workers and the rates are all in the same unit of payment (e.g., per hour, per lb.), array the rates in descending order and then count the cumulative number of workers, starting with the lowest in the array, until 51 percent of the workers covered in the survey are included. The rate reached at this point is the prevailing wage rate. (Rates such as per bushel and per 1 1/4 bushel box represent different units of payments).
- c. More than one unit of payment. If no single rate is being paid to at least 40 percent of the workers in a single crop activity and there is more than one unit of payment, such as 1 bushel and 1 1/8 bushels, determine the unit which is applicable to the largest number of workers. Using this unit of payment, determine the prevailing rate in accordance with (a) or (b) above. If there are different units of payment, each one accounting for an equal number of workers, make a separate prevailing rate finding for each unit.
- d. Special procedures and requirements for base rate-bonus combinations are:
- (1) For wage rates that include bonus rates in the same units as the base rates (e.g., 25 cents per box plus a 5-cent bonus per box), add the bonus to the base rate, in each case, to determine the gross rate. Array the gross rates including the piece rates within each gross rate in descending order. Each base rate and bonus combination and each piece rate without bonus will be considered separate rates for purposes of determining the prevailing rate. For wage rates that include bonus rates in units different from the base unit (e.g., \$1.10 per hour plus 40 cents per box) treat each such rate and bonus arrangement as a different unit of payment. After the above steps are taken, the prevailing wage rate finding should be made as described in paragraphs a, b, or c above, whichever is applicable to the situation.
 - (2) Wage offers on intra-interstate clearance orders must include a base rate component not less than the base rate component of the prevailing wage. The following example is illustrative:

WAGE FINDING PROCESS

<u>Rate (per box)</u>	<u>Gross Rate</u>	<u>Number of Workers</u>
Total		1,000
20¢ + 2¢ bonus	22¢	100
17¢ + 4¢ bonus	21¢	50
20¢ + (no bonus)	20¢	150
18¢ + 2¢ bonus	20¢	250
17¢ + 3¢ bonus	20¢	300
16¢ + 4¢ bonus	20¢	100
19¢ + (no bonus)	19¢	50

Using the 51-percent rule (since no single rate accounts for 40 percent of the workers), the prevailing wage rate is 20¢ per box including a base rate of 18¢. The rate of 17¢ + 3¢ bonus and 16¢ + 4¢ bonus equal the 20¢ prevailing gross rate, and the rate of 17¢ + 4¢ bonus exceeds it, but they are not acceptable for clearance orders because the base rates are less than the prevailing base rate of 18¢.

4. Publication of Prevailing Wage Rate Findings. The State agency should publish in its Farm Labor Information Bulletin the results of prevailing wage rate findings. For those crop activities in which the prevailing wage rate finding for either "instate" or "interstate" workers is higher than the "all worker" finding, all three rates shall be published. Wage rate findings are subject to review and revision by the ETA national office.
5. Prevailing Wage Rate Applicability to Employer Orders for Workers.
 - a. The wage rate offered on intrastate clearance orders should not be less than the "in-state rate".

The wage rate offered on orders placed in interstate clearance for domestic agricultural workers should not be less than the "all workers rate," the "in-state rate," or the "interstate rate," whichever is highest, for the crop activity in the area of employment. However, for activities paid on a piece-rate basis, the State agency may accept job orders which offer rates at methods of payment differing from that specified in the prevailing wage findings, when the employer making such an offer can

WAGE FINDING PROCESS

demonstrate to the appropriate Regional Administrator that the proposed method and rate are designed to produce earnings which are no less favorable than those experienced under the prevailing method of payment.

- b. The Secretary's regulations in 20 CFR 655, governing applications for foreign workers for temporary agricultural employment in the United States under the Immigration and Nationality Act, require that employers seeking such workers offer and pay to domestic and alien workers a wage no lower than the highest of the adverse effect rate, the prevailing wage for the occupation in the area of intended employment, or the Federal, State, or local statutory minimum wage applicable to the occupation.

PLAN FOR AGRICULTURAL WAGE SURVEY

Title: PLAN FOR AGRICULTURAL WAGE SURVEYS

Form Number: N/A — Narrative Plan

Frequency: Once each season by each State agency for each crop activity in which: 100 or more workers were employed in the previous season; foreign workers (regardless of number) were employed in the previous season or are expected to be employed in the current season; the crop activity has an unusually complex wage structure or the crop or crop activity has been designated as a major crop or crop activity by the national office.

Purpose and Content: To provide ETA regional offices with State agency plans for the conduct of Agricultural Wage Surveys. Each plan identifies the agricultural areas covered and the specific crop activity, sampling criteria to be used in the survey, and any special information deemed necessary for regional office use.

Prepared by: State central office staff

Distribution: The original and one copy to the regional office 30 days prior to the initial employment of workers.

Completion Instructions: Line-by-line instructions appear on the pages following this summary.

PLAN FOR AGRICULTURAL WAGE SURVEY

I. Special Instructions

- A. Each State agency which expects workers to be employed in agriculture in that State under one or more of the conditions specified in paragraph one of the summary page, is to prepare and submit to the ETA regional office one or more Plans for Agricultural Wage Surveys. The State agency may include in a single plan as many wage reporting areas and activities as feasible.
- B. A plan for activities need be submitted only once a year. Partial changes in a plan may be made through an amendment; comprehensive changes should be submitted through a new plan.
- C. Normally, the boundaries of the wage reporting area will be the same as those of the agricultural reporting area and no additional information will be required. However, where a State agency wishes to establish a wage reporting area which is not the same as an agricultural reporting area, the following information is required:
 1. The boundary description which would be in terms of counties, where applicable. Where the boundaries are not county lines:
 - a. Give a more detailed description; e.g., "All of the Southern half of Finster County bounded on the northeast by Highway 72, on the north central by Army installation, and on the northwest by the Wachiver River."
 - b. Attached to each copy of the plan a map showing the boundaries. If a map showing the same geographic area has been submitted for another wage reporting area, a cross reference can be substituted for the map.
 2. The local offices in the area.
 3. The name and number of the agricultural reporting area(s) in which the wage reporting area is located.
- D. A Plan for Agricultural Wage Surveys should be amended when previously reported conditions or procedures change. Each amendment would be identified by a current date and a reference to the plan number to which it applies; e.g., "July 15, 1981, amendment to Plan No. 2."

PLAN FOR AGRICULTURAL WAGE SURVEY

II. Preparation Of Plan

- A. Heading of Plan. At the top of the first page of each plan or amendment enter the following identifying information:
1. Number and title of the report; i.e., "Plan for Agricultural Wage Surveys (of the ETA-232 report)," and "Amended" as necessary.
 2. Name of State
 3. Date plan was prepared
 4. Plan number. All plans should be numbered consecutively in the order of submittal; e.g., Plan No. 1, Plan No. 2. If a State agency has only one plan to cover all activities in all wage reporting areas, it should be identified as Plan No. 1. Each amendment should be identified with the number of the plan to which it relates.
- B. Items to Be Included in Plan for Each Wage Reporting Area. Give the following information for each area which the plan covers:
1. Name. The area name is assigned by the State agency. It should be short and descriptive and should identify both the area and the crop (e.g., Yuma Melon).
 2. Number (if assigned). The wage reporting area number is the number assigned by the National Office for identification purposes. Show this item as "not assigned" if no number has been assigned, or if the boundary or crop activity has been changed.
 3. Crop activity. The terms used should adequately describe the activities and should be consistent with those in section A of the ETA-223 reports. For each multicrop area, specify each of the crop activities covered, and give the following information for each:
 - a. The estimated beginning and ending dates for the crop activity and the period of peak activity.
 - b. The estimated number of workers required to work in the crop activity during the peak period.

PLAN FOR AGRICULTURAL WAGE SURVEY

C. Sampling Information

1. Specify the criteria to be used in selection of the sample to make sure that the survey will yield representative results. Indicate the size of the sample which will be used under varying conditions and the major area characteristics which will have a bearing on the wage rates paid in the crop activity.
2. Describe the sources and methods to be used in collecting the sample data from employers and through direct contact with the workers.

If the sampling criteria will vary under different conditions or for different crops, identify the wage reporting areas and crop activities to which these variations apply.

D. Comments

1. Explain any special situations or conditions not otherwise accounted for in the plan which will be helpful in interpreting the data reported.
2. Explain any instances where the reporting instructions have not been followed in completing the items in the plan.

ETA 232A

Title: WAGE SURVEY INTERVIEW RECORD

Form Number: ETA 232A

Frequency: As needed. A record should be used for each employer contacted in the Wage Survey Process.

Purpose and Content: To provide accurate farm wage data which are essential to the effective operation of the Job Service in serving farm employers and farm workers. These data are used to implement the Secretary's regulation on the intra-interstate recruitment of farm workers, evaluate job orders and facilitate recruitment and placement, and make earnings analyses. This record identifies, by crop area and crop activity, wage rates paid to, and number of, domestic and foreign workers, and data related to productivity and average hourly earnings of piece rate workers.

Prepared by: Job Service Staff

Distribution: None. Used for preparing Form ETA 232, Domestic Agricultural Inseason Wage Report.

Completion Instructions: Line-by-line instructions appear on the pages following the form.

- I. Special Instruction. This form shall be completed during the actual prevailing wage survey contacts for transfer to the ETA 232 form. It should be maintained in a confidential manner since it identifies specific employers and contain information which is confidential in nature.
- II. Preparation of the Wage Survey Interview Record. All items on the form are to be completed with no change in the format. If the space provided on the form for any item is not adequate, complete information should be provided on a separate attached sheet, with the item(s) numbered to correspond to those on the form.
 - A. Heading of Record
 1. Item 1, Area. Enter the wage reporting area number.
 2. Item 2, Crop. Enter the crop involved in the survey, i.e., apples, cotton.
 3. Item 3, Date. Enter the date of the contact with the employer.
 4. Item 4, Time. Enter time of the contact.
 5. Item 5, Active Acreage or Total Production. Enter the approximate number of acres of estimated production, etc., (as appropriate as an indication of the size, or relative significance of the employers operation to the crop activity.
 6. Item 6, Percent Completed. Enter the estimated percentage of the crop activity which has been completed.
 7. Item 7, Method of Contact. Indicate the method of contact, i.e., personal visit, telephone contact, etc.
 8. Item 8, Name of Employer. Self-explanatory.
 9. Item 9, Address. Self-explanatory.
 10. Item 10, Number of Foreign Workers. Enter the number of contract foreign workers employed by the employer.

1. Area	2. Crop	U.S. DEPARTMENT OF LABOR Employment and Training Administration	3. Date	4. Time
5. Active Acres of Total Production	6. Percent Completed	WAGE SURVEY INTERVIEW RECORD	7. Method of Contact	
8. Name of Employer		9. Address (No., St., City, State, ZIP Code)		10. No. of Foreign Workers
11. Interviewer			12. Local Office Address	

PART I. NUMBER OF DOMESTIC HIRED WORKERS IN CROP ACTIVITY BY RATE

CROP ACTIVITY	RATE <i>(Amount Per Unit)</i>	TOTAL	INSTATE <i>(Local and Intrastate)</i>	INTERSTATE <i>(Including Contral Puerto Rican)</i>
A.	B.	C.	D.	E.

PART II. PRODUCTIVITY AND AVERAGE HOURLY EARNINGS OF PIECE RATE WORKERS

RATE AMOUNT FOR UNIT		NUMBER		TOTAL UNITS OF PRODUCTION	AVERAGE HOURLY EARNINGS	WORKER INTERVIEWS	
		Workers	Hours Worked			Number	Average Hourly Earnings
Rate	Unit	B	C	D	E	F	G

PART III. VARIABLES AFFECTING RATES, CROP CONDITIONS, OR OTHER EXPLANATORY AND PERTINENT INFORMATION

NAME OF PERSON INTERVIEWED			POSITION	DATE
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11. Item 11, Interviewer. Enter the name of the interviewer who actually obtained the information.
12. Item 12, Local Office Address. Self-explanatory.

B. Record Items

1. Part I, Number of Domestic Hired Workers in Crop Activity by Rate.
 - a. Column A, Crop Activity. Enter the crop activity being surveyed.
 - b. Column B, Rate. Enter all wage rates, including schedules of rates being paid during the survey period. (If rates are different for youth, do not include these rates but explain in Part III.)
 - c. Column C, Total. Enter on the appropriate lines in Column C the total number of domestic hired workers reported by employers to whom each rate in Column B is applicable.
 - d. Column D, Instate and Column E, Interstate. Distribute in these columns the number of workers listed in Column C who meet the ETA Glossary definition of the type of farm workers specified in the heading of each Column. Those whose origin is not known should be entered in Column D. (D + E = C)
2. Part II, Productivity and Average Hourly Earnings of Piece Rate Workers. (Columns A, B, C and D may, in some instances, be obtained from payroll records or field tally sheets). (Do not include information pertaining to youth under 16 years of age).
 - a. Column A, Rate. Same as Part I, Column B., Unit - of production
 - b. Column B, Number of Workers. Enter the number of workers in each category in Column A.
 - c. Column C, Number of Hours Worked. Enter the total number of hours worked by the workers in each category in Column A.
 - d. Column D, Total Units of Production. Enter the total number of units (specified in Column A) produced by the workers in Column B during the total hours worked.

DOMESTIC AGRICULTURAL INSEASON WAGE REPORTI. Special Instructions - None.II. Presentation of the Report

All items on the form are to be completed with no change in the format. However, the report may be supplemented by the inclusion of additional material. If the space provided on the form for any item is not adequate, complete information should be given on a separate attached sheet, with the item(s) numbered to correspond to those on the form. All items should be checked for completeness and accuracy before transmittal.

A. Heading of Report

1. Wage Reporting Area. Enter the area name as assigned by the State agency.
2. Wage Reporting Area Number. Enter the number as assigned by the National Office.
3. Crop and Activity. Enter the crop and specific job of workers at the time of the survey, i.e., cotton, 2nd pick.
4. State. Enter the name of the State.
5. Survey period. Show the period for which the reported wage rate information in item 4 was obtained.
6. Date of finding. Enter the date on which the prevailing wage rate finding was made.

B. Report Items

1. Item 1, Prevailing wage rate finding. Enter the rate or standard schedule of rates which has been found to be prevailing among the domestic hired workers in each of the categories (all workers, instate, and interstate workers) who were employed in the crop activity covered in the survey. Should the number of workers in either the instate or the interstate category be less than 25 percent of the total number of workers in the sample, no wage finding for the smaller category shall be made. If workers are used interchangeably for more than one activity in a crop, there may be more than one wage finding; i.e., pick, pick-load. Each crop activity should be reported on a separate ETA-232. The

prevailing wage rate finding should be a single rate unless an equal number of workers receive two different methods of pay. If this occurs, the prevailing rate for each method should appear in the wage finding. For base rate-bonus combinations, the basis upon which the bonuses are paid (e.g., end-of-season) should be indicated in item 6a of the report.

2. Item 2, Estimated number of employers and employees in crop activity.

- a. Item 2a, Employers. Enter an estimate of the total number of employers in the reporting area who were engaged in the crop activity during the survey period.

The objective is to develop employment estimates in terms of agricultural operations under a single management which performs all of the following functions: hires the workers, establishes the wage level, and pays the wages. Employers may include growers, buyer-shipper-packers, labor contractors, labor or commodity associations, and others.

When local office operating records are used, the estimates will likely be in terms of employers. When other records, such as those available from the USDA Agricultural Stabilization and Conservation Service (ASCS) are used, the data on farm units available from these sources should be adjusted to the extent possible to correspond with the employer concept. (For example, ASCS farms with no employment of hired workers should be excluded; the basis for exclusion may be those farms estimated to be less than a specific minimum of acres.)

In any case, the rationale on which employers are excluded should be consistent for all ETA 232 reports for a reporting area within a season.

- b. Item 2d, Contract Foreign Workers. Enter the number of foreign nationals legally contracted for temporary work in the crop activity.

- c. Total Domestic Hired Workers. Enter an estimate of the total number of domestic hired workers in the reporting area who were employed in the crop activity covered by the survey. Distribute this number in sub-items (1), (2), and (3) according to the type of worker.
3. Item 3, Employers contacted. Enter the actual number of employers from whom information about rates was obtained, and the percent this number is of all employers (Item 2a) who had domestic hired workers in the crop activity during the survey period.
4. Item 4, Number of domestic hired workers in sample, by rate.
- a. Rate (Amount per Unit) - Column 1. Enter all wage rates, including schedules, being paid during the survey period.
- (1) List each different rate paid to hired workers covered in the survey in descending order and grouped by method of pay.
 - (2) When a standard schedule is found to be paid by an employer, enter the word "schedule" on a single line in Column 1 just as if it were a separate rate. A copy of the schedule should be attached and a cross reference "see attached schedule" should be entered in this item.
 - (3) Rates with earnings guarantee represent a different method of payment from piece rates without earnings guarantees, and should be listed separately.
 - (4) Base rates with bonuses should also be shown separately from rates without bonuses. Piece rates should not be converted into hourly rates; likewise, hourly rates should not be converted into piece rates. Units of payment should not be expressed in the form of a range or scale, even when the same rates are shown for different unit. For example, if workers are receiving the same rates for different units, such as 25 cents for a 40 pound box and 25 cents for a 50 pound box of apples, the rates for each weight unit should be listed separately. However, it is permissible to show a range or scale of units of payment when, and only when, the data cannot be obtained from the original source in any other manner; e.g., when an employer states that a single rate is paid for varying size containers.
 - (5) When shift, daily, weekly or monthly wages are paid, show the approximate number of hours worked in the time for which the rate is paid.

- b. Number of U.S. workers - (Columns II, III and IV)
- (1) Enter on the appropriate lines in Column II the number of domestic hired workers reported by employers to whom each rate in Column I is applicable. Avoid double counting. On the first line, enter the total for this column.
 - (2) Distribute in Columns III and IV the numbers of workers listed in Column II who meet the ETA Glossary definition of the type of farm worker specified in the heading of each column. Workers whose origin is not known should be included in Column III. On the first line enter the total for each column. The sum of these two columns should equal the total in Column II.
5. Item 5, Productivity and average hourly earnings of piece rate workers. Do not include in this section information pertaining to youth under 16 years of age.
- a. Enter in Column I all wage rates being paid to piece rate workers during the survey period.
 - b. Enter in Column II the number of workers in each category in Column I.
 - c. Enter in Column III the total number of hours worked by the workers in Column II.
 - d. Enter in Column IV the total number of units (specified in Column I) produced by the workers in Column II during the total hours worked (Column III).
 - e. Enter in Column V average hourly earnings based on production.
 - f. Enter in Column VI the number of workers personally interviewed.
 - g. Enter in Column VII the average hourly earnings reported by the workers personally interviewed.

6. Item 6, Comments

- a. Variables affecting rates. If a variation in wage rates is reported in Item 4, explain the factors responsible for the variation, such as differences in yield and field conditions. Also discuss variations in the methods or units of payment. Unexplained statements are of no value.
- b. Prevailing wage rate(s) previous season. List the rate found prevailing in the previous season. Where wage survey data are not available, supply the best possible estimates based on ETA-223 reports. If a standard schedule of rates applied, attach a copy of the schedule or cross reference to the schedule if previously submitted.
- c. Other. Use for any pertinent explanation of developments during the survey or reporting period which require clarification, e.g.:
 - (1) Why no wage finding is made.
 - (2) Increase or decrease in prevailing rate from comparable period of previous year.
 - (3) Factors which will aid the national office in its interpretation of the data.
 - (4) Deviations from standard operating procedures or instructions.
 - (5) Use of weighting procedure to arrive at a prevailing wage finding.
 - (6) Description of prerequisite arrangements included in work agreements. Prerequisites are not counted as part of wages and should not be included in Item 4 of Form ETA -232.

7. Item 7, Signature, Title and Date. Enter the signature and title of the officer responsible for the report and the date it was prepared.

Agriculture Outreach Plan PY2015

W-Wagner-Peyser (W-P) Agricultural Outreach Plan: As required in W-P regulations at 20 CFR 653.107, each State Workforce Agency (SWA) must develop an annual outreach plan (AOP), describing its strategies concerning how to contact Migrant and Seasonal Farm Workers

Assessment of need

- Tennessee's agricultural sector includes farming and related industries, as well as value-added food and fiber products, processing, and manufacturing. Tennessee's agriculture accounts for 10.5 percent of the state's economy and generates \$69.4 billion in output, which is an increase of 18.2 million from the previous year. Tennessee is ranked 3th in the United States for tobacco production, 8th for cotton production, 17th for soy bean production and 17th for corn production and ranked 9th for the number of farms. During 2014, there was a decrease of farms in the state which left Tennessee's estimated total at 67,300. Over 41 percent of Tennessee's total land area is farmland (10,867,812 million acres), with cropland accounting for approximately 49 percent of farm land. About 238,000 Tennesseans are employed in agriculture, with 127,000 connected (full and part-time) with agricultural production. The state's top five agriculture commodities, cattle/calves, soybeans, broilers, corn, and cotton and cottonseed, comprise about two-thirds of the farm-marketing cash receipts. Crop cash receipts totaled \$2.30 billion; soybeans, led those receipts with \$592 million. Tennessee's top-ranking crops are soybeans, corn, wheat, cotton, tobacco, and hay. The following chart indicates Tennessee's major intensive crop activity in 2014. Below is a graph showing the soybean production

amounts for Program Year 2014. Production estimates for TN soybeans, is measured in LB/acre

Year	State	SOYBEANS__ACRES_HARVES TED	SOYBEANS__ACRES_PLANTED N	SOYBEANS__PRODUCTIO	SOYBEANS__YIELD
2014	TENNESSEE	1,610,000	1,640,000	74,060,000	46

Source: USDA National Agriculture Statistics Service Tennessee Field Office

Previous Year MSFW Activity

Tennessee is considered a non-significant state for Migrant Seasonal Farm Workers (MSFW) as defined by the Department of Labor. This means that the state is not considered to have a large MSFW population, nor any significant local offices. Tennessee has provided job service to 9 MSFW during Program Year (PY) 2014.

Though several factors contributed to limiting the number of MSFW workers, a prominent one was the increase in H2-A workers. In 2013 agricultural employers placed 261 job orders , requesting a total of 2,227 H2-A workers. In 2014, these job orders increased to 352, requesting a total of 3,084 H2-A workers. The H-2A program continues to expand in response to employers' requests.

Projected Number of MSFW's for PY2015

Due to the increase in H2-A job orders and requests for H2-A workers, the Tennessee Department of Labor and Workforce Development (TDLWD) does not anticipate an increase in MSFWs. However, TDLWD continues to expand the electronic information and services available within Tennessee's agricultural communities. The department's Web site, www.jobs4tn.gov, contains a broad array of employment resources for job seekers and employers. The site also consistently seeks to collaborate with public agencies and organizations to leverage resources providing information about other community resources.

The department also continues to assist customers with limited English proficiency.

Comparison from previous PY year to date:

PY 2013 Agriculture Job Orders

# Of Agriculture job orders	261
# Of Agriculture openings	2,227
# Of Agriculture job orders filled by MSFW	3
% Filled	100%
# Of interstate clearance orders	41
# Of interstate clearance orders initiated	7

PY 2014 Agriculture Job Orders

# Of Agriculture job orders	352
# Of Agriculture openings	3,084
# Of Agriculture job orders filled by MSFW	9
% Filled	N/A
# Of interstate clearance orders	61
# Of interstate clearance orders initiated	7

Based on current reports and activity, we project the number of MSFWs registered in the Jobs4TN system and receiving services will continue to be less than 20. TN has a small population of MSFW's and many do not register with job services. We are increasing our efforts and outreach activities with the 167 grantee, TOPS to register more MSFW's with job services.

Outreach Services

Like years prior, Because Tennessee is considered a non-significant state, TDLWD has not received allocations for large array of MSFW-outreach resources. Thus, most of such state-outreach efforts have been implemented by the Tennessee Opportunity Programs (TOPS), 167 National Farm Worker Jobs Program (NFJP) grantees. However, TDLWD plans to continue assisting TOPS with outreach services. The following portrays the various steps leading to an active enrollment in the TOPS:

- The SWA will coordinate with local One Stop Offices to continue training and explanation of services offered
- Case managers reach out to farm communities to identify prospective candidates for the TOPS.
- Once farm workers are identified, and they demonstrate a compelling interest to obtain new skills and pursue different and more productive career tracks, intake applicants are completed.
- Eligibility documents are sought – including birth certificates, selective service registration documents, drivers' licenses, work visa, etc.
- Interviews are held, eligibility is confirmed and skill needs along with ABE and other service needs are identified. Furthermore interviews are conducted and testing of cognitive skills is established. Next an IEP is developed, then training & services are secured.
- Core services are cooperatively arranged and training providers as well as service providers are identified.

If additional services are needed that are beyond the scope of TOPS training and employment and supportive services, the clients are given referrals to other programs such as Vocational Rehabilitation, Veterans Services, or Senior Corps Programs. TDLWD's staff plans to coordinate with TOPS Directors and case managers to register MSFWs with the goal of notifying MSFWs of the services provided by TN's American Job Centers (AJCs) formerly known as One-Stop Career Centers. TDLWD will also coordinate with TOPS to use the mobile career coach units to bring TDLWD's services to MSFWs in their home communities. TDLWD plans to join the Tennessee Migrant Network Council, a coalition established by TOPS, in efforts to provide MSFWs with a more comprehensive array of resources and services. The Tennessee Monitor Advocate will collaborate with National

Farmworker Jobs Program (NFJP) grantees, public agencies, agricultural employer organizations and others in providing services to MSFWs for a cohesive continuum of services.

AJC Services To MSFW

TDLWD plans to work with TOPS case managers and other community and state agencies to locate and register more MSFWs, with our system, so that they may receive TDLWD's full array of services. TDLWD plans to:

Use the www.Job4TN.gov Web site for self and/or staff-assisted registration, collaborate with the mobile units.

Provide a process for TOPS case managers to pre-register MSFWs with the Wagner-Peyser system prior to their arrival at the AJC, to ensure that all services are offered to as many MSFWs as possible.

In addition, TDLWD will offer migrant and seasonal farm workers (MSFWs) the full range of employment services, benefits and protections, including counseling, testing, job training, and referral services. MSFWs, on a proportionate basis, shall not receive fewer services than non-MSFWs. Area office staff will consider the preferences, needs, and skills of individual MSFWs and the availability of job and training opportunities.

All office staff will make job order information clear and available to MSFWs in all local offices. This information will include Job Bank information in local offices where it is available. Such information will be made available either by computer, hard copy, or other equally effective means. Each significant MSFW local office will provide adequate staff assistance to each MSFW to use job order information effectively. In those offices designated as significant MSFW bilingual offices, such assistance will be provided to MSFWs in Spanish and English, wherever requested or necessary, during any period of substantial MSFW activity.

Public Review & Comment

TDLWD has developed the Annual AOP for PY2014 and is being submitted as a modification to the approved State Plan. TDLWD has provided the opportunity for all interested parties to review and comment on the draft PY13 Agricultural

Outreach Plan. A draft of this plan, requesting comments, has been sent to TOPS, migrant advocacy groups, and agricultural-employer organizations. The list of organizations to which the draft plan was sent follows:

The State Monitor Advocate was involved in development of the plan and approves the plan as drafted.

ORGANIZATIONS INVITED TO REVIEW THE DRAFT AGRICULTURAL OUTREACH PLAN
The WIA Section 167 grantees and other appropriate MSFW organizations and stakeholders have been afforded the opportunity to comment on this Agriculture Outreach Plan.



STATE OF TENNESSEE Department of Labor & Workforce Development • Division of Workforce Services
220 French Landing, Nashville, TN 37243 • Phone: (800) 255-5872 <http://www.tn.gov/labor-wfd/empwfd>

EMPLOYMENT AND TRAINING ADMINISTRATION ADVISORY SYSTEM U.S. DEPARTMENT OF LABOR Washington, D.C. 20210	CLASSIFICATION Foreign Labor Certification
	CORRESPONDENCE SYMBOL OFLC
	DATE April 6, 2010

ADVISORY: TRAINING AND EMPLOYMENT GUIDANCE LETTER NO. 20-09
TO: STATE WORKFORCE AGENCIES
FROM: JANE OATES *Jane Oates*
Assistant Secretary
SUBJECT: Fiscal Year (FY) 2010 Foreign Labor Certification Planning Guidance

1. **Purpose.** To provide guidance for the funding and management of FY 2010 annual grant allocations for Foreign Labor Certification (FLC) programs.

2. **References.**

- Immigration and Nationality Act (INA), as amended, 8 U.S.C. 1101(a), 1182(a)(1), (a)(7)(B)(iii), (l),(n), and (t), 1184(c), 214(a)(1), (c), (i), and 1188.
- Approval of Covenant to Establish a Commonwealth of the Northern Mariana Islands, 48 U.S.C. 1801
- Northern Mariana Islands Covenant Implementation Act, Pub. L. 94-241, Section 302.
- Consolidated Natural Resources Act, Pub. L. 110-229, 122 STAT, 865, Title VII – Northern Mariana Islands, Subtitle A-Immigration, Security, and Labor.
- Wagner-Peyser Act, 29 U.S.C. 49f(d)
- Consolidated Appropriations Act, 2010, Division D, Pub. L. 111-117
- U.S. Citizenship and Immigration Services Regulations at 8 CFR Parts 214 and 274A
- 20 CFR Parts 655, 656 and 658
- 2 CFR Part 225, Cost Principles for State, Local, and Indian Tribal Governments (OMB Circular A-87)
- OMB Circular No. A-102, Grants and Cooperative Agreements with State and Local Governments
- Employment and Training Administration (ETA) Handbook No. 385, Wage Finding Process, August, 1981
- Guide for Employment Service Reimbursable Grant Activities
- Domestic Agricultural In-Season Wage Finding Process
- Training and Employment Guidance Letter No. 04-06
Subject: Plans to Phase out Penalty Mail Costs for "Employment Security" Programs and Availability of Supplemental Budget Funds for Conversion to Commercial Mail Methods

RESCISSIONS None	EXPIRATION DATE Continuing
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3. **Background.** The purpose of this Training and Employment Guidance Letter (TEGL) is to define the roles State Workforce Agencies (SWAs) play in programs administered by the Office of Foreign Labor Certification (OFLC), provide SWAs with planning figures for funding that will be allocated to support FLC activities, and set forth the necessary actions to request the funds and to comply with the grant.

SWAs must submit the required information and documents set forth in the attachments to this TEGL, which shall constitute the FY 2010 Annual Plan, and must agree to be bound by the terms set forth by OFLC in its FY 2010 Foreign Labor Certification Grant Guidance.

The Department's FLC programs have experienced and will continue to experience a number of changes over the course of FY2010. As of November 28, 2009, the Commonwealth of the Northern Mariana Islands (CNMI) became subject to U.S. immigration laws. Consequently, the allocations pertaining to this grant include CNMI. As of January 1, 2010, prevailing wage determinations became centralized in the National Prevailing Wage and Helpdesk Center (NPWHC) and are no longer performed by the SWAs under the PERM, H-1B, H-1B1, and E-3 programs.¹

Lastly, the Department recently amended its H-2A regulations through a Final Rule issued on February 12, 2010, with an effective date of March 15, 2010. The Final Rule makes some changes to SWA responsibilities under the H-2A program. Therefore, in processing job orders and job referrals under the H-2A program, SWAs must follow the regulation in effect at the time the application for H-2A labor certification was submitted.

4. **Action Requested.** SWAs are required to complete the actions listed below.
- Respond to these guidelines within **thirty (30) days** of receipt to ensure allocation of remaining grant funds.
 - Identify how program funds would best be used and by splitting the grant allocation between agricultural and nonagricultural activities.
 - Inform the OFLC National Office via written communication of the proposed program split that will be used to allocate funds between agricultural and nonagricultural activities.
5. **Mailing Address.** Mail (Federal Express or other means preferred) completed work plans to Mr. Brian Pasternak, Deputy Administrator, Office of Foreign Labor Certification, Employment and Training Administration, U.S. Department of Labor, Room C-4312, 200 Constitution Avenue, NW, Washington, D.C. 20210.
6. **Inquiries.** Please direct program questions to Mr. Pasternak and funding questions to Ms. Leticia Sierra. Both may be reached at the Office of Foreign Labor Certification, (202) 693-3010.

¹ As of October 1, 2009, H-2B prevailing wage determinations became centralized in the Chicago National Processing Center and were no longer performed by the SWAs. Since January 1, 2010, H-2B prevailing wage determinations have been performed by the NPWHC.

7. Attachments.

1. Program Planning Guidance and Information Package
2. FLC Annual Plan Workload Supplement
3. Annual Plan Procedures

Program Planning Guidance and Information Package

Introduction

This document provides the necessary guidelines to be used by SWAs to update annual plans and request funds in order to administer their FLC responsibilities.

Wagner-Peyser funding allocations under the State Unemployment Insurance and Employment Service Operations account in Fiscal Year (FY) 2010 are available to States for activities supporting federal administration of FLC programs. An estimate of each SWA's total FY 2010 funding is reflected below.

FY 2010 Annual Plan

To establish and maintain eligibility for FLC grant funding, SWAs must comply with this TEG and other applicable guidance and regulations of the Department. Upon receipt and approval of the plan at the National Office, OFLC, the Grant Officer in ETA's Division of Federal Assistance will issue a Notice of Obligation (NOO) to provide the balance of funds due to each state from its annual allocation.

SWA Responsibilities

SWAs are responsible for administering grant funds for FLC programs within established guidelines. These responsibilities include:

1. Certifications and Assurances

Regulations require recipients of SWA grants to submit various standard certifications and assurances. These have already been provided under the PY 2009/FY 2010 Wagner-Peyser Annual Funding Agreement and the FY 2009 Foreign Labor Certification Agreement. Current SWA regulations at 20 CFR Part 658, Subpart E (20 CFR 658.400-658.426) cover the complaint and appeals procedures. Regulations at 20 CFR Part 653, Subpart F and 20 CFR Part 654, Subpart E apply to housing inspection activities under the reimbursable grant.

2. Use Mandated Forms for Inter-Agency Communications

SWAs must use the proper forms to ensure uniform communications. These forms include, but are not be limited to, the following:

- **Approved Standard Form: SF-424 (OMB Approval No. 4040.0004 Exp. 03/12/2012)**
- **Form ETA-232 (OMB Approval No. 1205-0017 Exp. 08/31/2010)**
Form ETA-232 is the Domestic Agricultural In-Season Wage Report.
- **Form ETA-232A (OMB Approval No. 1205-0017 Exp. 08/31/2010)**
Form ETA-232A is the Wage Survey Interview Record.

- Other ETA forms that contain a valid Office of Management and Budget (OMB) control number and expiration date.

3. Reporting Responsibilities

The required reports are listed below:

- **ETA-9130 (OMB Approval No. 1205-0461 Exp. 11/30/2012)**
The ETA-9130 is the Financial Status Report and must be submitted by the SWA on a quarterly basis for each fiscal year of funds.
- **ETA-9127 (OMB Approval No. 1205-0457 Exp. 5/31/2012)**
The ETA-9127 is the Quarterly Activity Report and a completed form must be submitted by the SWA on a quarterly basis for each fiscal year. SWAs must correct deficiencies to the form upon request by the OFLC National Office or the department of Labor (DOL) ETA Office of Grants and Contract Management.

Conclusion

Grant funding balances will be issued to the SWAs by the National Office Grant Officer upon receipt and approval of the State's FY 2010 FLC Annual Plan. The FLC Annual Plans are reviewed and approved by the Administrator of the Office of Foreign Labor Certification.

Estimated FY 2010 FLC Funding Levels *

Alabama	\$ 77,005.44	Nebraska	\$103,770.41
Alaska	\$ 70,404.54	Nevada	\$79,566.14
Arizona	\$263,742.00	New Hampshire	\$86,242.70
Arkansas	\$ 81,404.04	New Jersey	\$596,802.34
California	\$2,404,649.45	New Mexico	\$81,404.04
Colorado	\$229,258.06	New York	\$1,358,548.84
Connecticut	\$256,841.43	North Carolina	\$200,590.48
Delaware	\$97,716.11	North Dakota	\$90,081.77
Florida	\$579,951.64	Ohio	\$202,048.05
Georgia	\$539,545.82	Oklahoma	\$77,005.44
Guam	\$66,003.95	Oregon	\$85,613.48
Hawaii	\$66,003.95	Pennsylvania	\$555,432.76
Idaho	\$209,653.51	Puerto Rico	\$66,003.95
Illinois	\$418,812.20	Rhode Island	\$70,404.54
Indiana	\$70,404.54	South Carolina	\$88,668.01
Iowa	\$79,205.73	South Dakota	\$79,205.73
Kansas	\$118,474.57	Tennessee	\$165,152.74
Kentucky	\$324,212.35	Texas	\$932,251.14
Louisiana	\$160,961.22	Utah	\$97,778.83
Maine	\$288,920.75	Vermont	\$100,641.21
Maryland	\$503,251.86	Virgin Islands	\$66,003.95
Massachusetts	\$763,200.59	Virginia	\$838,927.66
Michigan	\$292,475.30	Washington	\$206,622.87
Minnesota	\$99,733.22	Washington, DC	\$116,195.62
Mississippi	\$92,405.53	West Virginia	\$72,604.84
Missouri	\$123,089.23	Wisconsin	\$126,321.97
Montana	\$74,805.14	Wyoming	\$72,604.84
Northern Mariana(CNMI)	\$66,003.95		

* The total SWA grant allocation for FY 2010 is \$15,034,000.

**FY 2010 ANNUAL PLAN
WORKLOAD SUPPLEMENT**

_____ (Insert Agency Name) _____ has prepared the following information and assurances for delivering labor certification/attestation services during FY 2010.

A. Foreign Labor Certification Workload

Category of Labor Certification and Attestation Services	FY 2010 Workload ⁽¹⁾
A. Number of job orders related to H-2A temporary labor certification applications processed and expected to be processed.	
B. Number of prevailing wage surveys conducted and expected to be conducted in agricultural activities.	
C. Number of housing inspections conducted and expected to be conducted in anticipation of H-2A orders.	
D. Number of prevailing wage determinations provided to employers for non-agricultural occupations by the following categories: ¹	
	PERM
	H-1B
	H-1B1
	E-3
E. Number of Full Time Equivalent (FTE) staff funded by this grant.	
F. Any plans for changes in existing operations, including the prevailing wage program, which will substantially affect negotiated goals.	

(1) Workload includes actual labor certification/attestation services provided or services planned for the period between October 1, 2009 and September 30, 2010.

¹ Workload to include all prevailing wage determinations for requests submitted until December 31, 2009.

B. Conducting Housing Inspections

As a condition for receiving funds in support of the Secretary's responsibility under 8 U.S.C 1188, the Agency agrees to schedule and conduct pre-occupancy inspections of housing under the applicable Federal regulations to be furnished to migrant and seasonal farm workers or other U.S. workers, or to nonimmigrant foreign workers admitted to the United States under temporary labor certification programs for temporary employment in agriculture or logging. As stated earlier, the Department recently amended its H-2A regulations through a Final Rule issued on February 12, 2010, with an effective date of March 15, 2010. Therefore, in processing job orders and job referrals under the H-2A program, the SWA must follow the regulation in effect at the time the application for H-2A labor certification was submitted. Accordingly, H-2A applications submitted on or after March 15, 2010, must have employer-provided housing inspected prior to the issuance of the certification.

In accordance with the applicable Federal regulations, employers are required to provide housing at no cost, or public housing, for workers who are not reasonably able to return to their place of residence the same day. The housing must meet the applicable local, state, or federal standards, and be sufficient to house the number of workers requested.

1. Special Assurances.

- The state must adhere to the applicable Federal regulations, and actual housing inspections may be conducted under certain conditions in accordance with OSHA standards at 29 CFR 1910.142, Temporary Labor Camps.
- To the extent practicable, the Agency will be prepared to conduct housing inspections before the filing of job orders, if so requested by the employer.
- To the extent practicable, the Agency will plan to schedule housing inspections before the filing of H-2A applications for those employers who regularly use the H-2A program.

- The Agency (check one) **WILL** **WILL NOT** use an alternative method(s) for conducting pre-occupancy housing inspections (i.e., State Health Department, Agricultural Department, etc.).

Detailed Explanation of Alternative Method (if applicable):

2. Allowable Costs.

- Costs may be attributed to activities in support of tasks described in 20 CFR Part 654 Subpart E, Housing for Agricultural Workers and/or 29 CFR 1910.142, Temporary Labor Camps, and for indirect support as a fair share of overhead.

3. Performance Standards.

- The state's performance will be reviewed according to the applicable Federal regulations and housing standards.

4. Reporting.

- Required reporting of activity as specified on OMB approved ETA forms. Financial reporting will be as specified by ETA.
- States should plan to track the costs associated with conducting pre-occupancy housing inspections to assist OFLC in the allocation of future resources. The costs include, but are not limited to, staff resources, travel expenditures, and administrative costs.

C. Statement of Work for Agricultural Wage Surveys

As a condition for receiving funds in support of the Secretary's responsibility, the Agency agrees to conduct prevailing wage surveys of agricultural and logging activities in accordance with ETA Handbook No. 385 and all applicable Federal regulations.

1. Special Assurances.

The state must submit to OFLC a plan for the surveys it is scheduling for the coming year. This plan includes all the surveys which will be conducted by the state in the upcoming season. Accordingly, the state's survey targets are based on estimated job order activity to be produced by H-2A applications.

- The state must submit the results of its prevailing wage surveys (ETA form 232) promptly to the OFLC National Office so the correct wage is established for the next cycle of crop activity. Timely submission is critical to ensure release of wage determinations by the National Office well ahead of the crop activity start date.
- All documentation related to wage survey plans and results should be mailed to:

Mr. Ben Orona
Office of Foreign Labor Certification
Employment and Training Administration, USDOL
200 Constitution Avenue, NW
Room C-4312
Washington, DC 20210 Fax: 202-693-2768

2. Allowable Costs.

- Costs may be attributed to tasks described in ETA Handbook No. 385 for crop activities which meet the criteria specified above and for indirect support as a fair share of overhead.

3. Performance Standards.

- The state's performance will be reviewed for its adherence to the procedures for wage surveys in ETA Handbook No. 385. The procedures contained in the ETA Handbook No. 385 require that prevailing wage surveys be conducted for any crop activity that is anticipated in the upcoming season.

4. Reporting.

- Completed surveys will be submitted on the ETA-232. Financial reporting will be as specified by ETA.
- States should plan to track the costs associated with conducting prevailing wage surveys in order to assist OFLC in the allocation of future resources. The costs include, but are not limited to, staff resources, travel expenditures, and administrative costs.

D. Cost of H-2A Temporary Labor Certification Activities

The information contained in the table below is to be taken from available FY 2009 data to estimate the cost of conducting state activities under the H-2A temporary labor certification program, including applications for logging.

1. Costing Sheet (Including logging)

Activity	Total Number	Total Cost	Average Cost ⁽⁵⁾
Housing Inspections ⁽¹⁾			
Prevailing Wage/Practice Surveys ⁽²⁾			
Job Orders Processed ⁽³⁾			
Total Cost of H-2A Activities ⁽⁴⁾			

(1) Housing Inspections:

Include in the total cost estimate: travel time, inspection time, travel mileage, and completion of paperwork. Include in the total, all housing inspections started during the prior fiscal year regardless of the final completion date.

- If housing inspections are done by another organization, estimate the cost that the H-2A portion adds to their total cost and include this amount in the table.

(2) Prevailing Wage/Practice Surveys:

- Include in the total cost estimate the development of the survey instrument, postage, collection of responses, collation of information, and publication of results.

- Include in the total, all surveys started during the prior fiscal year regardless of the final completion date.

(3) Job Orders Processed:

- Include in the total cost estimate the creation and maintenance of files, taking into account the cost associated with receiving and reviewing applications, referring applicants, and releasing orders into inter/intra-state job system.

(4) Total Cost of H-2A Activities:

- Total Cost of Housing Inspections + Total Cost of Prevailing Wage/Practice Surveys + Total Cost of Job Orders Processed.

(5) Average Cost:

- Total Cost of activity/ Total Number of activity.

E. Grant Contact Information

Included below is the point-of-contact for this grant.

Name:	
Title:	
Address:	
Telephone Number:	
E-mail Address:	
Fax Number:	

Annual Plan Procedures

1. Annual Funding Agreement

The current agreement includes the Workload Supplement to encompass all Program Year 2009/Fiscal Year 2010 program activities. Notice of Obligation (NOO) documents for the allotment balances will be issued by the National Office Grant Officer based upon National Office approval of FY 2010 Annual Plans.

2. Annual Plan

The FY 2010 Annual Plan includes an Application for Federal Assistance, SF 424, transmittal letter, plan workload/supplement, and budget information. Consistent with National Office guidelines, negotiations between ETA and the Grantee will determine each state's final annual level of funding for Foreign Labor Certification.

- The FY 2010 Annual Plan will have a performance period of 12 months beginning October 1, 2009, and ending September 30, 2010.
- The grant application package submitted from the states to the National Office Grant Officer should consist of a transmittal letter and one original and two copies of the following:
 - A. Application for Federal Assistance: SF-424, Expiration Date 3/31/2012, OMB Approval 4040.0004. (Grants.gov)
 - B. Annual Budget and Quarterly Funding Plan (SF-424A (Section D only), Expiration Date 7/31/2012, OMB Approval 4040.0006 (Grants.gov)

Note: Please include a budget supplement to explain and list all proposed equipment purchases of \$5,000 or more and any subcontracts.

- C. Annual Plan Workload Supplement.

3. Plan Modifications.

The National Office and the state may jointly modify the FY 2010 Annual Plan including negotiated changes in the plan period and in funding levels during the year. The plan modification requests must include a transmittal letter, a revised annual budget, and the quarterly spending plan. The National Office Grant Officer has the authority to execute funding adjustments where a state is not spending at agreed upon levels. When an adjustment is necessary, a unilateral modification may be issued. In the event that the Secretary of Labor may be required by future legislation or a court order to carry out

other responsibilities not currently anticipated, or in the event that the Department amends its regulations to require states to perform activities which are not set forth in the FY2010 Annual Plan, the states will be requested to submit a modification to the Annual Plan in order to carry out these additional duties.

4. Financial Reconciliation.

After the end of the fiscal year, a financial reconciliation procedure will be conducted to reconcile accounting records maintained by the grantee and the Department of Labor's original accounts. It may become necessary to revise funding levels in the new plan for a particular state when the reconciliation is completed.

EMPLOYMENT AND TRAINING ADMINISTRATION ADVISORY SYSTEM U.S. DEPARTMENT OF LABOR Washington, D.C. 20210	CLASSIFICATION WIA/Performance Reporting
	CORRESPONDENCE SYMBOL OPDR
	DATE May 12, 2016

ADVISORY: TRAINING AND EMPLOYMENT GUIDANCE LETTER NO. 22-15

TO: STATE WORKFORCE AGENCIES
STATE WORKFORCE ADMINISTRATORS
NATIONAL FARMWORKER JOBS PROGRAM GRANTEES
INDIAN AND NATIVE AMERICAN PROGRAM GRANTEES

FROM: PORTIA WU /s/
Assistant Secretary

SUBJECT: Program Year (PY) 2015/Fiscal Year (FY) 2016 and PY 2014/FY 2015 Data Validation and Performance Reporting Requirements and Associated Timelines

1. **Purpose.** To remind the workforce investment system of data validation and performance reporting requirements and establish associated timelines for submitting reports for the following programs/activities:
- Quarterly participant records, annual reports, and data validation results for the Workforce Investment Act (WIA) title IB programs and National Emergency Grants (NEGs);
 - Quarterly participant records and data validation results for the Wagner-Peyser Act Employment Service;
 - Quarterly reports for activities authorized under 38 U.S.C. 4103A and 4104 (Disabled Veterans' Outreach Program (DVOP) and Local Veterans' Employment Representatives (LVER));
 - Quarterly reports, participant records, and data validation results for the Trade Adjustment Assistance (TAA) program;
 - Individual participant records for the National Farmworker Jobs Program (NFJP); and
 - Individual participant records for the Indian and Native American program (INA).

Additionally, this guidance serves to provide documentation for accountability purposes regarding the deadlines of the above activities and reports. While some of the associated due dates are now passed, they are still included here to provide proper documentation of statewide reporting and data validation requirements throughout the entire program year.

Finally, this guidance revises the due date for submission of Data Element Validation (DEV) for WIA and TAA results which must be submitted by March 15 for both PY 2014 and PY 2015.

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2. **References.**

- WIA of 1998, Sections 136 and 185;
- WIOA of 2014, Sections 116 and 506;
- TEGL 9-07, *Revised Incentive and Sanction Policy for Workforce Investment Act Title IB Programs*;
- TEGL 7-15, *Workforce Investment Act (WIA) Program Year (PY) 2014 Annual Report Narrative*.

3. **Background.** The Employment and Training Administration's (ETA) statutory and regulatory authority to administer job training and employment programs includes provisions requiring performance reporting from states and grantees. The Department uses this information to assess performance of states and grantees. All states and direct grantees administering Department of Labor (Department) employment and training programs must collect and report information on all participants.

Most provisions of the Workforce Innovation and Opportunity Act (WIOA) took effect on July 1, 2015 (see WIOA sec. 506(a)). However, section 116 of WIOA, which outlines WIOA's performance accountability requirements, does not take effect until July 1, 2016 (see WIOA sec. 506(b)(1)). This means that the performance reporting requirements in section 136 of WIA are still in effect and will remain in place until the WIOA performance requirements are fully implemented. To satisfy the performance reporting requirements, states must use the performance metrics in WIA section 136 to report on all participants (both participants receiving WIOA services and those who are continuing to receive WIA services). This means that WIA participants who transition to WIOA requirements after July 1, 2015, are being measured according to the WIA section 136 performance measures, as well as the data elements and source documentation currently in use for WIA Title I programs.

Because WIA performance measures are being used, the reports and reporting systems discussed in this TEGL are the same as those used under WIA. Each state that receives an allotment under WIA/WIOA Section 127 or Section 132 must submit an ETA Form 9090 (WIA Quarterly Report) to provide the Department with available performance information for WIA participants. The WIA Quarterly Report will cover the following formula funded programs:

- WIA Adult Program;
- WIA Dislocated Worker Program;
- WIA Youth Program; and
- NEGs.

Wagner-Peyser Act funded services are reported on ETA Form 9002 A for all participants and on ETA Form 9002 B for participants who are veterans, eligible spouses, or transitioning service members. The Veterans' Employment and Training Service (VETS) 200 Reports are a subset of the ETA Form 9002 data from forms 9002A through 9002D. The data reported on VETS 200 only apply to the activities of participants who received one or more services from

LVERs and DVOPs. This enables VETS to evaluate the outcomes of the more intensive services offered to participants under these two programs.

Each state also must prepare and submit an annual report of performance progress to the Secretary of Labor (Secretary) in accordance with WIA Sections 136 and 185. There are two components to the WIA Annual Report: (1) the required performance results, as specified in ETA Form 9091, "WIA title 1B Annual Report" (OMB No. 1205-0420) found at: <http://www.doleta.gov/performance/guidance/WIA/WIAAnnualReportSpecifications.pdf>, and (2) a narrative report. The Secretary utilizes the annual reports to fulfill the requirement of disseminating state-by-state comparisons of the information. This information also was used to determine whether the Secretary sanctioned a state based on performance failure. See TEGL 9-07 for further information. Please note that PY 2013 incentive grants were the last funded grants under WIA.

4. **Use of the Enterprise Data Reporting and Validation System (E-DRVS) for Program Reporting.** Submission of timely and accurate data is required in Section 136 of WIA. In 2003, ETA introduced data validation to help states and grantees ensure that their reported performance data accurately reflects their experiences. ETA provides software to states and grantees that analyzes participant records and ensures performance calculations are accurate. E-DRVS is the online integrated reporting and validation tool where states can upload individual record files, validate, and edit check the data; create quarterly/annual reports; and perform data element validation. E-DRVS eliminates the need to upload annual or quarterly records into the Enterprise Business Support System (EBSS).
5. **Performance Reporting and Data Validation for the WIA Title IB Programs.** For each program year, states are required to submit the following reports (when specified due dates are on a Saturday or Sunday, the report is due the following Monday):

A. Workforce Investment Act Standardized Record Data (WIASRD) files and Quarterly Performance Reports (ETA 9090)

WIASRD quarterly submissions for the first, second, third, and fourth quarters of each program year are due 45 days following the end of the quarter (November 14, February 14, and May 15, and August 14, respectively). Please see the appropriate attachment(s) in this guidance for the exact due date that falls on the Monday after the 45 days conclude.

Submit all quarterly WIASRD files using the revised layout. As additional revisions to the layout/edit check documents are made, they will be posted at the ETA performance site: <http://www.doleta.gov/performance/pro.cfm>. A notice will be sent to state performance reporting staff if/when further revisions are made.

B. Validated WIA Annual Report (ETA 9091) Tables A through Q – Due no later than September 15.

The fourth quarter WIASRD submission to E-DRVS will automatically generate *both* the ETA 9090 and ETA 9091 reports. **Consequently, any further WIASRD submissions through September 15 will overwrite a previously certified ETA 9090 fourth quarter report generating a revised ETA 9090 report with new numbers.** Therefore, it is important to remember to recertify any fourth quarter report created after August 14.

States and other jurisdictions approved to report only the Common Measures for WIA programs for the program year in question do not have to report outcomes for the customer satisfaction measure in Table A of the ETA 9091 report. However, regarding the customer satisfaction survey, methodologies and results should be addressed in the narrative portion of the WIA Annual report by ALL states. A separate TEGL addressed the narrative requirements (TEGL 7-15, *Workforce Investment Act (WIA) Program Year (PY) 2014 Annual Report Narrative*). All states are required to report outcomes for the youth common performance measures.

In addition to the customer satisfaction measure mentioned above, states that are approved to report only the Common Measures should reference Attachment B of this TEGL, which contains the WIA Annual Report format with shaded fields to indicate the information that is not required as part of the state's annual report submission.

Data Element Validation (DEV), using the file of exiters and participants reported on the ETA 9091, must be completed by March 15 following the due date of the WIA annual narrative for the program year being submitted. Please see Attachment A of this TEGL for the source documentation requirements for WIA data element validation.

6. Performance Reporting and Data Validation for Other State-Based Programs.

- A. Wagner-Peyser Employment Service.** States are required to submit the Wagner-Peyser individual record file (OMB No. 1205-0240) on a quarterly basis. Like WIA, quarterly reports are required to be submitted through E-DRVS and certified in EBSS no later than 45 days after the end of each quarter. **States must submit their fourth quarter reports no later than the first Friday after the Labor Day holiday.** This additional time, beyond the usual time allowed for Wagner-Peyser quarterly reports, is to allow for Data Element Validation to be performed and to provide extra review of the fourth quarter report. Please see the appropriate attachment(s) in this guidance for the exact due date.

In each program year, the Wagner-Peyser Employment Service submission requires data element validation. A minimal Data Element Validation sample of 25 job seekers must be reviewed and compared to state-level data prior to ETA 9002 and VETS 200 reports certification to ensure that the files used to conduct report validation were properly constructed. All states are required to perform data element validation, but are not required to use the E-DRVS to do so for PY 2015. As with the WIASRD, E-DRVS has served as the reporting mechanism for Wagner-Peyser.

B. Trade Adjustment Assistance. Since the TAA program operates on a fiscal year basis, the Trade Act Participant Report (TAPR), OMB No. 1205-0392, is based on a year that begins on October 1 and ends on September 30. States are required to submit the TAPR on a quarterly basis, no later than 45 days after the end of the report quarter (see Attachments E or F for due dates). States administering TAA programs are not required to submit an annual report; states are required to submit individual participant records only for TAA.

To align with the WIA data element validation (DEV) due date, TAA DEV was due, via EBSS, on March 15 following the due date of the third quarter TAPR file for the program year being submitted. A user guide is available on the TAA Web site at www.doleta.gov/tradeact (locate the 'TAA DEV User Guide' under the "Research" drop down menu, found in the horizontal menu bar on the home page) to assist states in accessing and using the TAA DEV report application.

- 7. Data Validation for NFJP.** Under WIA, grantees administering NFJP are not required to submit a performance outcomes report. Grantees are required to submit individual participant records for NFJP, which ETA uses to calculate the performance outcomes for each grantee. Therefore, grantees are not required to conduct report validation, but must conduct data element validation.

The final NFJP participant data are due to ETA's contractor (Social Policy Research Associates) by May 15 of the year following the end of the program year. **Data element validation for each program year must be submitted to ETA by November 1 in the year after the end of the program year.** Please see Attachments E and F for due dates and Attachment D for the source documentation requirements for NFJP data element validation. NFJP grantees should use NFJP Data Validation Software Version 2.0.

- 8. INA Reporting.** Under WIA, grantees administering INA programs are not required to submit a performance outcomes report. However, grantees are required to submit a Standard Participant Individual Record file for INA program participants each quarter, which ETA uses to calculate the performance outcomes for each grantee. The only performance outcomes for INA programs under WIA are Entered Employment, Employment Retention, and Average Earnings.
- 9. PY 2015 WIA Data Validation.** The public workforce system requires data validation in order to ensure quality standards of performance data are met. The reporting of performance data for validation is essential for accurate reflection of state and grantees' experiences. However, ETA recognizes the additional burden that implementing WIOA performance accountability provisions will undoubtedly cause. In order to balance the need for accurate high quality data with the burden of WIOA implementation, states are still required to conduct data validation in PY 2015, but are not required to do so using EDRVS. While states must utilize a thorough data validation strategy, the specific methodology is left to the discretion of the state. This reporting method closely follows that of customer service

measures reporting in TEGL 9-14, *Workforce Investment Act (WIA) Program Year (PY) 2013 Annual Report Narrative*.

10. **Data Reporting and Validation Resources.** Data used to compute the performance outcomes must be accurate and submitted on time. ETA provides the following resources to grantees in order to assist them in reporting timely and accurate data.
 - WIA Annual and Quarterly Report handbooks are available at:
<http://www.doleta.gov/performance/reporting>
 - Data validation software applications and User Guides for each program are at:
http://www.doleta.gov/performance/reporting/tools_datavalidation.cfm
 - For assistance with WIA Quarterly reporting timeframes for each measure based on both the year and quarter, an auto-populating spreadsheet is available at:
<http://www.doleta.gov/performance/guidance/WIA/WIAQuarterlyReportingTimeFrames.xls>. The annual report timeframes can be derived from this spreadsheet by selecting the year and the fourth quarter.
11. **Training and Technical Assistance.** States and grantees are encouraged to request technical assistance on validation procedures and the use of the reporting and validation tools by contacting regional and/or national office program staff.
12. **Action Requested.** States and grantees should: 1) distribute this guidance to appropriate staff; 2) complete report and data validation activities within the timeframes established in sections 5, 6, and 7 of this guidance; and 3) provide the appropriate regional office with updates on the reporting and validation process.
13. **Inquiries.** Questions regarding performance reporting should be directed to the appropriate ETA regional office, or to the Office of Policy Development and Research at ETAperforms@dol.gov.
14. **Attachments.**
 - Attachment A:** Source Documentation Requirements for Program Year (PY) 2014 and PY 2015 Workforce Investment Act (WIA) Data Element Validation
 - Attachment B:** Workforce Investment Act (WIA) Annual Report Requirements for States Approved to Report against the Common Performance Measures Only
 - Attachment C:** Trade Adjustment Assistance (TAA) Data Element Validation for Program Year (PY) 2014 and PY 2015
 - Attachment D:** Source Documentation Requirements for National Farmworker Job Program (NFJP) Data Element Validation

Attachment E: Program Year 2015/Fiscal Year 2016 Performance Reporting and Data Validation Timelines

Attachment F: Program Year 2014/Fiscal Year 2015 Performance Reporting and Data Validation Timelines

EMPLOYMENT AND TRAINING ADMINISTRATION ADVISORY SYSTEM U.S. DEPARTMENT OF LABOR Washington, D.C. 20210	CLASSIFICATION Foreign Labor Certification
	CORRESPONDENCE SYMBOL OFLC
	DATE June 14, 2011

**ADVISORY: TRAINING AND EMPLOYMENT GUIDANCE LETTER NO. 17-06,
Change 1**

TO: CHICAGO NATIONAL PROCESSING CENTER PROGRAM DIRECTOR
STATE WORKFORCE AGENCY ADMINISTRATORS

FROM: JANE OATES
Assistant Secretary

Jane Oates

SUBJECT: Special Procedures: Labor Certification Process for Employers in the Itinerant Animal Shearing Industry under the H-2A Program

1. **Purpose.** To transmit special procedures, as updated to reflect regulatory and administrative changes in the H-2A Program, for employers who apply to the Department of Labor (Department) to obtain labor certifications to hire temporary agricultural foreign workers in occupations involving an itinerary for the shearing of sheep, goats, alpacas, or other animals requiring shearing in the United States.
2. **References.** 20 CFR Part 655, Subpart B; 20 CFR Part 653, Subparts B and F; 20 CFR Part 654, Subpart E; and Training and Employment Guidance Letter (TEGL) No. 17-06, Special Procedures for Employers in the Itinerant Animal Shearing Industry Under the H-2A Program; and ETA Handbook No. 385.
3. **Background.** In 1986, Congress passed the Immigration Reform and Control Act of 1986 (IRCA) which amended the Immigration and Nationality Act (INA), 8 U.S.C. 1101 et seq., and established the H-2A Program. In 1987 the Department issued an Interim Final Rule, promulgating the first H-2A regulations (the 1987 regulations) in accordance with IRCA. 54 FR 20496 (Jun. 1, 1987). The 1987 regulations provided for the administration of the H-2A Program by the Employment and Training Administration's (ETA) Regional Administrators, and instituted procedures to offset the adverse effects of immigration on U.S. workers. The 1987 regulations also established special procedures for certain occupations, as long as they did not deviate from the Secretary's statutory responsibility to determine U.S. worker availability and the adverse effect of foreign workers on the wages and working conditions of U.S. workers.

Due to the unique nature of the itinerant animal shearing industry, the Department established special procedures for the processing of H-2A applications for labor certification of temporary agricultural foreign workers. These special procedures were contained most recently in the TEGL No. 17-06.

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The 1987 regulations remained in effect, largely unchanged, until the Department promulgated new H-2A regulations on December 18, 2008. 73 FR 77110 (Dec. 18, 2008) (the 2008 Final Rule). The 2008 Final Rule implemented an attestation-based application process and made several substantive changes to the program, but retained the special procedures concept. After the Department determined that the 2008 Final Rule did not meet H-2A Program policy objectives, the Department commenced another rulemaking process culminating in the publication of new H-2A regulations on February 12, 2010. 75 FR 6884 (Feb. 12, 2010) (the 2010 Final Rule). The 2010 Final Rule implements changes that affect special procedures for the occupations involved in the itinerant animal shearing industry. Section 20 CFR 655.102 provides the Office of Foreign Labor Certification (OFLC) Administrator with the authority to establish, continue, revise or revoke special procedures for processing of certain H-2A applications, including those for itinerant animal shearing industry, as long as those procedures do not deviate from the statutory requirements under the INA.

This TEGL updates the special procedures previously established for occupations involved in itinerant animal shearing to reflect organizational changes, in addition to new regulatory and policy objectives. It rescinds and replaces previous guidance disseminated under TEGL 17-06, Special Procedures for Employers in the Itinerant Animal Shearing Industry Under the H-2A Program.

4. **Special Procedures.** Attachment A outlines special procedures for applications submitted by employers in the itinerant animal shearing industry under the H-2A Program. Attachment B outlines standards for mobile housing applicable to employers in the itinerant animal shearing industry under the H-2A Program. Unless otherwise specified in Attachments A and B, applications submitted for these occupations must comply with the requirements for processing H-2A applications contained at 20 CFR Part 655, Subpart B. Similarly, unless otherwise specified, job orders submitted for these occupations must comply with the requirements of 20 CFR Parts 655, Subpart B, 653 Subparts B and F and 654.
5. **Action Requested.** The Chicago National Processing Center (Chicago NPC) Program Director and State Workforce Agency (SWA) Administrators are directed to immediately provide copies of these special procedures to all staff involved in processing H-2A labor certification applications from employers in the itinerant animal shearing industry. The revised special procedures will apply to all employer applications with a start date of need on or after October 1, 2011.
6. **Inquiries.** Questions from SWA staff should be directed to the Chicago NPC. Questions from the Chicago NPC staff should be directed to the OFLC National Office.
7. **Attachments.**

Attachment A – Special Procedures: Labor Certification Process for Applications in the Itinerant Animal Shearing Industry under the H-2A Program

Attachment B – Standards for Mobile Housing Applicable to Occupations in the Itinerant Animal Shearing Industry

ATTACHMENT A
Special Procedures: Labor Certification Process for Applications in the
Itinerant Animal Shearing Industry under the H-2A Program

This document outlines special procedures for applications submitted by employers in the itinerant animal shearing industry under the H-2A Program. Unless otherwise specified in this attachment, applications submitted for shearing occupations must comply with the requirements for processing H-2A applications outlined in 20 CFR Part 655, Subpart B. Similarly, unless otherwise specified, job orders submitted for shearing occupations must comply with the requirements of 20 CFR Parts 655, Subpart B, 653 Subparts B and F, and 654.

I. PREFILING PROCEDURES

- A. Offered Wage Rate (20 CFR 655.120(a)). An employer must offer, advertise in the course of its recruitment, and pay a wage that is the highest of the Adverse Effect Wage Rate (AEWR), the prevailing hourly or piece rate, the agreed-upon collective bargaining wage, or the Federal or state minimum wage, in effect at the time the itinerant animal shearing services are performed and for each state listed in an approved itinerary. In establishing agricultural prevailing piece rates for itinerant animal shearing activities, the Department continues to use findings from prevailing wage surveys conducted by SWAs in accordance with the procedures in the ETA Handbook No. 385. SWAs are required to transmit piece rate findings covering itinerant animal shearing activities to the OFLC between May 1st and June 1st of each calendar year. Following a review of the SWA-reported piece rate findings, the OFLC will publish the new agricultural prevailing piece rates in a Federal Register notice with an immediate effective date.

In circumstances where a SWA is unable to produce a piece rate finding for an occupation, due to an inadequate sample size or another valid reason, the wage setting procedures allow the OFLC to continue to issue a prevailing piece rate for that state based on the piece rate findings submitted by an adjoining or proximate SWA for the same or similar agricultural activities.

If the OFLC cannot establish a prevailing wage rate by using comparable survey data from an adjoining or proximate SWA, the OFLC will give consideration to aggregating survey data from the itinerant sheep shearing activities across states to create regional prevailing piece rates. When regional prevailing wages are considered, the OFLC may use the U.S. Department of Agriculture's (USDA) production or farm resource regions or other groupings of states used to conduct the USDA Farm Labor Survey.

- B. Job Orders and SWA Review (20 CFR 655.121). An employer engaged in animal shearing activities is allowed to submit a single Agricultural and Food Processing Clearance Order, ETA Form 790 (job order), Office of Management and Budget (OMB) control number 1205-0134, and all appropriate attachments covering a planned itinerary of work in multiple states. If the job opportunity is located in more than one state, either within the same area of intended employment or multiple areas of intended employment, the employer must submit the job order and all attachments (including a detailed itinerary) to the SWA having jurisdiction over the anticipated worksite(s) where the work

is expected to begin. The employer must submit the job order no more than 75 calendar days and no less than 60 calendar days before the employer's first date of need.

Unless otherwise specified in these special procedures, the job order submitted to the SWA must satisfy the requirements for agricultural clearance orders outlined in 20 CFR 653, Subpart F and the requirements set forth in 20 CFR 655.122. The SWA will review the job order for regulatory compliance and will work with the employer to address any noted deficiencies. Upon its clearance of the job order, the SWA must promptly place the job order in intrastate clearance and commence recruitment of U.S. workers.

The job order shall remain active until 50 percent of the work contract period has elapsed for all SWAs in possession of the employer's job order (including those receiving in interstate clearance under 20 CFR 655.150), unless otherwise advised by the Chicago NPC.

- C. Contents of Job Offers (20 CFR 655.122). Unless otherwise specified in this section, the content of job orders submitted to the SWAs and the Chicago NPC for animal shearing activities must comply with all of the requirements of 20 CFR Part 655, Subpart B, 653 Subparts B and F, and 20 CFR Part 654.

1. Job qualifications and requirements.

Experience. Due to the unique nature of the work to be performed, the job offer may specify that applicants possess up to 6 months of experience as a shearer covering multiple seasons and may require reference(s) to verify the experience performing these activities. Applicants must provide the name, address, and telephone number of any previous employer being used as a reference. Except as provided below, the appropriateness of any other experience requirements must be substantiated by the employer and approved by the Chicago NPC.

Shearing Method. An employer may require that the workers perform the "Australian" or "free-style" method of shearing as a lawful, job-related requirement. A U.S. worker who otherwise qualifies for the job but whose experience has been limited to shearing using the "tying" method must be afforded a specified break-in period, which may not be any fewer than 5 working days, to improve his/her performance and adapt to the "free-style" method.

Completion of Itinerary. An animal shearing employer may require in its job offer that an applicant for the job must be available to work for the remainder of the entire animal shearing itinerary. An applicant referred to the employer after the labor certification has been granted, but before 50 percent of the work contract period for the entire itinerary has elapsed, must be available and willing to join the crew at whatever place the crew is located at the time and remain with the crew for the duration of the animal shearing itinerary.

2. Housing. The employer must state in its job offer that sufficient housing will be provided at no cost to H-2A workers and any workers in corresponding employment who are not reasonably able to return to their residence within the same day. Except

for long-established standards for mobile housing in Attachment B, all employer-provided housing must comply with requirements set out in 20 CFR 655.122(d) for the entire period of occupancy. An animal shearing employer whose itinerary requires mobile housing may provide mobile housing to its workers.

3. Workers' compensation. The employer must provide workers' compensation insurance coverage, as described in 20 CFR 655.122(e), in all states where shearing work will be performed. Prior to the issuance of the Temporary Labor Certification, the employer must provide the Certifying Officer (CO) with proof of workers' compensation coverage, including the name of the insurance carrier, the insurance policy number, and proof of insurance for the dates of need, or if appropriate, proof of state law coverage for each state where the animal shearing work will be performed. In the event that the current coverage will expire before the end of the certified work contract period or the insurance statement does not include all of the information required under the regulations at 20 CFR 655.122(e), the employer will be required to supplement its proof of workers' compensation for that state before a final determination is due. Where the employer's coverage will expire before the end of the certified work contract period, the employer may submit as proof of renewed coverage a signed and dated statement or letter showing proof of intent to renew and maintain coverage for the dates of need. The employer must maintain evidence that its workers' compensation was renewed, in the event the Department requests it.
4. Employer-provided items. An employer in the H-2A Program must provide to the worker, without charge or deposit charge, all tools, supplies, and equipment required to perform the duties assigned. The Department's regulations have previously recognized that the wage rates prevailing in the animal shearing industry reflect a historical and common practice of employees providing their own tools. Employers were permitted, upon prior approval by the Department, to require that workers provide their own tools. Alternatively, employers who did provide tools to the workers were permitted to apply a wage differential of \$ 0.05 per animal shorn to the required wage. However, after the enactment of the 2010 Final Rule, an animal shearing employer may no longer require that employees provide their own tools. In addition, an animal shearing employer may no longer deduct from an employee's pay the cost of any item that is an employer's business expense where doing so would reduce the employee's wages below the required wage rate, consistent with 20 CFR 655.120(a) and 655.122(f) and (p).

Due to the remote and unique nature of the work to be performed, the employer must also specify in the job order, and provide at no cost to workers, an effective means of communicating with persons capable of responding to the worker's needs in case of an emergency. These means are necessary to perform the work and can include, but are not limited to, satellite phones, cell phones, wireless devices, radio transmitters, or other types of electronic communication systems.

5. Rates of pay. If paying by the piece rate, the animal shearing employer must specify in the job order the established piece rates (i.e., rate of pay per head sheared) for each state where shearing will be performed and that is no less than the piece rate prevailing for the activity in the area of intended employment.

If the worker is paid on a piece rate basis, the worker's pay must be supplemented if at the end of the pay period the piece rate does not result in average hourly rate earnings at least equal to the amount the worker would have earned had the worker been paid at the highest of the AEW, the prevailing hourly wage rate, the agreed-upon collective bargaining wage, or the Federal or state minimum wage, in effect at the time and in the state where shearing work was performed.

Productivity Standards. Where an employer pays a piece rate and requires that workers meet a minimum productivity standard in order to retain employment, that productivity standard must be specified in the job offer and must be consistent with 20 CFR 655.122(l)(2)(iii). The SWA and/or Chicago NPC will review the employer's minimum production requirements and may request additional documentation to substantiate the appropriateness of any requirement prior to approving the application.

II. APPLICATION FOR TEMPORARY EMPLOYMENT CERTIFICATION FILING PROCEDURES

A. Application Filing Requirements (20 CFR 655.130). An individual employer that desires to apply for temporary employment certification for one or more nonimmigrant workers must file the following documentation with the Chicago NPC no less than 45 calendar days before the employer's date of need:

- ETA Form 9142 (OMB control number 1205-0466), Application for Temporary Employment Certification, and Appendix A.2;
- Copy of the ETA Form 790 and all attachments previously submitted to the SWA;
- An itinerary listing the names and contact information of all employers and identifying, with as much geographic specificity as possible for each farmer/rancher, all of the physical locations and estimated start and end dates of need where work will be performed; and
- All other required documentation supporting the application.

B. H-2A Labor Contractor (H-2ALC) Filing Requirements (20 CFR 655.132). The Department is granting a special variance to the application filing procedures for H-2ALCs contained at 20 CFR 655.132(a). Specifically, an employer engaged in animal shearing activities is authorized to file an Application for Temporary Employment Certification covering one or more areas of intended employment based on a definite itinerary. An itinerant animal shearing employer who desires to employ one or more nonimmigrant workers on an itinerary to provide itinerant animal shearing services to fixed-site farmers/ranchers is, by definition, an H-2ALC. Therefore, the itinerant animal shearing labor contractor must identify itself as the employer of record on the ETA Form 9142 by completing Section C and marking item C.17 as "H-2A Labor Contractor," and submitting, in addition to the documentation required under 20 CFR 655.130, all other required documentation supporting an H-2ALC application. The only special variance to the requirements at 20 CFR 655.132(b) is the recognized exemption of sheep shearing

activities from the requirements of the Migrant and Seasonal Agricultural Worker Protection Act (MSPA) (29 U.S.C. 1801, 1803 (a)(3)(E) et seq.).

III. POST-ACCEPTANCE REQUIREMENTS

- A. Additional Positive Recruitment (20 CFR 655.154). An animal shearing employer will be required to conduct positive recruitment within a multistate region of traditional or expected labor supply where the Chicago NPC finds that there are a significant number of qualified U.S. workers who, if recruited, would be willing to make themselves available for work at the time and place needed.

Based on long standing practice, one primary source of domestic workers for animal shearing has traditionally been the labor organization that represents sheep shearers, the Sheep Shearers Union of North America. Therefore, when the Chicago NPC issues a Notice of Acceptance, the employer will receive instructions to contact the Sheep Shearers Union of North America. In accordance with 20 CFR 655.154(d), the Certifying Officer will specify the documentation or other supporting evidence that must be maintained by the employer as proof that this positive recruitment requirement was met.

ATTACHMENT B
Standards for Mobile Housing Applicable to Occupations in the Itinerant Animal
Shearing Industry

I. PROCEDURES

Occupations involving itinerant animal shearing generally require workers to live in remote housing of a mobile nature, rather than “a fixed-site farm, ranch or similar establishment.” This type of housing is typically referred to as mobile housing. For purposes of these procedures, mobile housing is any housing that is capable of being moved from one area on the open range to another. The employer must provide housing at no cost to the H-2A workers and those workers in corresponding employment who are not reasonably able to return to their residence within the same day.

Where housing for work performed on the range is provided, the regulations at 20 CFR 655.122(d)(2) require that such housing meet standards of the DOL Occupational Safety and Health Administration (OSHA). In the absence of such standards, range housing must meet guidelines issued by OFLC. Due to the fact that OSHA standards currently do not cover mobile housing, Section II of this attachment establishes the standards for determining the adequacy of employer-provided mobile housing for use on the range. However, any other type of housing, used by an employer to house the workers engaged in itinerant animal shearing activities, must meet the standards applicable to such housing under 20 CFR 655.122(d).

Both mobile housing and fixed-site farm or ranch housing may be self-certified by an employer. Employers must submit a signed statement to the SWA and the Chicago NPC with the application for labor certification assuring that the housing is available, sufficient to accommodate the number of workers being requested, and meets all applicable standards.

SWAs must develop and implement a schedule which ensures that each employer’s self-certified housing is inspected no less frequently than at least once every 3 years. These inspections may be performed either before or after a request is submitted for nonimmigrant workers on the open range. Before referring a worker who is entitled to such housing, the SWA office must ensure that the housing is available and has been inspected in accordance with the inspection schedule. If the SWA determines that an employer’s housing cannot be inspected in accordance with the inspection schedule or, when it is inspected, does not meet all the applicable standards, the Chicago NPC may deny the H-2A application in full or in part or require additional inspections in order to satisfy the regulatory requirement.

An animal shearing contractor may lease a mobile unit owned by a crew member or other person or make some other type of “allowance” to the owner. Neither the SWA nor Chicago NPC should be involved in establishing or negotiating the amount an employer offers to provide to a worker or other person who owns a mobile unit and desires to lease it to the employer. The employer may not accept the use of a housing unit owned by a worker without remuneration, and the compensation provided to the owner must be

reasonable and consistent with leasing rates normally applicable to such units. Further, nothing in this paragraph alters the employer's obligation under 20 CFR 655.122 to provide housing at no cost to the H-2A workers and those workers in corresponding employment who are not reasonably able to return to their residence within the same day, nor the employer's obligation to pay the workers' wages free and clear.

In addition, if the employer represents such mobile unit as "housing or lodging provided by the employer", the employer "controls" the mobile unit and is subject to ensuring that the housing unit complies with the applicable mobile housing standards for such housing. In addition, the employer is subject to the SWA inspection schedule for such a unit.

II. MOBILE HOUSING STANDARDS

An employer may use a mobile unit, camper, or other similar mobile vehicle for housing workers that meets the following standards:

A. Housing Site

Mobile housing sites shall be well drained and free from depressions in which water may stagnate.

B. Water Supply

1. An adequate and convenient supply of water that meets standards of the state health authority shall be provided. The amount of water provided must be enough for normal drinking, cooking, and bathing needs of each worker; and
2. Individual drinking cups shall be provided.

C. Excreta and Liquid Waste Disposal

1. Facilities shall be provided and maintained for effective disposal of excreta and liquid waste in accordance with requirements of the state health authority or involved Federal agency; and
2. If pits are used for disposal by burying of excreta and liquid waste, they shall be kept fly-tight when not filled in completely after each use. The maintenance of disposal pits must be in accordance with state and local health and sanitation requirements.

D. Housing Structure

1. Housing shall be structurally sound, in good repair, in sanitary condition and shall provide protection to occupants against the elements;
2. Housing, other than tents, shall have flooring constructed of rigid materials easy to clean and so located as to prevent ground and surface water from entering;
3. Each housing unit shall have at least one window which can be opened or skylight opening directly to the outdoors; and

4. Tents may be used where terrain and/or land regulations do not permit use of other more substantial mobile housing which provides facilities and protection closer in conformance with the Department's intent.

E. Heating

1. Where the climate in which the housing will be used is such that the safety and health of a worker requires heated living quarters, all such quarters shall have properly installed operable heating equipment which supplies adequate heat. In considering whether the heating equipment is acceptable, the Chicago NPC shall first determine if the housing will be located in a National Forest Wilderness Section as specified in the Wilderness Act (16 U.S.C. §§ 1131-1136). Such a location has a bearing on the type of equipment practicable, and whether any heavy equipment can be used. For example, the Wilderness Act (16 U.S.C. § 1133(c)) restricts certain motorized or mechanical transport on certain roads in wilderness areas. The U.S. Forest Service has regulations for this at 36 CFR Part 293. Aside from the above, other factors to consider in evaluating heating equipment are the severity of the weather and the types of protective clothing and bedding made available to the worker. If the climate in which the housing will be used is mild and not reasonably expected to drop below 50 degrees Fahrenheit continuously for 24 hours, no separate heating equipment is required if proper protective clothing and bedding are made available;
2. Any stoves or other sources of heat using combustible fuel shall be installed and vented in such a manner as to prevent fire hazards and a dangerous concentration of gases. Portable electrical heaters may be used, and if approved by Underwriters' Laboratory, kerosene heaters may be used according to manufacturer's instructions. If a solid or liquid fuel stove is used in a room with wooden or other combustible flooring, there shall be a concrete slab, insulated metal sheet, or other fireproof material on the floor under each stove, extending at least 18 inches beyond the perimeter of the base of the stove;
3. Any wall or ceiling within 18 inches of a solid or liquid fuel stove or stove pipe shall be made of fireproof material. A vented metal collar shall be installed around a stovepipe or vent passing through a wall, ceiling, floor or roof; and
4. When a heating system has automatic controls, the controls shall be of the type which cuts off the fuel supply when the flame fails or is interrupted or whenever a predetermined safe temperature or pressure is exceeded.

F. Lighting

1. In areas where it is not feasible to provide electrical service to mobile housing, including tents, lanterns shall be provided (kerosene wick lights meet the definition of lantern); and
2. Lanterns, where used, shall be provided in a minimum ratio of one per occupant of each unit, including tents.

G. Bathing, Laundry and Hand Washing

Movable bathing, laundry and hand washing facilities shall be provided when it is not feasible to provide hot and cold water under pressure.

H. Food Storage

When mechanical refrigeration of food is not feasible, the worker must be provided with another means of keeping food fresh and preventing spoilage, such as a butane or propane gas refrigerator. Other proven methods of safeguarding fresh foods, such as salting, are acceptable.

I. Cooking and Eating Facilities

1. When workers or their families are permitted or required to cook in their individual unit, a space shall be provided with adequate lighting and ventilation; and
2. Wall surfaces next to all food preparation and cooking areas shall be of nonabsorbent, easy to clean material. Wall surfaces next to cooking areas shall be of fire-resistant material.

J. Garbage and Other Refuse

1. Durable, fly-tight, clean containers shall be provided to each housing unit, including tents, for storing garbage and other refuse; and
2. Provision shall be made for collecting or burying refuse, which includes garbage, at least twice a week or more often if necessary. Refuse disposal shall conform to Federal, state, or local law, whichever applies.

K. Insect and Rodent Control

Appropriate materials, including sprays, must be provided to aid housing occupants in combating insects, rodents and other vermin.

L. Sleeping Facilities

A separate sleeping unit shall be provided for each person, except in a family arrangement. Such a unit shall include a comfortable bed, cot, or bunk with a clean mattress. When filing an application for certification and only where it is demonstrated to the Certifying Officer that is impractical to set up a second sleeping unit, the employer may request a variance from the separate sleeping unit requirement to allow for a second worker to temporarily join the shearing operation. The second worker may be temporarily housed in the same sleeping unit for no more than three

consecutive days and the employer must supply a sleeping bag or bed roll free of charge.

M. Fire, Safety and First Aid

1. All units in which people sleep or eat shall be constructed and maintained according to applicable state or local fire and safety law;
2. No flammable or volatile liquid or materials shall be stored in or next to rooms used for living purposes, except for those needed for current household use;
3. Mobile housing units for range use must have a second means of escape. One of the two required means of escape must be a window which can be easily opened, a hatch, or other provision. It must be demonstrated that the custom combine worker would be able to crawl through the second exit without difficulty;
4. Tents are not required to have a second means of escape, except when large tents with walls of rigid material are used. A heater may be used in a tent if the heater is approved by a testing service, such as Underwriters' Laboratory, and if the tent is fireproof; and
5. Adequate fire extinguishers in good working condition and first aid kits shall be provided in the mobile housing.

U.S. DEPARTMENT OF LABOR Employment and Training Administration Washington, D. C. 20210	CLASSIFICATION
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	June 28, 2002
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ADVISORY : TRAINING AND EMPLOYMENT GUIDANCE LETTER NO. 31-01

**TO : ALL STATE WORKFORCE LIAISONS
ALL STATE WORKFORCE AGENCIES
ALL STATE WORKER ADJUSTMENT LIAISONS
ALL ONE-STOP CENTER SYSTEM LEADS**

**FROM : EMILY STOVER DeROCCO
Assistant Secretary**

SUBJECT : Timeframes for Inspecting All Housing Units for H-2A Labor Certification Purposes

- Purpose.** To provide guidance regarding required timeframes for the inspection of all housing units for H-2A temporary labor certification applications.
- References.** 20 C.F.R. § 655, Subpart B (H-2A Regulations); 29 CFR § 501 (H-2A Enforcement); 20 CFR § 653, Subpart F (Agricultural Clearance Orders); 20 CFR § 654, Subpart E, and 29 CFR § 1910.142 (Migrant Housing Standards); 8 U.S.C. 1188(c)(1) and (c)(3)(A) as amended by Pub. L. 106-78 sec. 748 (McConnell Amendment); 64 Fed. Reg. 34957-34966 (June 29, 1999); 8 U.S.C. 1188, Subsec. (c)(4). Pub. L. 106-554, § 1(a)(1) [Title I, § 105] (December 29, 2000).
- Background.** The McConnell Amendment, which became effective on June 29, 1999, statutorily changed the requirement to file H-2A labor certification requests from 60 days to 45 days and requires that certifications now be issued 30 days rather than 20 days before the date of need.

Public Law 106-554, § 1(a)(1) [Title I, § 105] amended 8 U.S.C. Sec. 1888. A determination as to whether the housing furnished by the employer meets requirements, must be made prior to the date by which the Secretary of Labor is required to make a certification determination (which is not later than 30 days before the date such labor or services are first required to be performed).

- Guidance.** These statutory changes supersede the regulations and must take precedent when conducting housing inspections. As a result of these changes, housing inspections must be

made not later than 30 days before the date such labor or services are first required to be performed.

Certifying Officers must receive documentation that the employer's housing meets applicable standards prior to certification being granted 30 days prior to the employer's date of need. State Workforce Agencies (SWAs) should be scheduling and conducting housing inspections in accordance with the statutory changes. SWAs should continue to encourage employers who expect to obtain their certification 30 days before the date of need to have housing ready for inspection at the time of filing their application, or earlier. SWAs should be prepared to conduct housing inspections prior to the employer's filing of their applications, as appropriate, and should plan to schedule housing inspections prior to filing for those employers who regularly use the H-2A program.

5. **Action Required.** SWA administrators are requested to provide this guidance to appropriate staff and ensure that housing inspections are being conducted timely in order to allow certifying officers to issue certifications 30 days before the date of need.
6. **Inquiries.** Inquiries should be directed to the appropriate regional certifying officer.

EMPLOYMENT AND TRAINING ADMINISTRATION ADVISORY SYSTEM U.S. DEPARTMENT OF LABOR Washington, D.C. 20210	CLASSIFICATION WIOA/Performance Reporting
	CORRESPONDENCE SYMBOL OPDR-OWI
	DATE June 29, 2016

ADVISORY: TRAINING AND EMPLOYMENT GUIDANCE LETTER WIOA NO. 26-15
OPERATING GUIDANCE for the WORKFORCE INNOVATION AND OPPORTUNITY ACT (referred to as WIOA or the Opportunity Act)

TO: STATE AND LOCAL STAKEHOLDERS IN THE WORKFORCE
INNOVATION AND OPPORTUNITY ACT
STATE WORKFORCE AGENCIES
STATE WORKFORCE ADMINISTRATORS
STATE WORKFORCE LIAISONS

FROM: PORTIA WU 
Assistant Secretary

SUBJECT: Negotiating Performance Goals for the Workforce Innovation and Opportunity Act (WIOA) Title I Programs and the Wagner-Peyser Employment Service as amended by Title III, for Program Year (PY) 2016 and PY 2017

1. **Purpose.** To inform States of the guidelines for the negotiation process for the first two years of implementation of the WIOA title I programs (Adult, Dislocated Worker, and Youth) and the Wagner-Peyser Employment Service program, as amended by title III of WIOA, for PY 2016 and PY 2017. Once negotiated levels are agreed upon by each State and the Employment and Training Administration (ETA), they will be incorporated into the State Unified or Combined Plan. This guidance also provides information on the negotiations process for the Adult Education and Family Literacy Act programs under title II of WIOA and the Vocational Rehabilitation program as amended by title IV of WIOA for PY 2016 and 2017.
2. **References.** See Attachment IV.
3. **Background.** On July 22, 2014, President Obama signed the Workforce Innovation and Opportunity Act (WIOA) into law. WIOA significantly advances the strategic alignment of workforce development programs, with particular emphasis on aligning the “core programs” administered by the Departments of Labor and Education. The core programs are the Adult, Dislocated Worker, and Youth programs; the Wagner-Peyser Employment Service; the Adult Education and Family Literacy program; and Vocational Rehabilitation. Such alignment is advanced through mechanisms such as Unified State Plans which require the States to develop one strategic plan for the core programs; Combined State Plans which may include

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certain additional partner programs; and the alignment of performance accountability provisions for WIOA core programs.

While much of WIOA became operational on July 1, 2015, several major provisions have later implementation dates, including the state planning (WIOA sections 102 and 103) and performance accountability provisions (sec. 116). The Unified and Combined State Plans and the performance accountability provisions are effective on July 1, 2016.

As required by WIOA, the Departments of Labor and Education (the Departments) jointly developed aligned definitions of the primary indicators of performance and created an initial statistical adjustment model. These performance accountability provisions initially were proposed through the Notice of Proposed Rulemaking for the Workforce Innovation and Opportunity Act Joint Rule for Unified and Combined State Plans, Performance Accountability, and the One-Stop System Joint Provisions published April 16, 2015, published at 80 Fed. Reg. 20573 (April 16, 2015). They also were further interpreted in the Workforce Innovation and Opportunity Act Common Performance Reporting Information Collection Request (“Joint WIOA Performance ICR”) 30-day notice for comment published at 80 Fed. Reg. 24654 (April 26, 2016).

Under WIOA, there are six primary indicators of performance:

- The percentage of program participants who are in unsubsidized employment during the second quarter after exit from the program (for title I Youth, the indicator is participants in education, or training activities or employment in the 2nd quarter after exit);
- The percentage of program participants who are in unsubsidized employment during the fourth quarter after exit from the program (for title I Youth, the indicator is participants in education, or training activities or employment in the 4th quarter after exit);
- The median earnings of program participants who are in unsubsidized employment during the second quarter after exit from the program;
- The percentage of program participants who attain a recognized postsecondary credential, or a secondary school diploma or its recognized equivalent, during participation in or within 1 year after exit from the program;
- The percentage of program participants who, during a program year, are in an education or training program that leads to a recognized postsecondary credential or employment and who are achieving measurable skill gains toward such a credential or employment; and
- Effectiveness of the core programs in serving employers.

The Departments recognize that the States will need time to make modifications to their data systems to fully implement the data elements and definitions to comply with the new WIOA

performance requirements. While the States are required to collect the data beginning July 1, 2016, the Departments also acknowledge that States may not be able to report data in the early quarters of PY 2016 because of system readiness and capability to submit data.

Additional information regarding the negotiation process and the use of the statistical adjustment model is provided in sections 5 through 7 of this guidance below.

The initial statistical adjustment model was developed based on historical data reported by States against the Workforce Investment Act (WIA) performance measures, which is used as a proxy for WIOA performance measures. The Department of Labor plans to use the initial statistical model (which is based on data reported under WIA) in negotiations with the States on their PY 2016 expected levels of performance for the following four indicators for title I and title III programs, as applicable: 1) employment in the second quarter after exit; 2) employment in the fourth quarter after exit; 3) median earnings in the second quarter; and 4) credential attainment rate. See Attachment VI for additional clarification.

4. **Definitions of Terms Related to Performance Negotiations.** This guidance uses the following terms:

- **Expected levels of performance** are the levels of performance on each primary indicator of performance on each core program submitted by the State in the initial submission of the State Plan prior to negotiations.
- **Negotiated levels of performance** are the levels of performance for each primary indicator for each core program, agreed to by the State and the Secretaries, prior to the start of the program year. The deadline for establishing negotiated levels in 2016 has been extended for the title I and Wagner-Peyser Service program as discussed below. These negotiated levels of performance must be incorporated into the Unified or Combined State Plan.
- **Actual results** are the results reported by a State for each primary indicator for each core program. Actual results will be compared to the adjusted levels of performance (see below) at the close of the program year to determine if the State failed to meet the adjusted levels of performance.
- **Adjusted levels of performance** are the negotiated levels of performance, after being revised at the end of the program year using the statistical adjustment model (see below). The statistical adjustment model is run to account for actual economic conditions and characteristics of participants served.
- **Baseline indicators** are indicators for which States will not propose an expected level of performance in the State Plan submission for PY 2016 or PY 2017 and will not need to come to agreement with the Departments on negotiated levels of performance. The selection of primary indicators for the designation as a baseline indicator is made based on the likelihood of a State having adequate data on which to make a reasonable

determination of an expected level of performance and such a designation will vary across core programs. It is unlikely that a State would have data on the baseline indicators because there was no reason to have collected such data under WIA. Additionally, certain indicators were designated as baseline indicators for PY 2016 and PY 2017 because there were insufficient observations to construct a statistical model for those indicators at this time. As a result, it is nearly impossible to objectively estimate an expected level of performance for these indicators.

“Baseline” indicators will not be used in the end of the year performance calculations and will not be used to determine failure to achieve adjusted levels of performance for purposes of sanctions. States are expected to collect data and report on these indicators of performance. Baseline indicators, by core program title, include:

- Title I: Measurable Skill Gains, Effectiveness in Serving Employers, Median Earnings (Youth program only)
 - Title II: All primary indicators EXCEPT Measurable Skill Gains
 - Title III: Effectiveness in Serving Employers (Credential Attainment Rate and Measurable Skill Gains are not required indicators)
 - Title IV: All primary indicators
- **Statistical Adjustment Model** (WIOA sec. 116(b)(3)(viii)), established by the Departments, is an objective statistical model to be used to make adjustments in the State negotiated levels of performance for actual economic conditions and the characteristics of participants served at the end of the program year. It also is a key factor to be used in arriving at mutual agreement on State negotiated core program performance levels. See below for greater detail on its development and use.
5. **The Negotiation Process for PY 2016 and PY 2017.** WIOA sec. 116(b)(3)(A)(iv) mandates that States will negotiate two years of performance outcomes for the first two program years. States and federal partners will negotiate goals for all non-baseline indicators for both PY 2016 and PY 2017. States will be able to renegotiate PY 2017 performance levels during the fourth quarter of PY 2016. Please refer to *Orderly Transition Provisions for Baseline and Negotiated Indicators of Performance* contained within this section for details on renegotiation.

As described more fully in Attachment VI, indicators to be negotiated for PY 2016 and PY 2017 are:

- Title I Adult, Dislocated Worker, and Youth programs: indicators for employment in the second quarter after exit, employment in the fourth quarter after exit, median earnings in the second quarter after exit (for Title I Adult and Dislocated Worker programs only), and credential attainment rate;
- Title II Adult Education and Family Literacy program: indicator for measurable skill gains; and

- Title III Wagner-Peyser Employment Service: indicators for employment in the second quarter after exit, employment in the fourth quarter after exit, median earnings in the second quarter after exit.

Please note that no levels of performance will be negotiated for the Vocational Rehabilitation State grant programs for PY 2016 and PY 2017.

As mentioned above, the Departments realize that performance outcome data will not be available for any core indicator except for Measurable Skill Gains in PY 2016. However, DOL grantees will negotiate goals for PY 2016 in conjunction with negotiating goals for PY 2017 as well.

The overall State negotiation process will proceed as outlined below:

- Each State submits expected levels of performance in its Unified or Combined State Plan based on the State's analysis of factors that may affect performance. Expected levels of performance must be stated to the nearest tenth of a percent (XX.X%) or to the nearest whole dollar for median earnings. When the State submits the expected levels of performance to ETA, the State must confirm that it has made the expected levels of performance available to the public for review and comment. For instructions on plan submission, see TEGL 14-15, *Workforce Innovation and Opportunity Act (WIOA) Requirements for Unified and Combined State Plans*.
- After Plan submission, the State is required to reach agreement with the Secretary of Labor, in conjunction with the Secretary of Education, on State negotiated levels of performance for the indicators for each of the first two years of the Plan, for each of the core programs under WIOA sec. 116(b)(3)(A)(iv)(I). The factors that will be taken into account during the negotiation process are described in detail in section 6 of this guidance. In addition to these factors, the Departments will use the statistical adjustment model as a tool in the negotiation process to adjust the State's expected levels of performance to help reach agreement on the negotiated levels of performance. For the WIOA title I programs (Adult, Dislocated Worker, and Youth) and the Wagner-Peyser Employment Service program, as amended by title III of WIOA, the State will negotiate its performance with the ETA regional office. As part of the negotiation process, the State will be asked to provide the rationale for the methodology behind its expected levels of performance, considering the factors identified in WIOA sec. 116(b)(3)(A)(v) and further described in section 6 of this guidance. The regional office will review the analyses used by the State to develop the expected levels of performance and work with the State to set mutually agreed-upon levels of performance. These are the negotiated levels of performance. Regional offices will take into account the factors outlined in WIOA sec. 116(b)(3)(A)(v) and those addressed by the State. Once negotiated levels of performance are agreed upon, the State must incorporate these modifications into the Unified or Combined State Plan.

- While the Departments will not use baseline indicators in the end of PY 2016 performance calculations, and these baseline indicators will not be used to determine if a State failed to meet its adjusted levels of performance for purposes of sanctions, **States still must collect and report on all primary indicators of performance, including those that have been designated as “baseline.”** The actual performance data reported by States for indicators designated as “baseline” in the first two program years of implementation will serve to support negotiations and to continue to build and refine the statistical adjustment model in future years. It should also be noted that OCTAE will negotiate with States for the title II AEFLA programs, and RSA will negotiate with States for the title IV VR programs.

Determinations of financial sanctions, on account of any overall State program score or indicator score, will not occur until at least 2 full years of outcome data has been reported; the Departments will not consider data reported prior to July 1, 2016 as a component of 2 full years of outcome data under WIOA. The Departments will issue additional guidance on the sanctions process.

- It should be noted that the Departments will not engage in mid-year renegotiations. For example, after PY 2016 negotiated levels of performance are agreed upon, States will not be able to be renegotiate these levels during or after the program year. However, States will have an opportunity to renegotiate PY 2017 levels during the fourth quarter of PY 2016. These renegotiations would be based upon three quarters of data and information on the other three factors presented by the State.

Orderly Transition Provisions for Baseline and Negotiated Indicators of Performance –

The data and information that currently are available for each primary performance indicator vary across indicators and also across the core programs. To ensure an orderly transition to the performance accountability system in sec. 116 of WIOA, for PY 2016 and PY 2017, the Departments will use the transition authority under sec. 503(a) of WIOA to designate certain primary performance indicators of performance as “baseline” indicators in the first State plan submission.

The Median Earnings for the Youth primary indicator will not be negotiated for PY 2016 and PY 2017, as previously indicated in Appendix I of the Information Collection Request for Unified and Combined State Plans. There are insufficient observations from the WIA Workforce Investment Act Standardized Record Data (WIASRD) to accurately build a statistical adjustment model for this indicator. The statistical adjustment model will be developed and used for this indicator after States have submitted two full program years of youth earnings data.

Use of the Statistical Adjustment Model in the Negotiation Process: Under WIOA, the statistical adjustment model, established by the Secretaries of Labor and Education, will be used to ensure that the negotiated performance levels are based on the actual economic conditions and characteristics of participants. Actual economic conditions include differences in unemployment rates and job losses or gains in particular industries. Characteristics of

participants include indicators of poor work history, lack of work experience, lack of educational or occupational skills attainment, dislocation from high-wage and high-benefit employment, low levels of literacy or English proficiency, disability status, homelessness, ex-offender status, and welfare dependency. The Departments emphasize the critical importance of the statistical adjustment model in the performance negotiation process under WIOA in addition to acknowledging that the model will be refined with ongoing use and application using pertinent data.

The statistical adjustment model will provide two major functions in performance negotiations and assessment. First, it is one of the factors used when coming to mutual agreement on the negotiated levels of performance. It is used to account for the expected economic conditions and the expected characteristics of participants to be served in the State and/or local areas. Second, it will be applied at the close of a program year to the negotiated level, to adjust for actual economic conditions experienced and actual characteristics of participants. States are encouraged to reference Attachment II for an executive summary of the statistical adjustment model. Additional guidance will be issued on the statistical adjustment model.

The Departments recognize that the use of the statistical adjustment model is a new requirement for the core programs and its initial application will provide baselines for future applications. The methodology for the statistical adjustment model, including the factors in the model, will be available for periodic public comment and review. The Departments also recognize that the initial statistical adjustment model will be updated and refined after the Departments receive actual WIOA performance data. The Departments will issue more specific guidance to the workforce system.

The Department of Labor will utilize the targets generated from the statistical adjustment model in its negotiation process with the States for the non-baseline indicators. However, due to the lack of complete availability of data that will be reported at the end of PY 2016, the model will not be applied to determine adjusted levels of performance for PY 2016.

Local Performance Negotiations: In addition to the State negotiated levels of performance, States must work with local workforce development areas to establish performance goals for WIOA title I programs. The local board, the chief elected official, and the Governor must negotiate and reach agreement on local levels of performance based on the State negotiated levels of performance. In negotiating the local levels of performance, the local board, the chief elected official, and the Governor must make adjustments for the expected economic conditions and expected characteristics of participants to be served in the local area, using the statistical adjustment model developed at the Federal level as a tool. In addition, the statistical adjustment model must be used at the end of the program year to adjust negotiated local levels of performance in order to reflect the actual economic conditions experienced in the local area and the characteristics of participants served.

The Department has developed an Excel spreadsheet (Attachment IIIB) to accompany the statistical adjustment model to facilitate the negotiations process between the States and local

areas. The tool displays each variable used within the model, the coefficient associated with each variable, as well as the statewide population proportion for each variable; a summary of targets by state is also available. Detailed instructions on its use are in the first tab labeled Attachment IIIA.

6. **Reaching Agreement on State Performance Levels.** State Unified or Combined State Plans submitted on or before April 1, 2016 should have contained expected levels of performance for the non-baseline primary performance indicators; this information is the first step in the negotiation process. Negotiated levels of performance must be agreed upon by no later than **August 15, 2016. In order to facilitate an orderly transition, the Departments are exercising their transition authority to extend the deadline to reach agreement on PY 2016 and PY 2017 expected levels of performance.** However, in future years, the deadline will be June 30.

Additionally the local board, the chief elected official, and the Governor must negotiate and reach agreement on local levels of performance based on the State negotiated levels of performance no later than September 30, 2016.

Negotiation Factors

In reaching agreement on the negotiated levels of performance States and the Secretary shall take into account the following factors:

1. *How levels involved compare with the State adjusted levels of performance established for other States;*

States may use historical, annual WIA performance information (PY 2007-2014) to inform the expected levels of performance for PY 2016 and PY 2017. States also may use recent quarterly performance results to support projected performance and service populations.

Although States should have access to their own historical performance information, various tools and resources are available to examine all states' performance data, including State by State files (www.doleta.gov/Performance/results/wia_national_performance.cfm); DOL's Clearinghouse for Labor Evaluation and Research (CLEAR) (<http://clear.dol.gov/>); VETS' performance data (<http://www.dol.gov/vets/vetoutcomes/index.htm>). Bureau of Labor Statistics (BLS) data includes employment, industries, counties, and average earnings (www.bls.gov/cew/home.htm). When using BLS data as a guide, States should be careful to consider the timeframes covered by BLS employment and wage information, and the relative time periods in which WIA and Wagner-Peyser Act exiters enter employment and obtain post-program earnings. For example, when looking at unemployment rates for a given geographical region, it is important to align the time period to the lagged timing of the indicator target being established.

2. *How levels involved have been proposed using an objective statistical adjustment model provided by the Department of Labor.*

WIOA sec. 116(b)(3)(A)(v)(II) requires the use of the statistical adjustment model in the negotiations process. The model is to be based on the differences among States in actual economic conditions (including, among other factors, differences in unemployment rates and job losses or gains in particular industries); and the characteristics of participants, such as indicators of poor work history, lack of work experience, lack of educational or occupational skills attainment, dislocation from high-wage and high-benefit employment, low levels of literacy or English proficiency, disability status, homelessness, ex-offender status, and welfare dependency. States are encouraged to reference Attachment V for a list of data tools available to identify characteristics of the State's population and its economic trends.

3. *The extent to which levels involved promote continuous improvement and ensure optimal return on the investment of Federal funds.*

The Department considers continuous improvement to be a critical factor in the negotiations process. The Department acknowledges that there are many ways to define continuous improvement. Continuous improvement may reflect an increase in the level of performance, a change in service strategy and delivery, or a change in the customers served. The customers served by the local area may have a significant impact on outcomes depending on the type of services provided and other factors unique to the population. WIOA emphasizes serving those individuals with barriers to employment and individuals more at-risk of not connecting to the labor market.

ETA will consider setting performance targets to accommodate States currently serving a significant number of individuals with barriers to employment who need higher levels of service to achieve a positive outcome. In such circumstances, the performance levels would be agreed upon during the negotiation process based on expectations to serve a significant population of individuals with barriers to employment, and subsequently adjusted to account for the actual characteristics of individual served.

When negotiating the Youth goals, States should consider the importance of serving the youth most in need, especially out-of-school youth (including those who are dropouts, in foster care, youth who are homeless or runaways, subject to the juvenile or adult justice system, pregnant or parenting, basic skills deficient or English language learners). States that have ongoing initiatives for serving individuals with barriers to employment or serving the youth most in need may work with their respective Regional Administrator to negotiate appropriate goals for PY 2016 and PY 2017.

When negotiating goals for the Adult program, States proposing new efforts to increase access to services for special populations that may face significant barriers to employment, such as older individuals, individuals with disabilities, eligible migrant or seasonal farm workers, Indians, Alaska Natives, and Native Hawaiians, individuals who are basic skills deficient, public assistance recipients, or other low income individuals should provide data to show how

these new efforts will impact outcomes. ETA supports efforts that will help States reach a wider variety of available workers as they expand their talent pipelines.

4. *The extent to which levels involved will assist the State in meeting the performance goals established by the Secretaries of Education and Labor in accordance with the Government Performance and Results Act (GPRA) of 1993.*

Throughout the performance negotiations process, States should be aware of GPRA goals the Department established through PY 2017. The Departments will use GPRA goals as one of several benchmarks by which to gauge their States' proposed performance levels in the context of these national system goals. GPRA is an important mechanism by which Congress and OMB evaluate the success of Federal programs, including those operated by States and local areas. GPRA goals for core programs operated by the Department of Labor will be available at <http://www.doleta.gov/Performance/goals/gpra.cfm>.

7. **Methodology for Assessing Performance against Adjusted Levels.**

At the end of the program year, the negotiated levels of performance for that year will be adjusted using the statistical adjustment model, which will factor in data on the economic conditions of the State and the populations served by the program(s) during that year. This will determine the adjusted levels of performance for the program year against which the State's actual results will be compared.

For the WIOA core programs, the threshold for performance failure is 90 percent of the adjusted level of performance for the overall State program score and the overall State indicator score. The threshold for performance failure on any individual indicator for any individual program is 50 percent of the adjusted level of performance. Performance on an individual measure will be determined based on the position of the outcome (the actual results achieved) relative to the adjusted levels of performance. An average of this result across all indicators for each program will establish the States' overall program score. An average of this result across all of the core programs for each indicator will be used to establish the States' overall indicator score. Further information will be provided in the forthcoming final regulation implementing WIOA.

The introduction of an overall State score across programs and indicators will ensure that the performance accountability system, as articulated in sec. 116 of WIOA, maintains alignment and integration across all core programs. This overall score, which will be set at the 90 percent threshold for the overall program and indicator scores, and balanced with a 50 percent threshold on any single indicator, will allow a State to account for mitigating factors that prevent it from achieving 100 percent of its adjusted levels of performance.

Determination of financial sanctions will occur only after two years of complete data are available for inclusion in the statistical adjustment model, and after the model has been utilized to set targets for two full program years. Additional information on performance assessment and the sanctions process will be issued in forthcoming guidance.

Because the Departments recognize that there will be no outcomes available to be reported in PY 2016 for the indicators that are being negotiated for the core programs, the Departments are exercising their transition authority to provide that sanctions will occur only after two years of complete data are available.

During this time of transition, the Departments will still provide technical assistance to States and develop performance improvement plans, with the States, if necessary.

8. **Action Requested.** States are requested to distribute this information to the appropriate State and local staff.
9. **Inquiries.** Questions concerning this guidance should be directed to the appropriate regional office.
10. **Attachments.**
 - Attachment I: Recommended Timeline for the PY 2016 and PY 2017 Negotiations Process
 - Attachment II: Executive Summary of the Statistical Adjustment Model
 - Attachment IIIA: Note to Reviewer
 - Attachment IIIB: Excel Spreadsheet Tool for the Negotiation Process
 - Attachment IV: WIOA Operating Guidance TEGL References
 - Attachment V: Data Tools for Identifying Characteristics of Participants and Economic Conditions
 - Attachment VI: Negotiated Indicators of Performance for PY 2016 and PY 2017

ATTACHMENT I
Recommended Timeline for the PY 2016 and PY 2017 Negotiations Process

Date	Action
No later than April 1, 2016/2017	States formally submit expected levels of performance for the non-baseline indicators in the State Plan.
April 1 through August 15, 2016	Regional offices review States' expected levels of performance and work with states to arrive at mutually agreed upon negotiated levels of performance.
No later than August 15, 2016	Regional Administrators send approval letters to States regarding the final negotiated levels of performance. States enter final negotiated levels for PY 2016 into State Plan portal.
Spring 2017	States submit any revised expected levels of performance. Additional guidance will be forthcoming.
June 30, 2017	States enter final negotiated levels of performance for PY 2017 into State Plan portal if they choose to renegotiate for PY 2017.

Attachment II:

Executive Summary

Statistical Adjustment Model Methodology

The Workforce Innovation and Opportunity Act (WIOA) section 116, Performance Accountability System, requires the use of a statistical adjustment model when setting levels of performance. WIOA requires that levels of performance be negotiated for each of the primary indicators of performance at the State level. State-level actual performance outcomes are a function of (a) the characteristics of the participants being served, as well as (b) the labor market conditions in which those participants are being served. WIOA specifically requires that factors of both types be accounted for, and the use of a statistical model when negotiating levels of performance is intended to account for variation in factors of both types. A properly specified statistical model will appropriately adjust performance goals for States serving harder-to-serve populations and/or in economies facing more difficult labor market conditions. The statistical model objectively quantifies how, and to what extent, each of these factors affects levels of performance—i.e., actual outcomes. The goal of the statistical approach is to account for these factors, and separate them from those factors that program administrators are able to control.

The Department of Labor's Chief Evaluation Office (CEO), in collaboration with the Department's Employment and Training Administration (ETA), as well as the Department of Education's Office of Career, Technical, and Adult Education (OCTAE), and the Rehabilitative Services Administration (RSA), conducted extensive research and statistical analysis regarding the development of an appropriate statistical adjustment model. Additionally, the Chief Evaluation Office, ETA, OCTAE, and RSA consulted with workforce system professionals and external experts in the statistical and economics fields about the approach taken to develop the statistical model.

The Chief Evaluation Office and ETA conducted analyses using data from individual records of participants served by the Workforce Investment Act (WIA) title I-B, and Wagner-Peyser (WP) title III programs. These records contain detailed information about each program participant's characteristics, program activities, and outcomes. States have submitted these records quarterly, and each quarterly submission file contains the ten most recent quarters of information on all participants who received funded services during that time span. WIA records from Program Year (PY) 2005 (July 1, 2005 through June 30, 2006) to PY 2014 (July 1, 2014 through June 30, 2015) and WP records from PY 2012 (July 1, 2012 through June 30, 2013 to PY 2014 were used to calculate outcomes for the WIOA performance indicators: Employment Rate 2nd quarter after exit, Employment Rate 4th quarter after exit, and Median Earnings in the 2nd quarter after exit for each year from 2005 to 2014. The Employment Rate 4th quarter after exit for WP was estimated using proxy data from the 3rd quarter after exit. The Credential Attainment Rate within 4 quarters after exit was estimated using proxy WIA data extending only to the 3rd quarter after exit. The Youth Employment or Placement in Education indicators for the 2nd and 4th quarters after exit were estimated using WIA data for the 1st and 3rd quarters after exit, respectively.

The Department of Labor's Chief Evaluation Office has recommended that the statistical adjustment model include all of the variables expected to explain changes in the performance outcomes (i.e., explanatory variables) as required by WIOA sec. 116, and specified in Tables 1 and 2, with a few exceptions. Certain variables that do not apply to Youth programs (those in Table 1 that are not marked with an 'x' in the Youth column) also were removed from the Youth specific target estimation models. The variables for male exiters, exiters with education beyond a bachelor's degree, and the economic variable for trade, transportation, and utility related employment also were omitted to avoid the loss of model precision that can occur when two or more explanatory variables are highly correlated to one another. The variable representing *exiters who received training* was also removed from Credential Attainment models for Adult, Dislocated Worker, and Youth programs on account of correlation with other Credential Attainment variables. The individual-level data were also aggregated to the State level on a quarterly basis, and each variable is presented as the percent of total exiters except for those representing youth education level, pre-test scores, and post-test scores, which were expressed as averages.

To produce targets for each State, CEO recommended estimating the coefficients for the participant characteristics (also known as the impact each individual characteristic imposes on a given performance outcome), and economic conditions using a fixed effects model. This type of model will allow the Departments to estimate the program effect of each State that does not change over time; in other words, this is the fixed effect estimator for each State. The average State fixed effect will be used when projecting targets based on the participant characteristics and economic conditions. Under this approach, the targets reflect the outcome the State should have achieved after adjusting only for the measureable changes in the characteristics of exiters actually served during the program year as captured by the explanatory variables and the actual condition of the local economies, as measured by the economic variables. The State fixed effects are treated as program specific effects that program administrators can largely control.

Initial WIOA performance targets (those targets set prior to the beginning of the program year must be negotiated with consideration of the most recent available data at the time of model estimation. At the end of the program year, the data from the initial model will be updated with the most current data to reflect the actual participant characteristics and economic conditions during that program year. The model will then yield new targets based on the updated data.

This current initial model will be used in the negotiation process between ETA's regional offices and States to negotiate levels of performance for WIOA title I Adult, Dislocated Worker, and Youth programs and the title III Wagner-Peyser Employment Service, for the following performance indicators: 1) employment in the second quarter after exit; 2) employment in the fourth quarter after exit; 3) median earnings in the second quarter; and 4) credential attainment rate. This statistical model also must be used by States to negotiate levels of performance with the local areas.

Once States and grantees begin reporting on the WIOA primary indicators of performance, the Departments of Labor and Education will use those outcomes to begin building and refining the statistical models for the remaining indicators. The model will continue to be refined with each set of data that is reported in addition to factoring in the economic conditions.

The tables below provide a description of each explanatory variable. As discussed, WIOA requires the statistical adjustment model to account for variation in participant characteristics as well as local labor market conditions. Table 1 contains the descriptions of the explanatory variables based on participant characteristics. Table 2 contains the information on the economic variables including unemployment rate, and industrial structures (employment level). All statistical adjustment modeling used the economic variables as explanatory variables. The data described in Table 2 were obtained from the Bureau of Labor Statistics¹. It is important to note that because the performance measures derived from the WIA data were not adjusted for seasonal changes, the unemployment rate used here also is not seasonally adjusted. The non-seasonally adjusted unemployment rate is used to maintain consistency with the outcome data. The economic data are aligned with the characteristic data elements by State and time period. For example, the unemployment rate for Alabama in the 2nd quarter of calendar year 2013 is aligned with the characteristics of Alabama's exiters in the 2nd quarter of calendar year 2013.

Table 1. Explanatory Variables on Participant Characteristics

Variable Description	Adult	DW	Youth	WP
Female	x	x	x	x
14<=Age<=15			x	
16<=Age<=17			x	
Age=18			x	
19<=Age<=20			x	
26<=Age<=35	x	x		x
36<=Age<=45	x	x		x
46<=Age<=55	x	x		x
56<=Age<=65	x	x		x
66<=Age	x	x		x
Hispanic ethnicity	x	x	x	x
Race: Asian (not Hispanic)	x	x	x	x
Race: Black (not Hispanic)	x	x	x	x
Race: Hawaiian/Pacific Islander (not Hispanic)	x	x	x	x
Race: American Indian or Native Alaskan (not Hispanic)	x	x	x	x
Race: More than one (not Hispanic)	x	x	x	x
Highest grade completed: Less than High School graduate	x	x	x	x
Highest grade completed: High school equivalency	x	x	x	x
Highest grade completed: Some college	x	x	x	x
Highest grade completed: Certificate or Other Post-Secondary Degree	x	x	x	x
Highest grade completed: Associate degree	x	x		x
Highest grade completed: Bachelor degree	x	x		x
Employed at participation	x	x	x	

¹ Unemployment rate: <http://www.bls.gov/lau>; Employment: <http://www.bls.gov/cew/datatoc.htm>; Seasonal adjustment: <http://www.bls.gov/cps/seasfaq.htm>.

Variable Description	Adult	DW	Youth	WP
Individual with a disability	x	x	x	
Veteran	x	x		
Had earnings in 2nd and 3rd preprogram quarters	x	x		x
Had earnings in 3rd preprogram quarter	x	x		x
Had earnings in 2nd preprogram quarter	x	x		x
Received services financially assisted under the Wagner-Peyser Act	x	x	x	
Limited English-language proficiency	x	x	x	
Single parent	x	x		
Low income	x	x	x	
TANF recipient	x	x	x	
Other public assistance recipient	x	x	x	
Homeless	x	x	x	
Offender	x	x	x	
Unemployment insurance claimant, non-exhaustee	x	x	x	
Unemployment insurance claimant, exhaustee	x	x	x	
Received supportive services	x	x		
Received needs-related payments	x	x		
Received intensive services	x	x		
Received training services	x	x		
Established Individual Training Account (ITA)	x	x		
Pell grant recipient	x	x	x	
Received pre-vocational activity services	x	x		
Pregnant or parenting youth			x	
Youth who needs additional assistance			x	
Youth enrolled in education at or during program participation			x	
Youth enrolled in education at exit			x	
Youth enrolled in education at participation			x	
Youth with basic literacy skills deficiency (at or below 8th grade)			x	
Youth that is or was in foster care			x	
Youth that received educational achievement services			x	
Youth that received employment opportunities			x	
Youth participated in an alternative school			x	
Average educational functioning level for Youth participants			x	
Average standardized pre-test score			x	
Average standardized post-test score			x	

Table 2. Explanatory Variables on Economic Conditions

Economic Variable	Definition
UnempRate	Not seasonally adjusted quarterly unemployment rate
NatResEmp	Percentage of total employment in NAICS 1133-Logging, and Sector 21-Mining
ConstEmp	Percentage of total employment in Sector 23-Construction
ManfEmp	Percentage of total employment in Sectors 31, 32, 33-Manufacturing
TechEmp	Percentage of total employment in Sector 51-Information, Sector 52-Finance and Insurance, Sector 53-Real Estate and Rental and Leasing, Sector 54-Professional, Scientific, and Technical Services, Sector 55-Management of Companies and Enterprises, and Sector 56-Administrative and Waste Services
EdHealthEmp	Percentage of total employment in Sector 61-Educational Services, and Sector 62-Health Care and Social Assistance
LeisHospEmp	Percentage of total employment in Sector 71-Arts, Entertainment, and Recreation, and Sector 71-Accommodations and Food Services
OtherServEmp	Percentage of total employment in Sector 81-Other Services
PublicAdminEmp	Percentage of total employment in Federal, State, and Local Government

Attachment IIIA - Note to Reviewer

This Negotiations Tool is an interactive Excel spreadsheet designed to aid in the negotiations process. The Office of Policy Development and Research has put together a few points of analysis that should be considered when negotiating WIOA State levels of performance. There is a lot of information in this tool and even more information has gone into putting it together. The following is a list of the informative sheets found in the tool and a brief description of each. The information found within the tool will not translate well into a hard copy version.

FYI – This is where you should start before using this tool. It explains how the projections and predictions are calculated. The cohorts used to simulate the data for each measure are also listed.

Summary – This sheet contains a broad view of each target outcome for each State. We have also included a predicted outcome for each measure. This differs from a target. A prediction is an estimated outcome that takes into account the estimated performance of the State program. Targets are estimated outcomes that do not consider the effect of the State program. The negotiated level of performance should be somewhere in between these two points. The Summary sheet also includes averages for the previous five years of simulated outcomes as additional information to help with the negotiations. Following the averages, is a chart displaying the simulated outcomes for the five previous performance years and a trend line indicating the overall direction of the State's performance in the selected measure. Users can change the measure displayed by this chart by making a selection in cell E53.

Adult, Dislocated Worker, Wagner-Peyser, Youth – These sheets, one for each program, contain the estimated coefficients for each measure and the most recent simulated data used to calculate the target outcomes and predicted outcomes. Below the coefficients and recent data is a table containing the average State effect, specific State effects, and difference from the average for each State. This difference is an indication of the State's performance. If the difference is negative, the State effect is below average and if the difference is positive the State effect is above average. Users can review the calculations for different States by making a selection in the drop down menu in cell B2. These sheets can also be used by States when negotiating with their local areas by replacing the simulated data with the participant and economic characteristics of the local area.

A-comp, DW-comp, WP-comp, Y-comp – These sheets, one for each program, contain assessments of the target outcomes and predicted outcomes. The tables contain the target, predictions, and simulated outcomes for each State. To the right of the tables there are charts displaying the same information.

This is a placeholder for the Statistical Adjustment Model tool. Since the tool was built in Excel, please see the actual Excel file to utilize the tool as there are dropdown menus and graphs that are generated from the menu selection. Converting the document to PDF form would disable the dynamic functionality.

Attachment IV

WIOA Operating Guidance References

- WIOA Sec. 116, Performance Accountability System;
- WIOA Sec. 503, Transition Provisions;
- TEGL 14-15, Workforce Innovation and Opportunity Act (WIOA) Requirements for Unified and Combined State Plans
- Required Elements for Submission of the Unified or Combined State Plan and Plan Modifications under the Workforce Innovation and Opportunity Act (OMB No. 1205-0522
- Government Performance and Results Act (GPRA) of 1993 (Public Law 103-62; 107 Stat. 285)

Attachment V – Data Tools for Identifying Characteristics of Participants and Economic Conditions

A number of data tools are available to identify characteristics of the State's population and its economic trends, including:

- State Labor Market Information Department Websites (http://www.careerinfonet.org/select_state.asp?from=&next=lmi1&id=11&nodeid=13&soccode=);
- StatsAmerica State Profiles (<http://www.statsamerica.org/>);
- Census Bureau Population Data (<http://www.census.gov/topics/population.html>);
- State Data Centers (<https://www.census.gov/about/partners/sdc/member-network.html>);
- Regional Economic Data (<http://www.bea.gov/regional/>);
- Business and Economic Data (<https://www.census.gov/econ/geography.html>);
- Quarterly Census of Employment and Wages historic data (<http://www.bls.gov/cew/datatoc.htm>);
- Demographic Narrative Profiles (<http://www.census.gov/acs/www/data/data-tables-and-tools/narrative-profiles/2014/>);
- Census State Demographic Profiles (<https://www.census.gov/2010census/news/press-kits/demographic-profiles.html>);
- Disability Data Resources (<http://www.dol.gov/odep/pubs/fact/data.htm>);
- Educational Attainment Profiles (<http://nces.ed.gov/programs/maped/>).
- Quarterly Census of Employment and Wages data for 2012-forward (http://www.bls.gov/cew/apps/data_views/data_views.htm#tab=Tables)

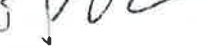
ATTACHMENT VI: Negotiated Indicators of Performance for PY 2016 and PY 2017

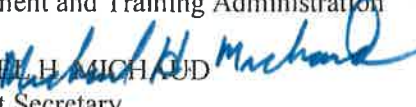
The following chart lists the specific primary indicators to be negotiated for PY 2016 and PY 2017.

Department/Agency	Applicable Statutory Citations	Primary Indicators to be Negotiated for PY 2016 and PY 2017
DOL/ETA	Title I, 29 U.S.C. secs. 3101 et seq.	<ul style="list-style-type: none"> • Employment in the 2nd Quarter After Exit (the title I Youth indicator is education or training activities or employment in the 2nd quarter after exit) • Employment in the 4th Quarter After Exit (the title I Youth indicator is education or training activities or employment in the 4th quarter after exit) • Median Earnings in the 2nd Quarter After Exit (For title I Adults and Dislocated Workers only) • Credential Attainment Rate
DOL/ETA	Wagner Peyser Employment Service program, as amended by title III, 29 U.S.C. secs. 49 et seq.	<ul style="list-style-type: none"> • Employment in the 2nd Quarter After Exit • Employment in the 4th Quarter After Exit • Median Earnings in the 2nd Quarter After Exit
ED/OCTAE	Title II, 29 USC secs. 3271 et seq.	<ul style="list-style-type: none"> • Measurable Skill Gains
ED/RSA	Vocational Rehabilitation Program, as amended by title IV, 29 USC secs. 701 et seq.	<ul style="list-style-type: none"> • N/A, RSA will not negotiate PY 2016 or PY 2017 State targets levels for primary performance indicators.

TRAINING AND EMPLOYMENT NOTICE	NO. 8-16
	DATE August 24, 2016

TO: H-1B JOB TRAINING PROGRAM GRANTEEES
INDIAN AND NATIVE AMERICAN PROGRAM SECTION 166 GRANTEEES
JOB CORPS CENTER DIRECTORS
NATIONAL DISLOCATED WORKER GRANT (FORMERLY NATIONAL
EMERGENCY GRANT) GRANTEEES
NATIONAL FARMWORKER JOBS PROGRAM GRANTEEES
RAPID RESPONSE COORDINATORS
REENTRY EMPLOYMENT OPPORTUNITIES (FORMERLY RExO)
PROGRAM GRANTEEES
STATE MONITOR ADVOCATES
STATE WORKFORCE AGENCIES
STATE WORKFORCE ADMINISTRATORS
STATE WORKFORCE INNOVATION AND OPPORTUNITY ACT LIAISONS
STATE AND LOCAL WORKFORCE DEVELOPMENT BOARD CHAIRS
AND DIRECTORS
STATE DIRECTORS FOR VETERANS' EMPLOYMENT AND TRAINING
STATE WORKFORCE AGENCY VETERANS COORDINATORS
TRADE ADJUSTMENT ASSISTANCE LEADS
YOUTHBUILD PROGRAM GRANTEEES

FROM: PORTIA WU 
Assistant Secretary
Employment and Training Administration

MICHAEL H. MICHARD 
Assistant Secretary
Veterans' Employment and Training Service

SUBJECT: Implementation of an Integrated Performance Reporting System for Multiple
Employment and Training Administration (ETA) and Veterans' Employment and
Training Service (VETS) Administered Programs

- Purpose.** The purpose of this Training and Employment Notice (TEN) is to announce the implementation schedule for an integrated performance reporting system for ETA and VETS workforce programs. Grantees under the Workforce Innovation and Opportunity Act (WIOA) (titles I and III), Trade Adjustment Assistance (TAA), H-1B Job Training Grants, Reentry Employment Opportunities (REO), and Jobs for Veterans State Grants (JVSG) will report performance measure outcomes under a new integrated system that will generally become available after July 1, 2016 for testing, and after October 1, 2016 for reporting. This

TEN provides, for each program, a timeline for system availability and expected submission of performance data.

2. **References.**

- WIOA (Pub. L. 113-128), enacted July 22, 2014;
- Wagner-Peyser Act, as amended (29 U.S.C. 49 et seq.);
- American Competitiveness and Workforce Improvement Act of 1998 (Pub. L. 105-277) (as amended);
- Trade Adjustment Assistance (TAA) Reform Act of 2002 (Pub. L. 107-210) (as amended by the Trade Adjustment Assistance Reauthorization Act (TAARA) of 2015, title IV of the Trade Preferences Extension Act of 2015 (Pub. L. 114-27);
- Title 38, United States Code , Chapters 41 and 42 (Jobs for Veterans State Grants);
- TEGL No. 19-14, *Vision for the Workforce System and Initial Implementation of the Workforce Innovation and Opportunity Act*, dated February 19, 2015;
- TEGL No. 22-15, *Program Year (PY) 2015/Fiscal Year (FY) 2016 and PY 2014/FY 2015 Data Validation and Performance Reporting Requirements and Associated Timelines*, dated May 12, 2016;
- Workforce Innovation and Opportunity Act (WIOA) Common Performance Reporting, OMB Control No. 1205-0526; and
- DOL-Department of Labor (DOL) - Only Performance Accountability Information and Reporting System, OMB Control No. 1205-0521

3. **Background.** The enactment of WIOA and TAARA have provided an unprecedented opportunity to align indicators of performance and data reporting across multiple Federally-funded employment and training programs, and DOL (or the Department) has pursued such alignment with additional DOL administered programs. This TEN provides an overview of when it is anticipated that programs included in the integrated performance reporting system will begin collecting and reporting data.

Programs Included:

WIOA Section 116(b) establishes performance accountability indicators and reporting requirements for the WIOA core programs: Adult, Dislocated Worker, and Youth (Title I); Adult Education and Family Literacy (Title II); Wagner-Peyser Employment Services (as amended by Title III); and Vocational Rehabilitation Services (as amended by Title IV). Under WIOA, these indicators also apply to the National Farmworker Jobs Programs (WIOA sec. 167(c)(3)), the Indian and Native American Programs (WIOA sec.166(h)), YouthBuild (WIOA sec. 171(c)(3)(B)(xii)), and Job Corps (WIOA sec. 159(c)(3)). These indicators also apply to the National Dislocated Worker Grants (DWG) to further the goals of system alignment and integration.

The JVSG program also is included, as 38 U.S.C. 4102A(f) requires DOL to establish performance indicators for the JVSG program that are “consistent with State performance accountability measures applicable under section 116(b) of the WIOA.” Consequently, DOL will require the section 116(b) indicators and reporting requirements of the JVSG program.

Further, the recent reauthorization of the TAA program through TAARA aligns many of the same performance accountability indicators for the TAA Program as those specified for Title I WIOA programs. Therefore, the TAA program will report through this system as well.

Finally, while REO and H-1B Job Training Grants do not have legislative requirements for aligned reporting, these programs will also adopt the WIOA performance indicators, and align with WIOA data element definitions and reporting templates, to promote consistency across these DOL-funded programs. In addition, Homeless Veterans' Reintegration Programs, administered by VETS, will enroll their participants in the Wagner-Peyser Employment Service or other workforce programs offered through American Job Centers, and performance information and outcomes will be through the new system.

ETA notes that the Senior Community Services Employment Program (SCSEP) was reauthorized on April 19, 2016, and in great part aligns the SCSEP indicators of performance with those of WIOA. To the extent possible, ETA is seeking to align the data and reporting for SCSEP with the integrated performance reporting system by including the necessary data elements for SCSEP in the Participant Individual Record Layout (PIRL). ETA will provide additional information and opportunity for public comment for the implementation of the new performance reporting requirements for the SCSEP.

Timing:

The statutory provisions for WIOA performance accountability and reporting became effective July 1, 2016 (see WIOA sec. 506(a)). For WIOA authorized and other competitive grant programs (H-1B Job Training, YouthBuild, REO, NFJP, INAP, and DWG), the new reporting requirements will go into effect starting with any new grants that are awarded with a grant effective date of July 1, 2016 or later. TAA will begin utilizing the new reporting requirements on October 1, 2016, for the start of FY 2017. Job Corps has already begun collecting data based on the new reporting requirements as of July 1, 2016. Given the complexity of aligning data elements and building new systems to report such data, ETA is using the transition authority found in WIOA sec. 503(b) to work cooperatively with states and other grant program organizations to transition to reporting of the PIRL data over time.

Information Collections:

DOL and the Department of Education worked collaboratively to develop joint information collection requirements to collect necessary performance information for WIOA core programs. DOL further defined and established authority to collect this information and additional data and information needed for the administration of all programs that are part of the Performance Accountability, Information and Reporting System. This system includes the PIRL.

On June 29, 2016, the Department announced the approved reporting requirements, which included a final PIRL based on public comment received through the 60-day and 30-day comment periods established by the Paperwork Reduction Act. Each of the required layouts and templates is available at: https://doleta.gov/performance/reporting/eta_default.cfm.

4. **Performance System Implementation Plan.** ETA is developing a new online system for states and grantees to submit their data, which will be available for submissions of the first reporting quarter of data in PY 2016 (by October 1, 2016). The Enterprise Data Reporting and Validation System (EDRVS) will continue to accept the Workforce Investment Act Standardized Record Data (WIASRD) and old Wagner-Peyser Employment Service layout files until the reporting requirements for these programs are closed out (See TEGL 22-15). The PIRL elements replace the legacy WIASRD record layout, as well as the record layouts applicable for each program.

Implementation of the integrated performance reporting system will take place in several phases. The system capabilities will expand over the course of the phased implementation. Program performance Reporting implementation will also be phased as the system capabilities are fully realized.

	PHASE 1	PHASE 2	PHASE 3
Timing	<i>July–October 2016</i>	<i>October 2016–July 2017</i>	<i>July 2017–March 2018</i>
Programs Begin to Collect and Report According to PIRL Specifications	<ul style="list-style-type: none"> - WIOA Adult - WIOA Dislocated Worker - WIOA Youth - Wagner-Peyser Employment Service - H-1B Job Training Grants - Jobs for Veterans State Grants - National Farmworker Jobs Program - National Dislocated Worker Grants - Trade Adjustment Assistance - Reentry Employment Opportunities 	<ul style="list-style-type: none"> - Indian and Native American Program - YouthBuild 	
System Capabilities	Accept data upload of csv files from states and grantees on the PIRL data elements specific to each program that is utilizing csv file uploads	Program Specific Quarterly Reports Development of Case Management System(s) for Select Grantees	Additional reporting functionality will be developed for internal and external performance management

The Department will provide opportunities for grantees to pilot the reporting processes. In addition, the Department will provide training on the new reporting system as well as instructions on how to submit grant performance data. Technical support will also be available.

5. **Performance System Transition.** ETA has assessed each program's current performance reporting practices to determine the best way to transition to the new system. We have looked at the process to transition to new performance indicators, as well as to conduct the performance data submission process. The following table outlines the basic timeline and reporting requirements for each program. Grantees that will be submitting comma separated value (csv) data file uploads to the system after July 1, 2016 are advised to develop transition plans and update existing Management Information Systems (MIS) to prepare for these reporting requirements. Recognizing that PY 2016 and in the case of TAA, FY 2017 is a transition year for reporting purposes, ETA and VETS do not intend to use data reported in the transition year for purposes of determining financial sanctions on grantees for performance failure.

Performance Reporting Transition

Program	WIOA Sec. 116 Performance Measure Implementation/ Reporting System Transition	Program Specific Instructions
WIOA Adult, Dislocated Worker, and Youth Programs	July 1, 2016	States are required to collect and report according with WIOA sec. 116 as of July 1, 2016. The measures in the individual record layout (PIRL) are implemented according to the approved reporting requirements. As of July 1, WIOA title I formula programs will utilize the new performance reporting system. *
Wagner-Peyser Employment Service	July 1, 2016	States are required to collect and report in accordance with WIOA sec. 116 as of July 1, 2016. The measures in the individual record layout (PIRL) are implemented according to the approved reporting requirements. As of July 1, Wagner-Peyser Employment Service programs will utilize the new performance reporting system.*
National Dislocated Worker Grants	July 1, 2016	Grants awarded with a July 1, 2016 or later period of performance start date adopt the WIOA performance indicators and submit participant record files according to specifications for the new performance reporting system. The PIRL data collection applies these DWG grantees. Grants awarded prior to July 1, 2016 continue to utilize the WIASRD record layout and submit files to EDRVS. Grants awarded prior to July 1, 2016 may choose to convert to the WIOA performance indicators and the new system.

		These grantees that choose to convert must notify ETA in writing and contact their Federal Project Officer. All DWG grantees are still required to collect aggregate grant data under the program QPR, OMB form 9104, until further notice.
National Farmworker Jobs Program (NFJP)	July 1, 2016	Grants awarded with a start date of July 1, 2016 or later will utilize the new performance reporting system. The data elements in the individual record layout (PIRL) are specified in the approved reporting requirements. In accordance with the statute, NFJP began implementing the new WIOA measures as of July 1. NFJP will continue to collect narrative reports under approved OMB forms.
National Dislocated Worker Grants	July 1, 2016	DWG will adopt the new WIOA performance indicators for participants of grants awarded with a start date of July 1, 2016 or later. Grantees will be required to collect and report under the new ICR requirements. Any grant operating prior to July 1 with participants who have not exited by July 1, 2016 will utilize the new performance reporting system but may continue to utilize performance outcome measures previously approved under WIA. DWG will continue to collect aggregate grant data under the program QPR, OMB form 9104.
Trade Adjustment Assistance	October 1, 2016	States are required to report according to TAARA 2015 Sections 239(j) and 249(B) starting October 1, 2016 for the start of FY 2017. The measures in the individual record layout (PIRL) are implemented according to the ICR requirements. As of October 1, the TAA Program will utilize the new performance reporting system. States will continue to provide the narrative "Efforts Made to Improve Outcomes" in the TAA program, as well as participant level data on those who exit on or before September 30, 2016, through the Trade Activity Participant Report.
Monitor Advocate System	July 1, 2016	State workforce agencies will continue to use the Labor Exchange Agricultural Reporting System (LEARS) to report services to MSFWs in the Wagner Peyser program. The data on ETA Form 5148 continue as the required reporting elements and continue to report on Parts 1 and 2 of the 5148 report through the existing EBSS.
Indian and Native American Program	July 1, 2017	Under WIOA transition authority, grantees will continue using the BearTracks system during

		PY 2016. During PY 2016, ETA will work with grantees to prepare for data collection and reporting according to WIOA and will simultaneously work to develop a webbased case management system for reporting (see Performance System Implementation Plan table).
YouthBuild	July 1, 2017	YouthBuild grantees will continue to use the existing case management system to enter participant-level data pending development of a web-based case management system for reporting (see Performance System Implementation Plan table) ETA will utilize transition authority to use PY 2016 to develop a new case management reporting system. ETA may test the process of using data collected through the existing system to calculate outcomes for some of the WIOA performance indicators through an ad-hoc report function for the PY 2016 awarded grants.
Job Corps	July 1, 2016	Job Corps began collecting participantlevel data based on WIOA definitions and timeframes on July 1, 2016. Under WIOA transition authority, Job Corps will also continue to track and report performance outcomes under its current Outcomes Measurement System (OMS) for the threeyear transition period allowed under WIOA. Once WIOA performance data becomes mature and fully realized after that threeyear period, reporting will consist solely of WIOA performance metrics and their resultant performance outcomes.
Jobs for Veterans State Grants	July 1, 2016	States are required to collect and report in accordance the relevant indicators of performance identified in sec. 116(b) starting July 1, 2016. As of July 1, JVSJ will utilize the new performance reporting system*.
Trade Adjustment Assistance Grants	October 1, 2016	States are required to report according to TAARA 2015 Sections 239(j) and 249(B) starting October 1, 2016 for the start of FY 2017. The measures in the individual record layout (PIRL) are implemented according to the ICR requirements. As of October 1, the TAA Program will utilize the new performance reporting system.
H-1B Job Training Grants	July 1, 2016	Grantees awarded with a start date of July 1, 2016 or later will be required to collect and report under the new ICR requirements.H-1B Job Training grantees with start dates prior to

		July 1, 2016 will not report under the new WIOA system and will continue to use the current HUB Reporting System until the end of their grant.
Reentry Employment Opportunities	July 1, 2017	REO grantees will continue to use the existing case management system to enter participant level data pending development of a web-based case management system for reporting (see Performance System Implementation Plan table). ETA will utilize PY 2016 to develop a new case management reporting system. ETA may test the process of using data collected through existing systems to calculate outcomes for the WIOA performance indicators.

* ETA will work with states and grantees to pilot the new reporting process during the first quarter of program year 2016, and will provide flexibility to states and grantees as they begin to report data for the quarter ending September 30, 2016, through the new system.

Grantees will need time to make modifications to their data systems to fully implement the new performance accountability reporting requirements. We expect grantees and contractors to begin the process of data collection on the new requirements according to the timelines in the table. However, we recognize that these grantees may not be able to report performance information in the early quarters of 2016. We anticipate that they will be able to report performance accountability data for PY 2016, due in October 2017, or for competitive or discretionary grants, at the completion of the first year of grants awarded in PY 2016. Additional information will be provided.

6. **Action Requested.** Grantees administering WIOA core programs should review the WIOA Common Performance Reporting. All programs included in the DOL-Only Performance Accountability Information and Reporting System should review the requirements, develop transition plans, and update existing MIS for implementation of new performance accountability provisions and reporting requirements as outlined in this notice.
7. **Inquiries.** Questions regarding this guidance should be directed to the appropriate ETA regional office, national office Federal Project Officer, or VETS State Director for Veterans' Employment and Training DVET, as appropriate.

TRAINING AND EMPLOYMENT NOTICE	NO. 42-15, Change 1
	DATE August 19, 2016

TO: STATE WORKFORCE AGENCIES
STATE WORKFORCE LIAISONS
STATE AND LOCAL WORKFORCE BOARDS
AMERICAN JOB CENTERS
YOUTHBUILD GRANTEEES
INDIAN AND NATIVE AMERICAN PROGRAM GRANTEEES
NATIONAL FARMWORKER JOBS PROGRAM GRANTEEES
ALL STATE APPRENTICESHIP AGENICES
STATE MONITOR ADVOCATES
STATE LABOR MARKET INFORMATION DIRECTORS
ALL ETA GRANTEEES

FROM: PORTIA WU *Eric M. Seligson for*
Assistant Secretary

SUBJECT: Change 1 - Announcing the Publication and Effective Dates of the *Workforce Innovation and Opportunity Act (WIOA) Final Rules* in the *Federal Register* on August 19, 2016

1. **Purpose.** The purpose of this Training and Employment Notice (TEN) is to update TEN 42-15 regarding the release of the WIOA final regulations, specifically:
 - *Workforce Innovation and Opportunity Act; Joint Rule for Unified and Combined State Plans, Performance Accountability, and the One-Stop System Joint Provisions; Final Rule*
 - *Workforce Innovation and Opportunity Act; Department of Labor-Only; Final Rule*
 - *Programs and Activities Authorized by the Adult Education and Family Literacy Act (Title II of the Workforce Innovation and Opportunity Act); Final Rule*
 - *State Vocational Rehabilitation Services Program; State Supported Employment Services Program; Limitations on Use of Subminimum Wage; Final Rule*
 - *Workforce Innovation and Opportunity Act, Miscellaneous Program Changes; Final Rule*

These rules published in the *Federal Register* on August 19, 2016.

2. **References.**
 - Workforce Innovation and Opportunity Act (WIOA).

3. **Background.** President Barack Obama signed the Workforce Innovation and Opportunity Act (WIOA) (Pub. L. 113-128) into law on July 22, 2014. WIOA is landmark legislation designed to strengthen and improve our nation's public workforce system and help get Americans, including youth and those with significant barriers to employment, into high-quality jobs and careers and help employers hire and retain skilled workers. WIOA represents a fundamental transformation of the workforce system to deliver integrated, job-driven services to job seekers, workers, and employers. It supports the development of strong regional economies, and it improves performance accountability, so that consumers and investors can get information about programs and services that work.

In response to the passage of WIOA, the U.S. Departments of Labor (DOL) and Education are issuing five rules implementing its provisions. The Departments also have established Workforce Innovation and Opportunity Act Common Performance Reporting, which aligns the WIOA required data and reporting for WIOA core programs administered by DOL; Adults, Youth, Dislocated Worker programs under title I of WIOA and the Wagner-Peyser Act of 1933, as amended by WIOA; as well as programs administered by the Department of Education, the Adult Education and Family Literacy Act and the Rehabilitation Act of 1973, as amended by WIOA.

4. **WIOA Final Regulations Published in the *Federal Register* on August 19, 2016:**

WIOA: Joint Rule for Unified and Combined State Plans, Performance Accountability, and the One-Stop System Joint Provisions – Final Rule (81 FR 55792, Aug. 19, 2016).

<https://www.gpo.gov/fdsys/pkg/FR-2016-08-19/pdf/2016-15977.pdf>. **Effective:**

October 18, 2016. The Departments of Education and Labor published this Joint Final Rule to implement jointly-administered activities authorized by Title I of WIOA. This final rule provides guidance for state and local workforce development systems on the development and submission of unified and combined state plans, performance accountability provisions, and the joint one-stop system provisions governing partner program responsibilities, programmatic and physical accessibility for all, Memoranda of Understanding, infrastructure funding, and one-stop certification, among others. This Joint Final Rule reflects changes made resulting from public comments received on the joint Notice of Proposed Rulemaking (NPRM) published on April 16, 2015, at 80 FR 20574.

WIOA: Department of Labor-Only – Final Rule (81 FR 56072, Aug. 19, 2016).

<https://www.gpo.gov/fdsys/pkg/FR-2016-08-19/pdf/2016-15975.pdf>. **Effective:**

October 18, 2016. The Department of Labor publishes this Final Rule to implement Titles I and III of WIOA. Particularly those provisions of WIOA that affect the core programs under Title I; the Wagner-Peyser Act Employment Service and Monitor Advocate system as amended by WIOA Title III; and the Job Corps and national programs authorized under Title I, which will be administered by the Department. This Final Rule reflects changes made resulting from public comments received on the NPRM published on April 16, 2015, at 80 FR 20690.

Programs and Activities Authorized by the Adult Education and Family Literacy Act (Title II of WIOA) – Final Rule (81 FR 55526, Aug. 19, 2016).

<https://www.gpo.gov/fdsys/pkg/FR-2016-08-19/pdf/2016-16049.pdf>.

Effective Date: September 19, 2016, with the exception of subparts H, I, and J of part 463, which become effective October 18, 2016. The Department of Education makes available this Final Rule to establish regulations to implement changes to the Adult Education and Family Literacy Act (AEFLA) resulting from the enactment of WIOA. This rule clarifies new provisions in the law and updates the regulations that establish procedures for determining the suitability of tests used for measuring state performance on accountability measures under AEFLA. Finally, the rule removes specific parts of title 34 of the Code of Federal Regulations that are no longer in effect. This Final Rule reflects changes made resulting from public comments received on the NPRM published on April 16, 2015, at 80 FR 20968.

State Vocational Rehabilitation Services Program; State Supported Employment Services Program; Limitations on Use of Subminimum Wage – Final Rule (81 FR 55630, Aug. 19, 2016) <https://www.gpo.gov/fdsys/pkg/FR-2016-08-19/pdf/2016-15980.pdf>. **Effective Date: September 19, 2016, with the exception of 34 CFR 361.10; 34 CFR 361.23; 34 CFR 361.40; and subparts D, E, and F of part 361, which become effective October 18, 2016.** The Department of Education publishes this Final Rule to amend the regulations governing the State Vocational Rehabilitation Services program and the State Supported Employment Services program in order to implement changes to the Rehabilitation Act of 1973. This Final Rule updates, clarifies, and improves on the current regulations. The Department of Education also produced new regulations regarding limitations on the use of subminimum wages that are added by WIOA and under the purview of the Department of Education. This Final Rule reflects changes made resulting from public comments received on the NPRM published on April 16, 2015, at 80 FR 21059.

WIOA: Miscellaneous Program Changes – Final Rule (81 FR 55562, Aug. 19, 2016). <https://www.gpo.gov/fdsys/pkg/FR-2016-08-19/pdf/2016-16046.pdf>. **Effective Date: September 19, 2016, with the exception that the removal of part 388 becomes effective October 1, 2016.** The Department of Education makes available this Final Rule to amend the regulations governing a number of programs administered by the Rehabilitation Services Administration to implement changes to the Rehabilitation Act of 1973 made by WIOA. This Rule also implements changes to the Act made by WIA, enacted on August 7, 1998, that have not previously been implemented in regulations, and to otherwise update, clarify, and improve Rehabilitation Services Administration's current regulations. This Final Rule reflects changes made resulting from public comments received on the NPRM published on April 16, 2015, at 80 FR 20988.

These final regulations are currently available to the public at the following websites:

www.doleta.gov/WIOA

<https://www.federalregister.gov/>

5. **Guidance and Technical Assistance.** The Departments of Labor and Education, working with our Federal partners—the Departments of Health and Human Services, Agriculture, and Housing and Urban Development—are continuing to develop guidance and technical assistance to support the public workforce system, including our grantees, as they work to implement these regulations and performance accountability and reporting requirements. For more information and the updates, please visit the Department of Labor’s WIOA landing page at www.doleta.gov/WIOA, the Department of Education’s websites at www.ed.gov/AEFLA and <http://www2.ed.gov/about/offices/list/osers/rsa/wioa-reauthorization.html>.

While these regulations and program and reporting requirements support the implementation of WIOA, the full vision of WIOA also requires strong leadership, partnership and strategies that work. The Innovation and Opportunity Network on WorkforceGPS (ION) features technical assistance on strategies fundamental to WIOA implementation such as customer-centered design, strategic boards, career pathways, and sector strategies. It also will host technical assistance materials specific to the regulations, as it is available. Please use ION to find peer learning groups and calls, fact sheets, and details on training events; visit the ION Community of Practice at: <https://ion.workforcegps.org/>.

6. **Action Requested.** Please share this information with interested stakeholders.
7. **Inquiries.** Please direct questions to the appropriate ETA Regional Offices.

EMPLOYMENT AND TRAINING ADMINISTRATION ADVISORY SYSTEM U.S. DEPARTMENT OF LABOR Washington, D.C. 20210	CLASSIFICATION H-2A Agricultural Program
	CORRESPONDENCE SYMBOL OFLC
	DATE August 28, 2009

TRAINING AND EMPLOYMENT GUIDANCE LETTER NO. 11-07, Change 2

TO: OFLC NATIONAL PROCESSING CENTER DIRECTORS
STATE WORKFORCE AGENCY ADMINISTRATORS

FROM: JANE OATES *Jane Oates*
Assistant Secretary

SUBJECT: Rescission of TEGL No. 11-07, Change 1

- Purpose.** To rescind TEGL No. 11-07, Change 1 as it is no longer necessary with regard to the provision of clarifying procedures for State Workforce Agencies (SWAs) and Employment and Training Administration (ETA) National Processing Centers (NPCs) involved in the processing of H-2A labor certification applications for temporary agricultural employment of foreign workers in the United States (U.S.).
- References.** Immigration and Nationality Act (INA) section 101(a)(15)(H)(ii)(a); INA section 218; 20 Code of Federal Regulations (CFR) 651.10; 20 CFR Part 653 Subparts B and F; 20 CFR Part 654, Subpart E; 20 CFR Part 655, Subpart B; 20 CFR Part 658, Subpart F; Field Memorandum No. 16-00; Training and Employment Guidance Letter No. 31-01; General Administration Letter No. 1-02; Training and Employment Guidance Letter No. 11-07, Change 1.
- Background.** On December 18, 2008, the Department of Labor (Department) published a new regulation re-engineering the H-2A temporary agricultural workers program. The publication of the regulation made much of the TEGL either redundant to the regulation or unnecessary. Therefore the Department is rescinding TEGL 11-07, Change 1 in order to prevent any confusion on the part of the NPCs and SWAs on procedures related to the H-2A program.
- Effective Date.** This guidance applies to all H-2A labor certification applications pending with or received by the NPC and SWA on or after the date this TEGL is issued.
- Action Requested.** NPC Directors and SWA Administrators are directed to provide NPC, SWA and other State staff involved in the processing of H-2A applications with a copy of these procedures.
- Inquiries.** Questions from SWA staff should be directed to the Office of Foreign Labor Certification at (202) 693-3010.

RESCISSIONS TEGL 11-07, Change 1	EXPIRATION DATE Continuing
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EMPLOYMENT AND TRAINING ADMINISTRATION ADVISORY SYSTEM U.S. DEPARTMENT OF LABOR Washington, D.C. 20210	CLASSIFICATION OWI
	CORRESPONDENCE SYMBOL MSFW
	DATE April 3, 2013

ADVISORY: TRAINING AND EMPLOYMENT GUIDANCE LETTER NO. 23-12

TO: STATE WORKFORCE AGENCIES
STATE WORKFORCE ADMINISTRATORS

FROM: JANE OATES /s/
Assistant Secretary

SUBJECT: Instructions and Planning Guidance for the Agricultural Outreach Plans (AOP) for Program Year 2013 and the Designation of Significant Migrant and Seasonal Farm Worker (MSFW) States

1. **Purpose.** The purpose of this Training and Employment Guidance Letter (TEGL) is to transmit guidelines to State Workforce Agencies (SWAs) on the preparation and submission of the AOP, and to designate the significant MSFW states for Program Year (PY) 2013.
2. **References.**
 - a. Wagner-Peyser (W-P) Act, as amended (29 U.S.C. 49 et seq.);
 - b. Workforce Investment Act of 1998 (WIA), as amended (29 U.S.C. 2801, et seq.);
 - c. Wagner-Peyser regulations, 20 CFR 653.107 and 651.10;
 - d. TEGL No. 21-11, *Requirements for 2012 State Workforce Plans*; and TEGL No. 21-11 Change 1, *Inclusion of the American Job Center Brand in 2012 State Workforce Plans*;
 - e. *State Integrated Workforce Plan Requirements for Workforce Investment Act Title I/Wagner-Peyser Act and Department of Labor Workforce Programs (OMB No. 1205-0398)*; and
 - f. *Planning Guidance for State Unified Plans and Unified Plan Modifications Submitted under Section 501 of the Workforce Investment Act (WIA) (OMB No. 1205-0398)*.
3. **Background.** States have a responsibility under W-P regulations to provide services to MSFWs on a basis that is qualitatively equivalent and quantitatively proportionate to services provided to non-MSFWs. As required in W-P regulations at 20 CFR 653.107, each SWA must develop an annual outreach plan, describing its strategies on how to contact MSFWs who are not being reached by the normal intake activities conducted by the local offices. The AOP also describes the activities planned for providing the full range of employment and training services to the agricultural community, both MSFWs and agricultural employers, through the American Job Center (AJC) network (also referred to as the One-Stop Career Center system).

RESCISSIONS None	EXPIRATION DATE June 30, 2014
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The AOP is an annual requirement that previously had been submitted as a separate plan and now is an integral component of the state's Strategic WIA Title I and W-P Integrated or Unified Workforce Plan (State Workforce Plan). Since the development of an AOP is required annually, states must submit the AOP to ETA each year as a modification to their State Workforce Plan. This TEGL provides guidance to SWAs to develop and submit a new AOP as a modification to the State Workforce Plan.

States with approved AOPs as part of their State Workforce Plan must submit the AOP for PY 2013 in accordance with guidance provided in this TEGL. A small number of states received an extension of their State Workforce Plans through June 30, 2013, including an extension to the PY 2011 AOPs. States that are required to submit a full State Workforce Plan must also include the updated AOPs for PY 2013 in their submission, in accordance with guidance provided in TEGL No. 21-11.

The Employment and Training Administration (ETA) is required to designate the 20 states with the highest number of MSFW applicants which are considered the significant MSFW states. This TEGL provides the list of significant MSFW states for PY 2013, and the requirements for those states.

4. **Planning Requirements.** In accordance with the Paperwork Reduction Act, the Office of Management and Budget (OMB) approved the *State Integrated Workforce Plan Requirements for Workforce Investment Act Title I/Wagner-Peyser Act and Department of Labor Workforce Programs (Integrated Workforce Plan) and Planning Guidance for State Unified Plans and Unified Plan Modifications Submitted under Section 501 of the Workforce Investment Act (WIA)* under OMB control number 1205-0398. The Integrated Workforce Plan requirements are available on ETA's Web site at <http://www.doleta.gov/usworkforce/wia-planning/docs/integrated-planning-guidance.pdf>. The Unified Plan requirements are available at <http://www.doleta.gov/usworkforce/wia-planning/docs/unified-planning-guidance.pdf>. The detailed requirements for the AOP are found in Attachment A of this TEGL.
5. **Agricultural Outreach Plans.** As outlined in W-P regulations at 20 CFR 653.107, each SWA is required to operate an outreach program in order to locate and to contact MSFWs who are not being reached by the normal intake activities conducted by the local offices. To this end, each state agency must develop an annual AOP, setting forth numerical goals, policies, and objectives. Regulations at 20 CFR 653.107 require that the outreach plan comply with planning instructions and resource guidance issued by ETA. In order to be approved, the outreach plan must include the following elements:
 - Assessment of need
 - Assessment of available resources
 - Proposed outreach activities
 - Services provided to agricultural employers and MSFWs through the AJC network
 - Numerical goals
 - Data analysis

Attachment A of this TEGL provides further details of the data elements and information which are required in the AOP.

6. **Significant State Designation.** Significant MSFW states are those states designated annually by ETA and include the 20 states with the highest number of MSFW applicants. The designation of the significant states is based on the total number of MSFW participants in the W-P program as reported in the Labor Exchange Reporting System (LERS) 9002A report. The significant MSFW states must make maximum efforts to hire outreach staff with MSFW experience for year-round positions and shall assign outreach staff to work full-time during the period of the highest MSFW activity. Such outreach staff shall be bilingual if warranted by the characteristics of the MSFW population in the state, and must spend a majority of their time in the field.

ETA also identifies the 5 states with the highest estimated year-round MSFW activity. The factors used to establish these top 5 states are W-P activities performed on behalf of MSFWs seeking assistance (e.g., applicant registrations, referrals to employment, referrals to supportive services, career guidance, job search activities, and referrals to WIA services) as reported in the LERS 9002A report. These 5 states must assign, in accordance with state merit staff requirements in W-P regulations at 20 CFR 653.107(i), full-time, year-round staff to outreach duties.

The 5 states with the highest estimated year-round activity (California, Florida, Texas, Washington, and Michigan) correspond with the top 5 significant MSFW states. Attachment B provides the full list of these significant MSFW states and the list of the 5 states with the highest estimated year-round MSFW activity.

7. **Performance Outcomes.** ETA has established program performance indicators for SWAs reflecting equity indicators and indicators measuring minimum levels of service to MSFWs.

The 5 equity indicators address W-P services and include: 1) MSFWs referred to jobs; 2) MSFWs that received staff-assisted services; 3) MSFWs referred to supportive services; 4) MSFWs provided career guidance; and 5) MSFWs provided job development contacts. All states are required to meet at least 4 of the 5 equity ratio indicators. Achieving equity occurs when the ratio of the services provided to MSFWs over the services provided to non-MSFWs is greater than or equal to one.

The 7 minimum service level indicators address other W-P services to MSFWs and include: 1) MSFWs placed in a job; 2) MSFWs placed in a job with a wage exceeding the Federal minimum wage by at least 50 cents/hour; 3) MSFWs placed long-term (150 days or more) in a non-agricultural job; 4) the review of significant MSFW local offices; 5) field checks on agricultural clearance orders; 6) outreach contacts per staff day; and 7) processing of complaints. All significant MSFW states are required to meet at least 4 of the 7 minimum service level indicators, while the other (non-significant) states should make maximum efforts to meet these same levels.

8. **Action Required for Submission of the AOP.** The SWAs must develop the annual AOPs for PY 2013 as a modification to their five year WIA Title I and W-P Integrated or Unified Workforce Plans and submit the AOPs to the appropriate ETA Regional Administrator within 90 days of issuance of this TEGL, preferably in an electronic format for approval. A copy should also be sent to the National Monitor Advocate, at nma@dol.gov.
9. **Importance of Cooperative Agencies' Participation and Public Comment.** In developing the AOP, and in accordance with 20 CFR 653.107 (d), the SWAs must solicit information and suggestions from WIA 167 National Farmworker Jobs Program (NFJP) grantees, other appropriate MSFW groups, public agencies, agricultural employer organizations, and other interested organizations. In addition, at least 45 days before submitting the final outreach plans to the Regional Administrators, the SWAs must provide the proposed plans to NFJP grantees, public agencies, agricultural employer organizations, and other organizations expressing an interest and allow at least 30 days for review and comment. The SWAs must also provide the State Monitor Advocates an opportunity to review and comment on the AOP. The plan must include the list of organizations from which information and suggestions were solicited, any comments received, and State responses to those comments.
10. **Inquiries.** Please direct questions regarding this notice and instructions to the appropriate Regional Monitor Advocate.
11. **Attachments.**
- Attachment A: Summary of Annual Agricultural Outreach Plan Requirements
 - Attachment B: List of significant MSFW states and the 5 states with the highest estimated year-round MSFW activity

Summary of Annual Agricultural Outreach Plan Requirements

The Agricultural Outreach Plan (AOP) portion of the State Plan must describe plans for providing services to the agricultural community, both for agricultural employers and Migrant and Seasonal Farmworkers (MSFWs), as described in Wagner-Peyser (W-P) regulations at 20 CFR 653.107, the Workforce Investment Act (WIA) Title I final regulations at 20 CFR 652.107(b)(1), the WIA/W-P Act Integrated Workforce Planning Guidance, and the Unified Planning Guidance. This attachment provides greater detail on what states must include in the AOP section of the State Plan.

A. Assessment of Need. The assessment of need must include:

(i) A review of the previous year's agricultural activity in the state.

- ✓ Identify each major labor intensive crop activity in the previous year, indicating the months of heavy activity and the geographic area of prime activity.

(ii) A review of the previous year's MSFW activity in the state.

- ✓ Estimate the agricultural labor employed in each of the crops identified in item (i) above. Estimate the number of MSFWs involved in each, and indicate crop areas that experienced labor shortages.

(iii) A projected level of agricultural activity in the state for the coming year.

- ✓ Identify any changes from last year's crop activities as described in item (ii) above.

(iv) A projected number of MSFWs in the state for the coming year, which must take into account data supplied by WIA Section 167 National Farmworker Jobs Program (NFJP) grantees, other MSFW organizations, employer organizations and federal and/or state agency data sources such as the U.S. Department of Agriculture and the Employment and Training Administration.

B. Outreach Activities. The proposed outreach activities must be designed to meet the needs of the MSFWs in the state and to locate and to contact MSFWs who are not being reached by the normal intake activities conducted by the local offices.

The plan for the proposed outreach activities must include:

(i) Numerical goals for the number of MSFWs to be contacted during the program year by W-P staff. The number of MSFWs planned to be contacted by other agencies under cooperative arrangements during the fiscal year also should be included in the plan. These numerical goals must be based on the number of MSFWs estimated to be in the state in the coming year, taking into account the varying concentration of MSFWs during the seasons in each geographic area,

the range of services needed in each area and the number of W-P and/or cooperating agency staff who will conduct outreach.¹

(ii) Assessment of Available Resources. The assessment of the resources available for outreach must include:

1. The number of SWA staff positions the state will assign to outreach activities. The assessment must indicate the full-time equivalent positions for each local office to which staff must be assigned, and the number of staff assigned to the state office for this purpose.
2. Where the number of SWA staff positions assigned to outreach activities is less than in the prior year, please provide an explanation for the reduction and the expected effect of the reduction on direct outreach activities, as indicated in 20 CFR 653.107(h)(3)(i).
3. Identify resources to be made available through existing cooperative agreements with public and private community service agencies and MSFW groups. (States are encouraged to initiate cooperative agreements with WIA Section 167 NFJP grantees for outreach position).

(iii) The tools which will be used to conduct outreach contacts, including personal contact, printed matter, videotapes, slides, and/or cassette recordings.

C. Services Provided to MSFWs through the American Job Center Network. The plan must provide specific information on how core, intensive, and training services required under WIA Title I will be provided to MSFWs through the American Job Center (AJC) network (also referred to as the One-Stop Career Center system). States should provide information on how MSFWs will be provided staff-assisted services and how MSFWs will be served in an electronic environment in the AJCs and/or affiliate sites. States should consider how they will enable these AJC customers to advance their skills and be competitive in a local, regional and global economy.

D. Services Provided to Agricultural Employers through the American Job Center Network. The plan must describe efforts that will be taken to provide services to agricultural employers in states with an adequate supply of U.S. workers and in those states where a shortage of workers is anticipated. The services provided to agricultural employers can be incorporated into the section of the WIA/W-P plan on serving employers in general.

¹ The numerical goals that must be included in the agricultural outreach plan are in reference only to the proposed outreach activities and are not negotiated performance targets.

E. Data Analysis.

(i) Previous year's history (based on Program Year (PY) 2011 data):

Number of agricultural job orders and openings received,
Number of agricultural job orders filled,
Percent to be filled,
Number of interstate clearance orders received, and
Number of interstate clearance orders initiated.

(ii) Plan for upcoming year (based on estimated data):

Number of agricultural job orders expected to be received,
Number of agricultural job orders projected to be filled,
Percent to be filled,
Estimated number of interstate clearance orders the state will receive, and
Estimated number of interstate clearance orders the state will initiate.

F. Other Requirements.

(i) *State Monitor Advocate.* The plan must contain a statement that indicates that the State Monitor Advocate has been afforded the opportunity to review and comment on the PY 2013 AOP.

(ii) *Review and Public Comment.* The plan must provide information indicating that WIA Section 167 NFJP grantees, other appropriate MSFW groups, public agencies, agricultural employer organizations and other interested employer organizations, have been given an opportunity to comment on the state AOP. Include the list of organizations from which information and suggestions were solicited, any comments received, and state responses to those comments.

Richey Order . P.H.

Judge Richey

Court Order

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA

FILED

AUG 13 1974

JAMES E. DAVEY, Clerk

NAACP, WESTERN REGION, et al.,)
)
 Plaintiffs,)
)
 v.)
)
 PETER J. BRENNAN, Secretary of)
 Labor, United States Department)
 of Labor, et al.,)
)
 Defendants.)

Civil Action No. 2010-72

ORDER

Plaintiffs and Defendants having stipulated and agreed to the entry of the following Order in addition to, and in implementation of, this Court's Declaratory Judgment and Injunction Order of May 31, 1973;

It is, this 11th day of July, 1974, hereby ordered, adjudged and decreed as follows:

I. Provision of Service to Migrant and Seasonal Farmworkers

A. Defendants shall take all necessary and appropriate action -- including the conditioning of federal funding of state Employment Service ("ES") programs upon the inclusion of adequate standards and provisions in those programs and the administration of the programs in accordance therewith -- to ensure the delivery of all Department of Labor ("DOL") manpower services, benefits, and protections, including the full range of counseling, testing, training and job referral services authorized by law and required by DOL regulations ("Manpower Services") to migrant and seasonal

farmworkers on a non-discriminatory basis. Accordingly, Defendants shall require each state and local ES office, Manpower Services to:

1. Provide migrant and seasonal farmworkers the full range of Manpower Services under terms and conditions qualitatively equivalent and quantitatively proportionate to those provided non-farmworkers.
2. Extend coverage of local Job Bank order information to rural areas and provide migrant and seasonal farmworkers with assistance to enable them to utilize such information on a non-discriminatory basis.
3. Take uniform, complete applications for each migrant and seasonal job applicant utilizing ES offices, including a meaningful history of the prior employment, training and educational background of the applicant and a statement of his desired training and/or employment, and utilize such applications in providing applicants with, and referring them to, available jobs and training opportunities directed to up-grading job

capabilities; provided an applicant may sign a written waiver on the application form after the ES official has explained the benefits attendant upon taking such applications.

4. Ensure that all crew leaders, employers and their agents utilizing day-haul locations operating under ES supervision or employing workers referred by ES comply with federal and state laws with respect to vehicle registration, wage, hours and working conditions, and where feasible and whenever requested take complete job applications for migrant and seasonal farmworkers utilizing such day-haul services.

5. Refer every violation of state or federal law of which it has knowledge to appropriate state or federal enforcement officials, including officials or other agencies of DOL and of federal agencies and departments other than DOL, and utilize to the maximum possible extent the full resources of the DOL monitor/advocate system in expediting such referrals.

6. Continue to develop affirmative action programs for the staffing of ES offices and to develop available ES staff in a manner facilitating the delivery of ES services tailored to the special needs of migrant and seasonal farmworkers, including: (1) the positioning of bilingual staff in offices serving a significant number of Spanish-speaking applicants; and (2) the hiring of staff members from the migrant and seasonal farmworker community and/or members of community-based migrant programs.

B. Defendants shall require each state agency to employ an adequate number of staff who shall be assigned to ES offices which serve a significant number of migrant and seasonal farm-

workers and who shall (a) contact migrant and seasonal farmworkers in areas of service of local ES offices to ascertain employment problems and to counsel on the availability and use of Manpower Services; (b) make available and distribute to migrant and seasonal farmworkers concise written information in Spanish and English explaining the range of Manpower Services available and the rights of workers under federal statutes and regulations; (c) make necessary referrals to ES offices; and (d) assist in filing and processing complaints.

C. Defendants shall conduct a feasibility review of ES experience with respect to the provision of Annual Worker Plans. The results of this review will determine whether an experimental project for the further development of such plans is advisable.

D. Defendants shall review all interstate job orders prior to approval for transmission and shall require all state and federal offices processing such interstate job orders to comply with the following requirements:

1. All job orders reviewed as described above must at a minimum include:

a. Language on the face of each job order that clearly indicates that the order constitutes a firm offer on the part of the employer placing the order.

b. No reference, expressed or implied, to worker preference with respect to race, national origin, sex, age or any other criteria the use of which is proscribed by Title VII of the Civil Rights Act of 1964.

c. A statement fully disclosing each material term and condition of employment offered including the area of employment, the crop, the nature of the work, the period

and hours of employment, the anticipated starting date of employment and the number of days or weeks thereafter for which work is available, the wage rate expressed in hourly wage rate equivalents, any deductions to be taken from wages and non-monetary benefits, if any, to be provided. Each order shall contain information sufficient on its face to establish compliance with applicable state and federal minimum wage, child labor, social security, health and safety, and farm labor contractor registration laws.

d. For purposes of this subparagraph the starting date of employment and the number of days or weeks thereafter for which work is guaranteed, if any. For each guaranteed week of work, the job order must state the exclusive manner by which the guarantee is abated if the offered employment becomes unavailable due to unforeseeable weather conditions or other acts of God.

e. A statement with respect to bonus or work incentive payments or reimbursement for transportation and other expenses which will be paid by the employer in addition to the basic wage rate, including the time period within which such payments will be made; provided that no such payments and reimbursements shall be contingent upon the employee continuing employment beyond the period of employment specified in the job order or in the case of any employee with children of school age beyond the beginning of the school year.

f. An employer's signed verification acknowledged before a duly authorized ES official that all information appearing on the job order has been examined and is an accurate and substantiated offer of employment based upon crop acreage, yield, harvest date, normal weather conditions, plan conditions, past employment patterns, and other relevant factors.

a. Conduct documented random field checks, consistent with legal authority, to determine whether wages, working and housing conditions are as specified in job orders and that actual conditions and terms of employment do not violate state and federal law;

b. Communicate promptly to supply states or regions any unusual or unanticipated weather or other conditions or events which might affect the employment of workers employed through the use of interstate clearance orders.

c. Make available to each migrant and seasonal farmworker upon request a copy of the job order which the worker is filling with a full explanation of its terms and conditions.

E. Defendants shall require each state ES agency to review and process all intrastate job orders in accordance with the procedures and requirements set forth in Section I-D of this Order.

II. Information System

A. Defendants shall modify and refine existing data-gathering systems complying to EEOC standards, including subcategorization accurately reflecting staffing patterns, type and quantity of services delivered, so that such systems will yield information for each State:

1. With respect to migrants (and as compared to nonmigrants) as follows:

- a. The number registering for service;
- b. The number referred to jobs;
- c. The number placed in jobs;
- d. The number enrolled in training;
- e. The number receiving counseling;

f. The number receiving job development;
g. The number receiving testing;
h. The number referred to supportive services;
i. The number registered for service who receive none of the services specified in subparagraphs (b) through (h);

j. The number of placements according to wage rate;

k. The number of placements according to duration;

l. The number placed according to broad occupational categories as identified through the ESARS special sample;

m. Sub-categorization of above on the basis of sex, Spanish surname, and American Indian as identified through the ESARS special sample;

2. With respect to seasonal farmworkers, data on the number of such workers placed in seasonal agricultural jobs and the number of such placements shall be available with respect to fiscal year 1975 and thereafter. Data as specified in Paragraph A of this Section shall be available with respect to such workers in fiscal year 1976 and thereafter.

B. Upon the request of plaintiffs' counsel, defendants shall make available the statistical information for specified local offices with respect to the information categories specified in Paragraph A of this Section.

C. All such information, and statistical reports derived from such information, prepared by state and local ES offices or by DOL shall be made readily available for inspection and review by Plaintiffs and by representatives of all bona fide migrant and legal services organizations.

III. Monitoring

Within 60 days of the date of this Order, Defendants shall implement a federal/state monitoring system which shall review the provision of Manpower Services, benefits and protections to migrant and seasonal farmworkers, the functioning of state complaint systems and the compliance of state ES offices with all applicable laws, regulations and directives. This monitoring system shall include the following features:

A. Designation for each state of an official responsible for monitoring compliance in such state on a continuing basis.

B. On-site reviews on a regular basis by Regional DOL offices, at least 25% of which shall be reviews of those ES offices which provide Manpower Services primarily to rural residents and migrant and seasonal farmworkers.

C. Annual on-site reviews of a sampling of ES offices which provide Manpower Services primarily to rural residents and migrant and seasonal farmworkers, by federal staff following procedures and reporting practices similar to those described in the Equal Employment Opportunity Manual and utilized by the Investigation and Compliance Staff in the 1972 Special Review Staff Report. The Investigation and Compliance Staff shall have joint responsibility for the first annual on-site review pur-

suant to this Paragraph and, if the Special Review Committee so recommends, for the second annual on-site review,

D. Plaintiffs and all bona fide migrant and legal services organizations shall be permitted to inspect and review all monitoring reports regularly filed with the DOL by state officials pursuant to paragraph A or prepared by the DOL pursuant to paragraphs B and C of this Section.

IV. Complaint Resolution

Within 60 days of the date of this Order Defendants shall implement and publicize a federally-supervised complaint resolution system, and shall require state compliance and coordination with such system, which shall include the following features:

A. Each state and local ES office shall provide migrant and seasonal farmworkers in its service area full information in a language understandable to them on the availability and operation of the complaint mechanism, and shall:

(1) Receive complaint information, record necessary data and keep records of all complaints filed and action taken thereon, and file with the Regional DOL office by state a quarterly report of all complaint intake and referral information by local office and a record of action taken to resolve each complaint, attaching copies of all unresolved complaints;

(2) Whenever possible resolve each complaint within five (5) working days from the time the complaint is filed by taking all appropriate action, including without limitation providing requested Manpower Services, referring the complainant to

equivalent alternative employment, and making appropriate law enforcement referrals such as a referral to a wage-hour compliance officer for the purpose of obtaining back-pay or wages due;

(3) Follow up each unresolved complaint. If a complaint has not been resolved or enforcement action has not been initiated within twenty (20) working days, the local office shall report the status of the complaint to the state monitor/advocate and shall provide the complainant with a letter, a copy of which shall be sent to the DOL Regional office, explaining the reasons for its failure to resolve the complaint and advising the complainant that his complaint has been referred to the Regional DOL office and the monitor/advocate for appropriate action.

B. All unresolved complaints referred to the Regional DOL office shall be reviewed by the federal monitor/advocate designee who shall:

(1) Whenever possible resolve the complaint by appropriate action, including referral to the appropriate federal enforcement agency for the initiation of action against state offices operating unlawfully or against employers, crewleaders or others violating federal law; or

(c) Provide the complainant with a letter explaining the reasons for its failure to resolve the complaint to the satisfaction of the complainant.

C. Defendants shall coordinate the federal/state complaint and monitoring systems with national DOL monitoring and data-

gathering systems and with DOI review of State self-appraisal reports to ensure that information concerning the frequency of complaints, adequacy of service and the failure of the states to resolve meritorious complaints in a manner satisfactory to the complainant results in necessary enforcement actions and/or decertification proceedings against states as provided in Section V of this Order.

V. Assurance of State Compliance with Federal Law

Defendants shall take all necessary action to achieve and maintain continuing compliance of all state offices with the requirements of law and to enforce fully the rights of migrant and seasonal farmworkers. Whenever Defendants determine, on the basis of (a) information submitted to Defendants by a state or gathered by Defendants through their own information-gathering system, (b) Defendants' review of complaints filed, or (c) the monitoring of state compliance pursuant to Section III of this Order, that any state may not be in compliance with the provisions of its approved plan of service in any significant respect or with Departmental regulations and directives, Defendants shall promptly investigate the matter. If Defendants determine after investigation that such state is in fact in noncompliance, Defendants shall specify to the state the action deemed necessary to correct such noncompliance, and shall provide a period not to exceed 30 days for the state to achieve compliance. If, at the conclusion of such period, the state's noncompliance has not been corrected, Defendants shall promptly initiate decertification proceedings under the Wagner-Peyser Act. In appropriate cases, where noncompliance is deemed not so substantial as to require

decertification proceedings, Defendants may impose other financial restraints, such as short-term funding of the ES agency or the L. or transfer federal personnel, pursuant to the provisions of the Intergovernmental Personnel Act (P. L. 91-648, January 5, 1971, 84 Stat. 1909), to assist such ES agency in achieving full compliance with the law, or other appropriate action, provided that unless such actions achieve substantial compliance with the requirements of law within sixty (60) days, Defendants shall promptly initiate decertification proceedings under the Wagner-Peyser Act.

VI. Special Review Committee

Within 60 days of the date of this Order Defendants shall establish, at the direction of the Under Secretary, a Special Review Committee which shall be charged with reviewing compliance by Defendants with the terms of the Court's Order, and shall have the following features and functions:

A. The Committee shall be composed of (a) three (3) voting representatives of migrant and seasonal farmworkers groups to be selected by Plaintiffs; (b) three (3) voting representatives selected by Defendants, one of whom shall be from the Office of the Secretary or the Under Secretary; (c) a seventh voting member chosen by the foregoing six representatives, who shall serve as Chairperson of the Committee.

B. The Committee shall meet at least once quarterly for a period of two years from the date of its establishment.

C. The Committee shall have responsibility for reviewing Defendants' implementation of and compliance with the Court's Orders, and shall file with the Court a semi-annual report on Defendants' compliance with this Order. Any voting representative

of the Committee may express separate views in a supplemental minority submission accompanying any such report provided, however, that the Secretary may also submit separate views to the Court. The Committee may also make interim recommendations to DOL for changes or improvements in the delivery of Manpower Services to migrant and seasonal farmworkers.

D. With the exception of disclosure pursuant to paragraph C of this Section VI, during the review period the Committee members, the parties to the action, their officers, agents, servants, employees and attorneys and those persons in active concert or participation with them who receive actual notice of judgment shall not make disclosure of any information developed for any report or recommendation and not otherwise publicly disclosable.

E. Defendants shall cooperate fully with the Committee and make all DOL information and documents relating to the provision of Manpower Services to migrant and seasonal farmworkers available to the Committee. Defendants shall make available to the Committee appropriate facilities, support services, and staff support as is reasonably necessary to adequately carry out the Committee's functions. Upon request of any three members of the Committee, Defendants shall make available appropriate officials or employees of DOL and its agencies who shall consult with the Committee or a member thereof and report on actions taken to comply with the Court's Orders.

F. Members of the Committee who are not employees of the Federal Government shall be paid compensation at a rate of up to the per diem equivalent of the rate for GS-18 when engaged in the work of the Committee, excluding travel time, and shall be allowed travel expenses and per diem in lieu of subsistence as

authorized by law (§ U.S.C. 5703) for persons in the Government service employed intermittently and receiving compensation on a per diem, when actually employed, basis, as determined by the Chairperson.

VII. Miscellaneous


A. Within 60 days of the date of this Order, Defendants shall file with the Court a report describing the steps they have taken to comply with this Order, including a description of the monitoring system established pursuant to Section II of this Order and the complaint resolution system established pursuant to Section IV of this Order.

B. Defendants shall transmit copies of this Order to each DOL regional office and to each state and local ES office.

C. The Court shall retain jurisdiction over this case pending further Order of the Court, provided, however, that any issues or disputes between the parties relating to matters addressed by this judgment shall first be presented to designated counsel for the parties; thereafter counsel for the party claiming that the Order has been violated may report to the Court any matters remaining unresolved after 30 days.

D. Nothing in this Order shall affect in any way the continued application or validity of departmental regulations and policies that are consistent with the terms of this Order. Nor shall anything in this Order preclude the adoption of new regulations and policies, or changes in regulations and policies, consistent with the terms of this Order.

Dated this 9th day of August, 1974.


CHARLES R. RICHEY
UNITED STATES DISTRICT JUDGE

GPO 882-017

Make a title slide



STATE OF TENNESSEE
Complaint
Resolution System

History and Scope

- Judge Richey Court Order
- System for taking & resolving, or referring complaints
- Applies to Job Service and non- Job Service complaints
- Does not apply to complainants in UI, WIOA Title 1 or complaints submitted by Veterans

Judge Richey Court Order

- Requires the USDOL to take all necessary & appropriate actions to ensure delivery of all DOL manpower services, to Migrant & Seasonal Farmworkers on a non-discriminatory basis.
- Established Federal regulations governing Wagner-Peyser Employment Service (20 CFR 653) & USDOL/ETA (20 CFR 658)
- Established the Federal/ State Monitor Advocate system to oversee compliance by the ETA & Employment Service

The Basics

- Complaint- A representation made or referred to a State or local Job Service office of an alleged violation of the employment service regulations and/or other federal, State or local employment related law
- Job Service (JS)-relating to the job service system
- Non-JS- relating to employment related laws.

JS Complaints Include:

- Complaints against an employer who participated in the employment service system.
- Complaints against an employment service office or the State Workforce Agency(SWA).
- Complaints regarding violations of the terms and conditions of a job order.

Non- JS Complaints Include:

- Complaints not referred through the employment service system.
- Complaints regarding employment-related law
 - EX: Equal Employment Opportunity Commission(EEOC), DOL's Wage and Hour Division(WHD) and Occupational Safety and Health Administration (OSHA)

JS and Non-JS Complaints

- Complaints may fall under both JS and Non- JS:
- EX: WHD or OSHA violation that was referred through a job order.

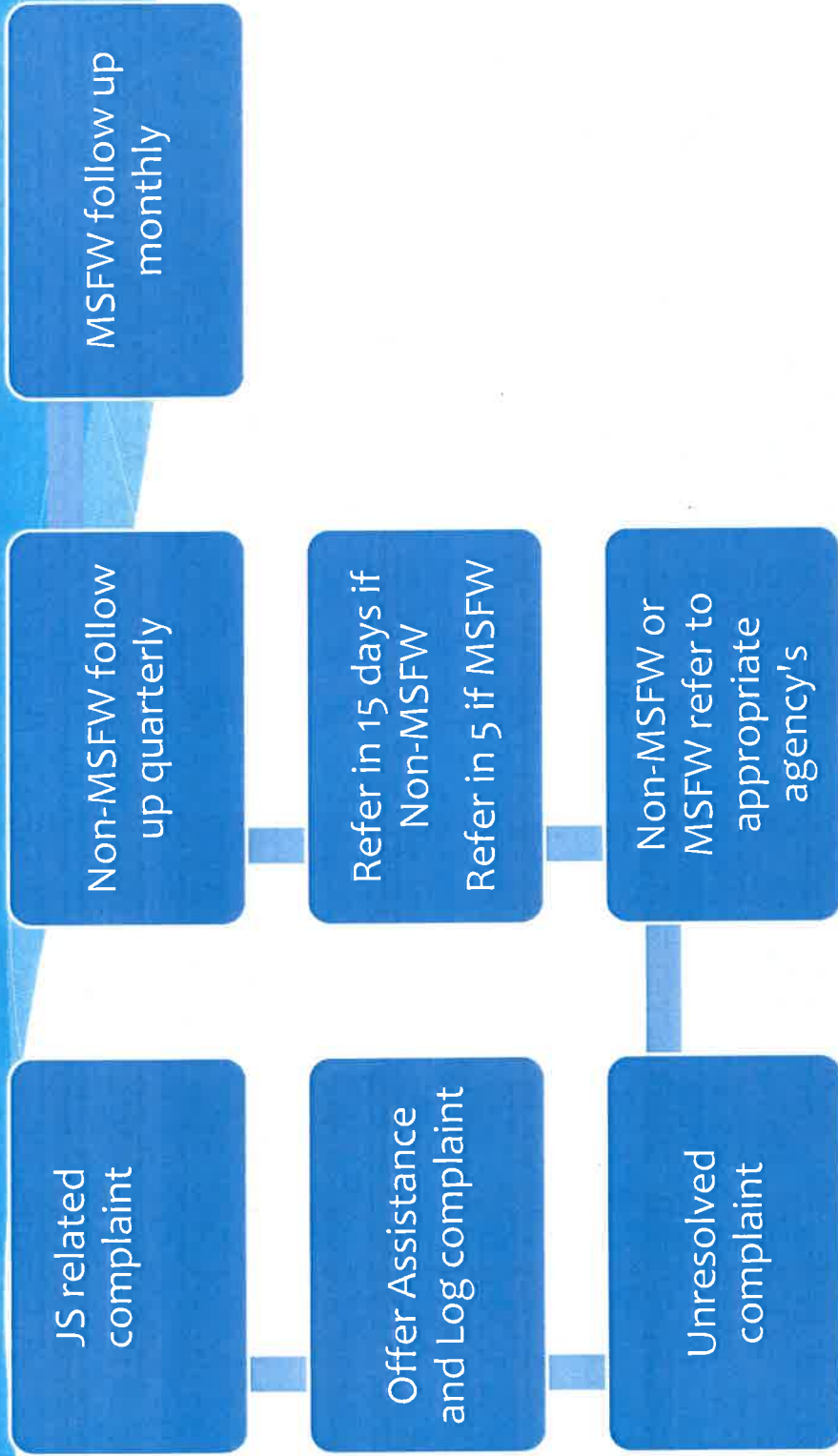
Complaint System Process:

- Each American Job Center(AJC) must display a Complaint System Poster.
- Each AJC must have a trained Complaint Specialist.
- All complaints must be logged.
 - Outreach Workers may also accept and log complaints
 - Outreach Workers must explain the Complaint System to the MSFW's when conducting outreach.
- Determine if the complainant is an MSFW.
- Determine if the complaint is a JS or Non-JS complaint.

JS Complaints

- After logging the complaint, it must be referred to the Complaint Specialist.
- If the complaint is Non-MSFW or MSFW you must attempt to resolve issue at the local level.
- Time frame for resolution: 15 days for Non-MSFW complaints and 5 for MSFW complaints.
- Non-MSFW complaints not resolved in the 15 day time frame needs to be referred to the appropriate enforcement agency. Quarterly follow up with the enforcement agency is necessary. As well as notifying the statues of the complaint.
- MSFW complaint not resolve in the 5 day time frame needs to be referred to the State Monitor Advocate(SMA)> The SMA must refer the complaint to the appropriate EA and follow up monthly. The SMA must also notify periodically the complaint status.

JS Complaint Process Flow



Non-JS Complaint

- If the complaint is an MSFW
 - Explain Job Service Complaint System
 - Assist with complaint forms
 - Log complaint
 - Refer complaint to the SMA
 - Provide complainant a copy of the referral and complaint.

Non -JS Complaints

- If the complainant is an MSFW:
 - Offer appropriate One- Stop Services
 - The SMA must refer the complain to the appropriate enforcement agency, another public agency, an attorney, a consumer advocate and/or other appropriate assistance and follow-up monthly. The SMA must notify the complainant periodically of the statuses of the complaint.

JS and Non-JS Complaints

- Complaints that fall under JS and Non-JS (ex: WHD violation pursuant to a job order) shall:
 - Follow JS process; and
 - If complaint is not resolved at the local level, refer complaint to the SWA.
 - SWA must refer complaint to appropriate enforcement agency.

Complaint is considered resolved when:

- The complaint indicates satisfaction with the outcome;
- Chooses not to elevate the complaint to the next level of review;
- Fails to respond to a written request within:
 - 20 working days for Non-MSFW;
 - 40 working days for MSFW's
 - Exhausts the final level of review.

Determination must be made when:

- Non-MSFW: If not resolved at the State level within 30 working days after the complaint was received.
- MSFW's: If not resolved at State level within 20 working days after the complaint was received.

Determinations shall include:

- The results of any State office investigation pursuant to this paragraph.
- Conclusions reached on the allegations of the complaint.
- An explanation of why the complaint was not resolved

Discontinuation of Services:

- If the State finds that an employer violated JS regulations, the State will initiate procedures for discontinuation of services to the employer under subpart F.

Hearings:

- If the State finds that an employer has not violated JS regulations, the State must offer to the complainant an opportunity to request a hearing within 20 working days. After the certified date of receipt of the determination notification.

JS Complaints referred to RMA

- For MSFWs: Once the complaint has exhausted all State agency administration remedies(and the complaint is appealing the State determination), the complaint may be referred to the ETA regional office.

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