

**PROGRAM-SPECIFIC REQUIREMENTS FOR WAGNER-PEYSER PROGRAM**  
**(EMPLOYMENT SERVICES)**

All Program-Specific Requirements provided for the WIOA core programs in this section must be addressed for either a Unified or Combined State Plan.

A. EMPLOYMENT SERVICE STAFF

1. DESCRIBE HOW THE STATE WILL STAFF THE PROVISION OF LABOR EXCHANGE SERVICES UNDER THE WAGNER-PEYSER ACT, SUCH AS THROUGH STATE EMPLOYEES, INCLUDING BUT NOT LIMITED TO STATE MERIT STAFF EMPLOYEES, STAFF OF A SUBRECIPIENT, OR SOME COMBINATION THEREOF.

The State will continue to use merit staff to carry out labor exchange.

2. DESCRIBE HOW THE STATE WILL UTILIZE PROFESSIONAL DEVELOPMENT ACTIVITIES FOR EMPLOYMENT SERVICE STAFF TO ENSURE STAFF IS ABLE TO PROVIDE HIGH QUALITY SERVICES TO BOTH JOBSEEKERS AND EMPLOYERS

Staff from all partner programs in the center are cross-trained regarding the specifics of each partner program in order to make meaningful referrals for participants and to avoid duplication of services, in entering activities that are required when they provide any assistance to an individual and in the use of Labor Market Information that is provided in Jobs4TN to assist participants with career path choices. Staff is aware of how to refer a customer to a job posting as well as how to result in the outcome of that referral if the information is obtained. Case noting is used to give an account of interactions between staff and customers.

1. DESCRIBE STRATEGIES DEVELOPED TO SUPPORT TRAINING AND AWARENESS ACROSS CORE PROGRAMS AND THE UNEMPLOYMENT INSURANCE (UI) PROGRAM AND THE TRAINING PROVIDED FOR EMPLOYMENT SERVICES AND WIOA STAFF ON IDENTIFICATION OF UI ELIGIBILITY ISSUES AND REFERRAL TO UI STAFF FOR ADJUDICATION

Through the RESEA selection process, AJC staff can work with the claimant, assisting with job searches and providing referrals to partner programs that can provide necessary education and/or training to get the claimant back to work.

AJC staff can see the active status of a current UI claimant in the VOS system. However, they do not have access to any additional information. In the event, a claimant is experiencing issues with their UI claim AJC staff are trained to alert the UI representative within the AJC or route the claimant's information to UI Assistance through Workforce OneTouch (Zopin Chat or Zendesk) or call the UI Assistance Team.

The Tennessee Department of Labor & Workforce Development, in partnership with other agencies and critical stakeholders, provides a series of regional and statewide training activities to cover important topics that involve multiple programs. This serves as the primary means by which training is delivered collectively with the state's various programs. These opportunities offer training and awareness capacity for the staff responsible for leading the state's Reemployment Services and Eligibility Assessment (RESEA) program.

The RESEA program serves as the primary connection between core programs and the Unemployment Insurance (UI) program. Training and awareness strategies for the RESEA team, in addition to the mentioned training activities, center on policy review, technical training, and

ongoing communications with the UI program. All issuances of Unemployment Insurance Program Letters (UIPL) are reviewed and distributed across the RESEA management team, as well as key staff members in other core programs. Through the state's virtual one-stop system (VOS), RESEA staff have the ability to efficiently collaborate with UI program staff to address UI eligibility issues. Ongoing communications provide the capacity for learning to occur across the programs. When eligibility issues are detected, a dedicated UI adjudication agent deals specifically with RESEA customers.

**A. EXPLAIN HOW THE STATE WILL PROVIDE INFORMATION AND MEANINGFUL ASSISTANCE TO INDIVIDUALS REQUESTING ASSISTANCE IN FILING A CLAIM FOR UNEMPLOYMENT COMPENSATION THROUGH ONE-STOP CENTERS, AS REQUIRED BY WIOA AS A CAREER SERVICE**

The Unemployment Insurance division has partnered with Workforce Services with the goal, when positions and funding allow, of placing a UI presence back in each American Job Center ("AJC") across the State. We understand that many of our customers require hands-on assistance in filing an unemployment insurance assistance claim or weekly certification. This strategic partnership also enhances supportive service offerings for the customer. This helps to drive the customer to the AJC, where additional Workforce Services programs can be provided if applicable. This is a multi-year project. The first goal is to place a presence back into each of the nine (9) regions of the State, again when positions and funding allow. The second goal of this project will be to place a UI presence in each comprehensive AJC in the State. Once this is fulfilled, we will work to place a presence in each affiliate AJC within the State.

Currently UI is assisting by other means such as virtual meetings pilot, attending rapid response meetings, and the AJC question/issue list that go to a dedicated team within Claims Operations.

**C. DESCRIBE THE STATE'S STRATEGY FOR PROVIDING REEMPLOYMENT ASSISTANCE TO UI CLAIMANTS AND OTHER UNEMPLOYED INDIVIDUALS**

Unemployed individuals receive multiple services from all the required programs located within the American Job Center (AJC). For those programs that do not have staff physically present within the AJC, referral systems are in place to ensure that customers receive assistance with wrap-around services that they may need to obtain self-sustaining employment. The State of Tennessee is also in the process of putting into place a Virtual AJC for customers, which will allow services to be provided to customers virtually.

The State of Tennessee provides Reemployment Services and Eligibility Assessment (RESEA) assistance to claimants who are determined to be most likely to exhaust their Unemployment Insurance (UI) benefits, providing more intensive assistance to those who are selected to participate. RESEA is designed to reduce UI duration, strengthen UI program integrity, and establish an entry point to other workforce system partners. This program will be going through an evaluation in the upcoming months to determine if some changes to the way the program works will result in increased success for claimants in obtaining employment, as well as shorten the length of time that claimants are receiving unemployment benefits.

**B. DESCRIBE HOW THE STATE WILL USE W-P FUNDS TO SUPPORT UI CLAIMANTS, AND THE COMMUNICATION BETWEEN W-P AND UI, AS APPROPRIATE INCLUDING THE FOLLOWING:**

**1. COORDINATION OF AND PROVISION OF LABOR EXCHANGE SERVICES FOR UI CLAIMANTS AS REQUIRED BY THE WAGNER-PEYSER ACT;**

Coordination of and provision of labor exchange services for UI claimants includes the Welcome Function, Skills Development, and the Business Services Function.

**Welcome Function and Basic Career Services** - a shared function between all AJC partners must include the Virtual OneStop greeter (VOS greeter) kiosk as part of the point of entry. The kiosk must display the VOS greeter. Participants must be checked in via the VOS greeter to determine priority of service, reasons for the visit, service needs, and to track customer flow; greet all customers and create a positive first impression. Services associated with the welcome function include the resource room, self-directed activities, and staff-assisted services with few staff members involved. Job seekers are encouraged to register in VOS. Other functions include the following:

- Eligibility determination for WIOA
- Outreach, intake, and orientation to inform applicants and participants of all One-Stop services
- Initial assessment of program participants
- Labor exchange services
- Provision of labor market information, access to the resource room, access and information concerning other programs and services
- Labor market employment statistics
- Information and direct referrals to supportive services and assistance
- Information on performance and program costs on eligible providers of training services by program and type of provider
- Assistance in establishing eligibility of programs for financial assistance for training and education not provided by WIOA

**Skills/Career Development Function and Individualized Career Services**- Staff serving in skills and career development capacity will provide access to education and training for those with barriers to employment, including those with disabilities. Follow-up services must be provided, as appropriate, for participants who are placed in unsubsidized employment after the first day of employment. AJC staff serving in the skills/career development function:

- Determine eligibility during outreach and intake
- Perform skills assessments on program participants
- Determine skill levels and service needs for adults and dislocated workers
- Provide labor exchange services
- Develop individual employment plans
- Arrange for case management
- Identify support needs, group and/or individual counseling and mentoring, short-term pre-vocational services, internships, and employment opportunities
- Arrange for soft skills training, internships, and work experiences which are linked to careers, workforce preparation activities, financial literacy services, out-of-area job search assistance, English language acquisition, and integrated education and training programs

**Business Services Function** - The AJC staff involved in the business services function:

- Build positive relationships with employers
- Identify opportunities to address the human resource needs of employers
- Design services and products to assist employers in meeting their employment needs.

This function is the bridge between business and job candidates and coordinates AJC staff members to actively recruit and refer qualified job candidates based on the needs of business. Activities associated with the business services function include:

Business outreach and development:

- Standard and customized recruitment and referrals for job vacancies, primarily for targeted business and industry
- Job candidate qualification review
- Provision of economic, business, and workforce trends
- On-the-job training, contracting, and work experience
- Referral to community services

LWDBs may conduct business services or contract these services to a separate entity, or a combination of both. Regardless of whether a LWDB chooses to provide business services or contract these responsibilities, the plan concerning how business services are conducted must be clearly outlined in a local plan. Shared information and data agreements may be used to support access to information and to support information sharing between the partners, as permitted by authorizing laws and regulations.

Unemployment staff are not located in all American Job Centers, but Welcome Function staff in the AJC provide meaningful assistance to participants if needed.

Non-program participants who enter the job center strictly to use the self-service options available in the center are all self service activities and do not result in an active Wagner Peyser application.

Job placement services include referral to employers, customized recruitments, job fairs, sharing job leads, setting up interviews for customers, coordinating with business services teams to fill openings, and other activities connecting customers to employment opportunities. Job placement efforts focus on the locally approved target wage and/or jobs with meaningful career and wage growth opportunities.

## 2. REGISTRATION OF UI CLAIMANTS WITH THE STATE'S EMPLOYMENT SERVICE IF REQUIRED BY STATE LAW;

In the State of Tennessee, customers file a claim for unemployment benefits using the Jobs4TN landing page. Filing a claim online creates a partial WP application in the system as required by State law. Those claimants selected for RESEA services or receiving intensive services in the AJC will have the partial WP application completed and participation created by the staff.

**3. ADMINISTRATION OF THE WORK TEST FOR THE STATE UNEMPLOYMENT COMPENSATION SYSTEM, INCLUDING MAKING ELIGIBILITY ASSESSMENTS (FOR REFERRAL TO UI ADJUDICATION, IF NEEDED), AND PROVIDING JOB FINDING AND PLACEMENT SERVICES FOR UI CLAIMANTS; AND**

With the use of the Virtual One Stop, claimants are required to answer weekly questions during their certifications that would identify any potential eligibility issues that UI adjudication would need to address. Additionally, the system allows claimants to conduct their job searches online through the Jobs4tn.gov website in order to remain compliant with UI requirements for work searches.

The Virtual AJC will facilitate providing job finding and placement services for those claimants who do not come into the AJC. AJC business services staff and career specialist staff work together to facilitate job seekers' access to available positions, as well as employers' access to qualified candidates for employment.

**4. PROVISION OF REFERRALS TO AND APPLICATION ASSISTANCE FOR TRAINING AND EDUCATION PROGRAMS AND RESOURCES.**

The creation of the virtual AJC system will facilitate the provision of comprehensive career services for all job seekers, to include UI claimants. The State of Tennessee AJCs provide services to include assistance with training, referrals to appropriate partners and programs, providing assessments, career guidance and planning, work-based learning, workshops on job-related topics, job searches, and placement. Additionally, AJC staff members provide business services to employers, to include work-based learning opportunities, as well as matching job seekers to businesses' needs.

AJC staff are knowledgeable regarding the appropriate training program(s) for career pathways. Systems are in place in each AJC for referrals to be made and results of these referrals to be tracked when customers are determined to need training assistance and education programs through partner programs.

**C. AGRICULTURAL OUTREACH PLAN (AOP). EACH STATE AGENCY MUST DEVELOP AN AOP EVERY FOUR YEARS AS PART OF THE UNIFIED OR COMBINED STATE PLAN REQUIRED UNDER SECTIONS 102 OR 103 OF WIOA. THE AOP MUST INCLUDE AN ASSESSMENT OF NEED. AN ASSESSMENT NEED DESCRIBES THE UNIQUE NEEDS OF FARMWORKERS IN THE AREA BASED ON PAST AND PROJECTED AGRICULTURAL AND FARMWORKER ACTIVITY IN THE STATE. SUCH NEEDS MAY INCLUDE BUT ARE NOT LIMITED TO: EMPLOYMENT, TRAINING, AND HOUSING.**

**1. ASSESSMENT OF NEED. PROVIDE AN ASSESSMENT OF THE UNIQUE NEEDS OF FARMWORKERS IN THE AREA BASED ON PAST AND PROJECTED AGRICULTURAL AND FARMWORKER ACTIVITY IN THE STATE. SUCH NEEDS MAY INCLUDE BUT ARE NOT LIMITED TO: EMPLOYMENT, TRAINING, AND HOUSING.**

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. Consistent with previous years, H2A job order have increased and in our opinion counties to trend this way. In 2021, employers job orders increased to 551, requesting a total of 6,579 H2-A workers. In 2022 agricultural employers placed 591 job orders, requesting a total of 6,648 H2-A visa holders.

The State Monitor Advocate collaborates with our National Farmworkers Jobs Program (NFJP) Tennessee Opportunity Program (TOPS). The advocates cover all three grand regions of Tennessee. The main crops throughout the regions range from, tobacco, soybeans, hay, corn, cotton, wheat. Agricultural activity significantly does not change from previous years or across regions. Throughout the state a common thread relates the basic needs of farm laborers as those dealing with chronic unemployment at times due to weather, lack of work due to seasonal produce and a desire to obtain secondary training to further their education. A continued need for workers is present on family farms throughout the state especially when productivity depends on the weather. Agriculture has evolved to high maintenance equipment with modern training needed. The need is present for training on and off the farm. With the cost of training including cost of books, supplies, loss of employment due to attending class, the need for monetary assistance is great along with obtaining certification in skilled training for job placement. Agriculture has evolved into the use of highly sophisticated equipment using the latest in GPS technology as well as the use of drone technology.

Training still is a large part of the agricultural industry. However, over the years those needs have changed from mostly maintenance of farm equipment to the integration of farming technology.

On the intake with the client, a career assessment is completed for direction with the client's training needs. Tennessee Opportunity Program has a long-standing relationship with the Tennessee Colleges of Applied Technology (TCAT) throughout the state, which offer training classes that can be completed in less than a year. The training does not require much travel to a local TCAT, which offers flexibility to the farmworker and limited loss of productivity to the employer. TOPS offers a stipend to pay to those that are eligible for the MSFW program while in training.

Tennessee has a thriving H2A visa program that continues to increase annually, which account for more than 6,648 MSFWs in Tennessee. The H2A visa holders do a vast array of job duties while on a farm. Some operate agricultural equipment, some plant and harvest row crop, while others work in agricultural construction to name a few. However, the need for qualified labor is still there, therefore, job advertisements are posted on our state website [jobs4tn.gov](http://jobs4tn.gov).

Not only is training a valid need by MSFWs in all regions so is career services, youth services, and other related services. The Tennessee Department of Labor & Workforce Development assisted in awarding grant opportunities through Governor Lee's Governors Investment in Vocational Education (GIVE) Act. These grants provide promising partnerships and career pathways in agricultural industries for youth to include MSFW youth. Below is a list of information we provide to each enrollee. This information provides participants with the basic understanding of applicable services in our program, as well as programs in other organizations.

- **Career Services** – skills assessment, outreach, job search (JOBS4TN), placement assistance, short term vocational training.

- **Training Services** – occupational skills, work experience, on-the-job training, skills upgrading, and retraining.

- **Youth Services** – tutoring, paid and unpaid work experiences needed, occupational skills training, financial literacy training, and guidance/counseling.

- **Related Assistance Services** – short- term direct assistance that helps the MSFW and their family members retain their agricultural employment or to participate in intensive training services

## Employer Needs:

In partnership with other units within the Tennessee Department of Labor & Workforce Development, along with other agencies, the MSFW unit engages in conversations regarding changing demands for skills in the agriculture industry. Currently, there are several innovative efforts being led by new employers in the agriculture technology industry, which have called on the agency to provide guidance and strategy on cultivating a workforce with the skills to addressing a growing reliance on technology, data, and even drone devices.

While the new needs in the agriculture industry are in the early adoption stage, the collaboration across the various workforce programs, such as apprenticeships, are providing new solutions for employers in the agriculture industry.

Housing Needs: The largest percent of farm labors within our state can return home at the end of the day without being housed on farm property. However, if housing needs arise for the MSFWs, TOPS has referrals options in place to assist with housing needs or emergency services. TOPS housing programs provide assistance with completing paperwork for housing loans, finding homes for farmworkers only, and assistance with utilities.

MSFWs often have immediate need for employment. TOPS help with on-the-job training and work experiences for current job placement. Each client at intake for training or immediate job replacement receives referrals to the local American Job Center for possible assistance and information on the Supplemental Nutrition Assistance Program (SNAP), along with local food banks.

The availability and quality of farmworker housing supports better economic outcomes for MSFWs and their families. This includes direct payments for emergency and temporary housing and for direct investments in housing assistance for MSFWs at their permanent residence. Indirect services assistance includes leveraging services to increase or maintain housing stock available to farmworkers and housing development designed to improve living conditions for underserved farmworkers.

## Other Needs:

Due to the closing of small area hospitals in rural regions of the state, there is a shortage of healthcare access and options for many MSFWs. This has been addressed by TOPS' case managers in all three grand regions. The limited access also applies to emergency care.

Food and utility assistance are often an issue dealt with for farm labors. Participation in SNAP is encouraged, and referrals to apply are often given at intake of information which then offers partnerships and co-enrollment with SNAP Employment and Training for services and opportunities.

2. AN ASSESSMENT OF THE AGRICULTURAL ACTIVITY IN THE STATE MEANS: 1) IDENTIFYING THE TOP FIVE LABOR-INTENSIVE CROPS, THE MONTHS OF HEAVY ACTIVITY, AND THE GEOGRAPHIC AREA OF PRIME ACTIVITY; 2) SUMMARIZE THE AGRICULTURAL EMPLOYERS' NEEDS IN THE STATE (I.E. ARE THEY PREDOMINANTLY HIRING LOCAL OR FOREIGN WORKERS, ARE THEY EXPRESSING THAT THERE IS A SCARCITY IN THE AGRICULTURAL WORKFORCE); AND 3) IDENTIFYING ANY ECONOMIC, NATURAL, OR OTHER FACTORS THAT ARE AFFECTING AGRICULTURE IN THE STATE OR ANY PROJECTED FACTORS THAT WILL AFFECT AGRICULTURE IN THE STATE

In Tennessee our five main labor-intensive crops currently are soybean, tobacco, cotton, wheat and hay, with livestock fast becoming one of the five. Many farms exist within our state, however, most are geographically located beginning in Northwest, TN, extending into Southeast, TN. The livestock industry saw U.S. beef exports from January through August 2023 decrease 12.3% compared to 2022. Total beef export value over the first eight months of 2023 totaled \$6.69 billion, a decrease of 18.8% compared to 2022. Pork exports during the first eight months of 2023 were 10.6% higher than 2022 with export values totaling \$5.32 billion, an increase of 8.3% compared to 2022.

“Cattle prices are expected to plateau in 2024 but remain strong relative to recent years,” said livestock specialist Andrew Griffith, also in the UTIA Department of Agricultural and Resource Economics. “Red meat demand should support beef and pork prices, as demand has remained strong and total production will moderate.

According to the UT Institute of Agricultural, A Total 2023 U.S. agricultural and related exports were down 9% when compared to 2022 due to lower volumes and lower prices, decreasing the value of U.S. exports. The factors affecting exports at the national level also affected Tennessee. Although the state’s agricultural and related exports were \$3 billion, up \$337 million or 13% when compared to the previous fiscal year, Tennessee experienced decreases in all major categories, except for consumer-oriented agriculture, which was up \$437 million or 34%. The overall increase in exports this fiscal year was due to exports of distilled spirits. Key exports for the state included distilled spirits at \$1.2 billion and cotton at \$846 million, which increased by \$477 million and decreased by \$37 million, respectively. Exports of bulk agricultural commodities, which include cotton, tobacco, and soybeans, totaled \$956 million, down \$6 million or 1%; exports of intermediate products such as soybean meal and oil and other feeds totaled \$177 million, down 23%; and related-product exports, which are mostly forest products, totaled \$158 million, down 21%. Tennessee continues to be a leading exporter of forest products at \$156 million, despite the 21% decline compared to the previous fiscal year.

The highest priority for employers/farmers is to have a consistent reliable workforce. Most all agricultural labor is completed by foreign labor. There is now, was and will be an issue with find reliable local farm labor. If it were not for the H2A visa program and those of a similar nature, Tennessee’s agricultural economy would suffer greatly. A need that farmers are expressing is one of streamlining the H2A visa process to reduce the paperwork, timeframes and time spent petitioning for visa status.



3. AN ASSESSMENT OF THE UNIQUE NEEDS OF FARMWORKERS MEANS SUMMARIZING MIGRANT AND SEASONAL FARM WORKER (MSFW) CHARACTERISTICS (INCLUDING IF THEY ARE PREDOMINANTLY FROM CERTAIN COUNTRIES, WHAT LANGUAGE(S) THEY SPEAK, THE APPROXIMATE NUMBER OF MSFWs IN THE STATE DURING PEAK SEASON AND DURING LOW SEASON, AND WHETHER THEY TEND TO BE MIGRANT, SEASONAL, OR YEAR-ROUND FARMWORKERS). THIS INFORMATION MUST TAKE INTO ACCOUNT DATA SUPPLIED BY WIOA SECTION 167 NATIONAL FARMWORKER JOBS PROGRAM (NFJP) GRANTEES, OTHER MSFW ORGANIZATIONS, EMPLOYER ORGANIZATIONS, AND STATE AND/OR FEDERAL AGENCY DATA SOURCES SUCH AS THE U.S. DEPARTMENT OF AGRICULTURE AND THE U.S. DEPARTMENT OF LABOR (DOL) EMPLOYMENT AND TRAINING ADMINISTRATION

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. Though several factors contributed to limiting the number of MSFW workers, a prominent one was the increase in H2-A holders. PY2021, 551 job orders were completed and 6,579 H2A visa holders were granted entry into the country. PY2022 591 job orders were completed and 6,648 H2A visa holders were granted entry.

#### 4. OUTREACH ACTIVITIES

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

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, TWLWD 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.

TOPS also helps MSFWs with housing, transportation, and financial emergencies, so some of their services to MSFWs are not exclusive to reeducation, skills training, and obtaining jobs. In the third

quarter of 2022-2023 TOPs served 60 new MSFW which totaled 133. Of which 22 entered employment. During the same quarter 91 days, 683 hours of time was spent performing outreach. We have found that MSFWs are concentrated in specific locations with some scattered throughout the state. The state is in the process of hiring three outreach workers in East, West, and Middle Tennessee to specifically locate and outreach to the MSFW populations not reached by normal methods.

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) . TDLWD will also coordinate with TOPS to use the mobile career coach units to bring TDLWD's services to MSFWs in their home communities.

Outreach responsibilities are split between two state staff. Each person using 50 % of their time on outreach. Outreach activities include but not limited to:

- Coordinate with SWA's/One Stop Offices to continue training and explanation of services offered.
- Coordination with the SMA quarterly meeting with staff and case workers
- Case managers reach out to farm communities to identify potential candidates.
- Once SFW's are identified, and they demonstrate an interest to obtain new skills and more productive career paths, intake/pre-applications are completed.
- Required eligibility documents are needed, birth certificates, selective service registration, driver's licenses, work visas.
- Interview of potential applicant, WRAT(ABE) test, barriers listed, then eligibility confirmed, and an Individual Employment Plan is developed for the training or services needed.
- Core services, training providers, service providers are identified.
- Meeting at community gathering areas for MSFW.
- Networking with businesses in the area that use MSFW labor.
- Networking with religious organizations in the MSFW communities.
- Being present at job fairs and non-profit centers.

#### A. CONTACTING FARMWORKERS WHO ARE NOT BEING REACHED BY THE NORMAL INTAKE ACTIVITIES CONDUCTED BY THE EMPLOYMENT SERVICE OFFICES

Tennessee will continue to collaborate with existing partners, stakeholders, and education organizations in an attempt to reach MSFW's in other ways than normal. Additionally, the State Monitor Advocate (SMA) and the NFJP will begin to share referral information from outreach activities conducted in the field.

When a Migrant and seasonal farmworker is hired because of an agricultural job posting in our Agricultural Recruiting System (ARS) we, state staff, Tennessee Opportunity Program (TOPs) or both together will conduct a field. After employment is confirmed state staff with the Tennessee Opportunity Program will set a date for onsite field visit.

Examples included but not limited to:

- Call the farmer or farm before visiting. Ideally lunch times or the end of the day are better options;
- Outreach visits can consist of day field visits, housing facilities, service fairs, churches/religious activities;
- No political activities do not enter work areas or housing areas without permission;
- Visits can consist of educating their rights as workers such as wage/hour rights, field sanitation, free from discrimination, right to written contracts; housing complies with state, federal, and local health codes; and
- Knowing the path of the complaint system/outlets on local, state, and federal levels. Receive, log, refer complaints to local SWA's.

**B. PROVIDING TECHNICAL ASSISTANCE TO OUTREACH STAFF. TECHNICAL ASSISTANCE MUST INCLUDE TRAININGS, CONFERENCES, ADDITIONAL RESOURCES, AND INCREASED COLLABORATION WITH OTHER ORGANIZATIONS ON TOPICS SUCH AS ONE-STOP CENTER SERVICES (I.E. AVAILABILITY OF REFERRALS TO TRAINING, SUPPORTIVE SERVICES, AND CAREER SERVICES, AS WELL AS SPECIFIC EMPLOYMENT OPPORTUNITIES), THE EMPLOYMENT SERVICE AND EMPLOYMENT-RELATED LAW COMPLAINT SYSTEM ("COMPLAINT SYSTEM" DESCRIBED AT 20 CFR 658 SUBPART E), INFORMATION ON THE OTHER ORGANIZATIONS SERVING MSFWs IN THE AREA, AND A BASIC SUMMARY OF FARMWORKER RIGHTS, INCLUDING THEIR RIGHTS WITH RESPECT TO THE TERMS AND CONDITIONS OF EMPLOYMENT.**

The SWA will coordinate with local AJC Offices to continue training and explaining services offered. These services involve:

- Availability of Referrals to training: The SWA refers any interested MSFW the appropriate agency that can better serve the MSFW in the needed training.
- Supportive services that include making sure the MSFW knows his/her rights under the law, ensuring that such workers have access to the necessary equipment at the AJCs, and explaining to the MSFW the purpose of Jobs4TN is and how to access and utilize the system.
- Career Services through Jobs4TN enables the participant to apply for any jobs that meet their skill set. State will ensure the full range of employment services are made available to the MSFW population. Area office staff will consider the preferences, needs, and skills of individual MSFWs and the availability of job and training opportunities.
- Employment opportunities: The MSFW can again utilize Jobs4TN. Also, the SWA can refer the MSFW to any agent that currently works with employers in the State.

- Other organizations: TOPS, another Tennessee organization serving MSFW in the State empowers migrant and seasonal farmworkers and other disadvantaged Tennesseans to achieve economic self-sufficiency. This is done by providing services that address their individual needs.
- Farmworkers Rights: In terms of employment, MSFW participants have the same rights as any resident of Tennessee. However, acquiring those rights might be more difficult than normal given some barriers. Therefore, posters are available at the AJCs in English and Spanish explaining those rights. Posters are also handed out at farms to the employer and employee to ensure that their respective rights under the law are known.

#### A. INCLUDING THE UNEMPLOYMENT INSURANCE (UI) PROGRAM AND THE TRAINING ON IDENTIFICATION OF UI ELIGIBILITY ISSUES

The Unemployment Insurance division has partnered with Workforce Services with the goal of placing a UI presence back in each American Job Center (“AJC”) across the State. We understand that many of our customers require hands-on assistance in filing an unemployment insurance assistance claim or weekly certification. This strategic partnership also enhances supportive service offerings for the customer. This helps to drive the customer to the AJC, where additional Workforce Services programs can be provided if applicable. This is a multi-year project. The first goal is to place a presence back into each of the nine (9) regions of the State. The second goal of this project will be to place a UI presence in each comprehensive AJC in the State. Once this is fulfilled, we will work to place a presence in each affiliate AJC within the State.

Currently UI is assisting by other means such as virtual meeting pilots, attending rapid response meeting, and AJC/issue lists. Additionally, customers who contact the UI division via phone or live chat for assistance are being directed to the nearest AJC with a UI presence if the customer needs additional assistance that cannot be provided over the phone or live chat.

All current UI issues pertaining to worker training and core programs within the Department of Labor and Workforce Development are handled through referrals in Workforce One Touch and addressed by the Division of Employment Security, which has oversight of the Unemployment Insurance program.

#### A. PROVIDING STATE MERIT STAFF OUTREACH WORKERS PROFESSIONAL DEVELOPMENT ACTIVITIES TO ENSURE THEY ARE ABLE TO PROVIDE HIGH QUALITY SERVICES TO BOTH JOBSEEKERS AND EMPLOYERS

Technical assistance is provided on an annual basis to all staff across the State for services and resources available to MSFW. Staff members are also provided with annual training on how to handle complaint issues within the AJC.

## B. COORDINATING OUTREACH EFFORTS WITH NFJP GRANTEEES AS WELL AS WITH PUBLIC AND PRIVATE COMMUNITY SERVICE AGENCIES AND MSFW GROUPS

Due to the non-significant status of the state, the majority of outreach is completed by the NFJP grantees.

An MOU is currently in place between both agencies. Needs of MSFW's in the American Job Centers are addressed by helping those individuals register as well as identification and explaining other services to MSFW's. Those services include Vocational Rehab, Adult Education, Supplemental Nutrition Assistance Program and others. Additionally, to meet the needs of MSFW's in Tennessee, collaboration with agricultural organizations (previously stated) both public and private is ongoing. Furthermore, the State Monitor Advocate (SMA) collaborates with agricultural organizations throughout the state concerning training events, outreach efforts, and data sharing.

Tennessee will develop a contact list of various MSFW agencies and organizations like Telamon, TN, Department of Education - MSFW, Southern Migrant Legal Services, and other nonprofit farmworker organizations.

To expand on our previous answer. TOPs and the State Monitor Advocate meets quarterly with case workers to discuss many topics, one being, creating ways of out reaching. One way that was created is one state staff person while completing H2A housing inspection would provide service information to the employer as well as the MSFW if one does in fact exists on the farm. The SMA and TOPs share MSFW geographical and demographical information. This helps TOPs to expand outreach specifically into areas of high migrant populations. Additionally, we share referral information with one another if we can offer services the other doesn't. The SMA has outreached to MSFW non-profits (included in previous answer) and other stakeholders to build working relationship. By creating numerous relationships, we are able to more effectively the MSFW population.

### 1. SERVICES PROVIDED TO FARMWORKERS AND AGRICULTURAL EMPLOYERS THROUGH THE ONE-STOP DELIVERY SYSTEM

Describe the State agency's proposed strategies for:

#### A. PROVIDING THE FULL RANGE OF EMPLOYMENT AND TRAINING SERVICES TO THE AGRICULTURAL COMMUNITY, BOTH FARMWORKERS AND AGRICULTURAL EMPLOYERS, THROUGH THE ONE-STOP DELIVERY SYSTEM. THIS INCLUDES:

- HOW CAREER AND TRAINING SERVICES REQUIRED UNDER WIOA TITLE I WILL BE PROVIDED TO MSFWS THROUGH THE ONE-STOP CENTERS
- HOW THE STATE SERVES AGRICULTURAL EMPLOYERS AND HOW IT INTENDS TO IMPROVE SUCH SERVICES

Tennessee American Job Centers will offer migrant and seasonal farmworkers (MSFW) the full range of employment services, benefits, and protections, including counseling, testing, job training, and referral services. MSFW, on a proportionate basis, shall not receive fewer services than non-MSFW. AJC staff will consider the preferences, needs, and skills of individual MSFW 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 AJCs where it is available. Such information will be made available either by a computer, hard copy or by any 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 MSFW in Spanish and English, wherever requested or necessary, during any period of substantial MSFW activity. The Workforce System provides labor market information, seminars on legislative changes, job-order service that helps companies fill vacant positions, new employee assessment and screening services, job fairs, and transition services for employees of plants that are closing, and more. The Workforce System will build on the department's success through increased coordination, leveraged funds, seamless customer service delivery, and functional alignment of services redefined throughout this integrated plan. For example, the Regional Business Service Team located in each LWDA is a collaboration of WIOA Adult/Dislocated Worker, Wagner- Peyser Labor Exchange, TNECD, Vocational Rehabilitation, Adult Education and all partners of the AJC; all of these ensure that the needs of business and industry are met. Local Business Service Teams have been developed within the AJCs to work collaboratively to reduce duplication and further streamline service delivery for employers. Tennessee is expanding Business Engagement in the AJCs to include the following:

- Sector convening to clarify and articulate the education and training pathways into high demand and emerging occupations;
- Identifying systemic opportunities for improved service delivery so that more youth and adults access and complete the programs; and
- Connecting both youth and adults with educational and training opportunities to acquire skills and earn credentials required for success in the state's labor market.

In an effort to further support these efforts the state is working on identifying "capacity" which is a significant priority. By convening functional best practices workgroups regionally, across American Job Centers and across state and local agencies we will continue to work to ensure that all partners have state of the art information and are developing and sharing practices that benefit job seeker, business, partners and community customers of our systems. A recent business services forum brought together stakeholders to discuss the viability of current business services strategy.

#### MARKETING THE EMPLOYMENT SERVICE COMPLAINT SYSTEM TO FARMWORKERS AND OTHER FARMWORKER ADVOCACY GROUPS

Currently, the SWA works with agents that represent the employers to train them on how to use JOBS4TN. In addition, any job seeker is referred to the site has support to create a profile, navigate the website, complete job applications, create and post resumes and search for jobs meeting the job seeker's skill set.

Majority of the current marketing of the compliant system is by traditional ways. This includes posting of pamphlet material and "one pager" paper poster that each employment service agency posts in lobby. Additional methods include referrals to U.S. Department of Labor Employment and Training Administration (<https://www.dol.gov/agencies/eta/agriculture/monitor-advocate-system/services>), our State website (<https://www.tn.gov/health/health-professionals/hcf-main/filing-a-complaint.html>) or word of mouth, while hosting quarterly meetings, out reaching to stakeholders, and by electronic means when appropriate .

#### MARKETING THE AGRICULTURAL RECRUITMENT SYSTEM FOR U.S. WORKERS (ARS) TO AGRICULTURAL EMPLOYERS AND HOW IT INTENDS TO IMPROVE SUCH PUBLICITY.

Tennessee American Job Centers, Tennessee Colleges of Applied Technology (TCAT), and the mobile Career Coaches actively promote the availability of agricultural openings and encourage U.S. workers to apply for these positions. Agricultural Job orders are posted on the state website JOBS4TN to meet the recruitment needs of employers. TDLWD provides education and training on agency services to agricultural employers' caseworkers to meet the needs of MSFW's in Tennessee.

Tennessee WIOA Grievance and Complaint Resolution Procedures are currently post on our state website TN.GOV

([https://www.tn.gov/content/dam/tn/workforce/documents/ProgramManagement/WIOA\\_Grievance\\_and\\_Complaint\\_Resolution\\_Procedures\\_Guidance.pdf](https://www.tn.gov/content/dam/tn/workforce/documents/ProgramManagement/WIOA_Grievance_and_Complaint_Resolution_Procedures_Guidance.pdf))

To help increase and improve publicity of the complaint system additional guidance is given to our National Farmworkers Job Program through trainings with case workers. Training materials used include electronic means such as PowerPoint and Word Documents. Moreover, Tennessee Opportunity Program regularly distributes their Migrant and Seasonal Farm Workers materials promoting the complaint resolution process. Our American Job Centers display posters to highlight the compliant resolution process for Migrant and Seasonal Farm Workers. These posters are also displayed at every agricultural employer's migrant housing.

In addition to our previous submitted answer the State Monitor Advocate (SMA) in conjunction with State Work Force Agency's (SWA) will promote our Agriculture Recruiting System JOB4TN.GOV to employers, which includes but not limited to:

- word of mouth
- referrals
- electronic methods (internet, email, fax etc.)
- onsite handing of ARS promotional materials to employers; such as flyers and pamphlets during H2A inspections

#### OTHER REQUIREMENTS

#### COLLABORATION

Describe any collaborative agreements the state workforce agency (SWA) has with other MSFW service providers including NFJP grantees and other service providers. Describe how the SWA intends to build upon/increase collaboration with existing partners and in establishing new partners over the next four years (including any approximate timelines for establishing agreements or building upon existing agreements).

Per the Memorandum of Understanding between Tennessee Department of Labor and Workforce Development and the Tennessee Opportunity Programs, NFJP grantee, the parties mutually agree to collaborate and complete the following activities:

- Outreach efforts to the MSFW population will be coordinated between TOPS and their case managers. Case manager's efforts include but are not limited to reporting outreach activities, providing information for all services available to MSFW and reporting MSFW complaints to the appropriate organizations. Outreach plans will be shared between the parties to better serve and implement new outreach strategies.
- To reach MSFW's in areas where outreach doesn't occur the parties will develop strategies to ensure those areas are served. Developing those strategies may include the use of technology and other innovative outreach plans, as well as collaboration with other state/local agricultural

organizations.

- Participants will be entered into Tennessee's job exchange system, Jobs4tn.com, otherwise known as the Virtual One-stop System (VOS) or its successor.
- When possible, the participants will be co-enrolled. The parties will collaborate on how to create strategies to avoid the duplication of services and maximize each other's effectiveness in meeting MSFW needs.
- The parties agree to the sharing of information regarding, including but not limited to, outreach activities, outreach contacts made, number of participants enrolled, number of referrals made, services provided, labor market and wage information and services available.
- Coordinate Emergency Assistance needs for MSFWs
- The parties agree to meet quarterly (July-September, October-December, January March and April-June) either in person or by other communication means.
- The parties will ensure that all and any confidential information shared through the implementations of this MOU is to be protected and only seen by staff. Such information will only be used in conjunction as to a legitimate business purpose as determined by the respective party.

In addition to continuing the collaboration with TOPs, Tennessee works with the Southern Migrant Legal Services and Conexion Americas, and establishing relationships with state agencies and nonprofits that provide services to MSFWs.

#### REVIEW AND PUBLIC COMMENT

In developing the AOP, the SWA must solicit information and suggestions from NFJP grantees, other appropriate MSFW groups, public agencies, agricultural employer organizations, and other interested organizations. In addition, at least 45 calendar days before submitting its final AOP, the SWA must provide a proposed plan 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 SWA must: 1) Consider any comments received in formulating its final proposed AOP; 2) Inform all commenting parties in writing whether their comments have been incorporated and, if not, the reasons therefore; and 3) Transmit the comments and recommendations received and its responses with the submission of the AOP.

The AOP must include a statement confirming 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 AOP. Include the list of organizations from which information and suggestions were solicited, any comments received, and responses to those comments.

There were no comments received on the AOP, however, information and suggestions were solicited from:

- Core and Partner Program State Departments
- Local Workforce Development Boards
- Tennessee Opportunities Programs (TOPS)
- NFP grantees



## DATA ASSESSMENT

Review the previous four years Wagner-Peyser data reports on performance. Note whether the State has been meeting its goals to provide MSFWs quantitatively proportionate services as compared to non-MSFWs. If it has not met these goals, explain why the State believes such goals were not met and how the State intends to improve its provision of services in order to meet such goals.

After reviewing the last four (4) years of performance the State has and will continue to meet the goals set. Both MSFWs and non-MSFWs have received the same quantitatively services. Although the goal has been consistently met, we are continuously improving the ways to better serve both non-MSFWs and MSFWs.

## ASSESSMENT OF PROGRESS

The plan must include an explanation of what was achieved based on the previous AOP, what was not achieved and an explanation as to why the State believes the goals were not achieved, and how the State intends to remedy the gaps of achievement in the coming year.

The State believes that all goals were reached as laid out in the previous year's AOP. The State used TOPS to outreach to farm communities to identify prospective candidates. After those MSFW the one-stop centers would try to pursue different and productive career tracks for those MSFW. Testing of cognitive abilities was achieved as well as placing the MSFW with the best opportunity for employment. Core services were identified and training was arranged with different providers as needed. Furthermore, if there were additional services needed beyond the scope of what could be offered, the clients were referred to other programs such as Vocational Rehabilitation, Veterans Services, or Senior Corps Programs. Not achieved, and how the State intends to remedy the gaps of achievement in the coming year.

## STATE MONITOR ADVOCATE

The plan must contain a statement confirming the State Monitor Advocate has reviewed and approved the AOP.

The Tennessee State Monitor advocate has reviewed and approved the AOP for Tennessee.

## WAGNER-PEYSER ASSURANCES

The State Plan must include assurances that:

The State Plan must include	Include
1. The Wagner-Peyser Act Employment Service is co-located with one-stop centers or a plan and timeline has been developed to comply with this requirement within a reasonable amount of time (sec 121(e)(3));	Yes
2. If the State has significant MSFW one-stop centers, the State agency is complying with the requirements under 20 CFR 653.111, State Workforce Agency staffing requirements;	Yes
3. If a State Workforce Development Board, department, or agency administers State laws for vocational rehabilitation of persons with disabilities, that board, department, or agency cooperates with the agency that administers Wagner-Peyser Act services, Adult and Dislocated Worker programs and Youth Programs under Title I; and	Yes
4. SWA officials: <ol style="list-style-type: none"> <li>1) Initiate the discontinuation of services;</li> <li>2) Make the determination that services need to be discontinued;</li> <li>3) Make the determination to reinstate services after the services have been discontinued;</li> <li>4) Approve corrective action plans;</li> <li>5) Approve the removal of an employer's clearance orders from interstate or intrastate clearance if the employer was granted conditional access to ARS and did not come into compliance within 5 calendar days;</li> <li>6) Enter into agreements with State and Federal enforcement agencies for enforcement-agency staff to conduct field checks on the SWAs' behalf (if the SWA so chooses); and</li> <li>7) Decide whether to consent to the withdrawal of complaints if a party who requested a hearing wishes to withdraw its request for hearing in writing before the hearing.</li> </ol>	Yes

## WAGNER PEYSER PROGRAM PERFORMANCE INDICATORS

### **Performance Goals for the Core Programs**

Each state submitting a Unified or Combined State Plan is required to identify expected levels of performance for each of the primary indicators of performance for the first two years covered by the plan. 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.

Performance indicator/goals for all programs are provided in Appendix 1.

DRAFT