

WORKFORCE INVESTMENT FIELD INSTRUCTION (WIFI) No. 05-11

DATE: November 15, 2011

TO: Labor Exchange Administrators (LEAs)
Workforce Investment Act (WIA) Directors
Division of Workforce Development and Adult Learning (DWDAL) and WIA Staff

SUBJECT: Migrant & Seasonal Farmworker (MSFW) Identification and Data Collection through the Maryland Workforce Exchange Virtual One Stop (MWE-VOS) and ETA 5148 Services to Migrant and Seasonal Farmworkers Report

REFERENCES: 20 CFR Part 653.109, Data Collection and Services/Migrant and Seasonal Farmworkers Indicators of Compliance (MIC) Report

BACKGROUND INFORMATION:

Federal regulations require all State Workforce Agencies (SWA) to provide Migrant and Seasonal Farmworkers (MSFWs) with services that are qualitatively equivalent and quantitatively proportionate to the services provided to non-MSFWs. This information is gathered through the Maryland Workforce Exchange Virtual One Stop (MWE-VOS) and reported by the Migrant and Seasonal Farm Workers Indicators of Compliance. This information is then provided in the report "ETA 5148 Services to Migrant and Seasonal Farm Workers," which is submitted quarterly to the United States Department of Labor (USDOL). Federal regulations require timely submission of these quarterly reports.

The identification of a participant who qualifies as an MSFW is defined in 20 CFR Part 500 Reg. 651 as one of the following:

Seasonal Farmworker - a person who during the preceding 12 months worked at least an aggregate of 25 or more days or parts of days in which some work was performed in farmwork, earned at least half of his/her earned income from farmwork, and was not employed in farmwork year-round by the same employer.

Migrant Farmworker - a seasonal farmworker who had to travel to do the farmwork so that he/she was unable to return to his/her permanent residence within the same date.

Food Processing Farmworker - a person who during the preceding 12 months has worked at least an aggregate of 25 or more days or parts of days in which some work was performed in food processing, (as classified in the 2002 North American Industry Classification System (NAICS) definitions 3116, 311421, 311941 and 311411 for food processing establishments), earned at least half of his/her earned income from processing work and was not employed in food processing year-round by the same employer, provided that the food processing required travel such that the worker was unable to return to his/her permanent residence in the same day.

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As the MWE-VOS system picks up all and any participants who self-identify as MSFW for federal reporting purposes, this can cause the State to appear to be out of compliance with the regulations.

**ACTION TO
BE TAKEN:**

To verify MSFWs are properly recorded in MWE-VOS and comply with the regulations, the local areas must conduct appropriate searches in MWE-VOS. There are a couple of ways a search can be conducted for three (3) MSFW types. The first is by selecting "Detail Reports," "Registered Individuals," and "List". The second is to search by selecting "Manage Individuals," "Assist Individuals," "More Search Options," "Assigned LWIA/One Stop," "Additional Characteristics" and "Activity/Service Criteria."

It is advisable to select one MSFW type at a time. This will create a list of names of persons, including those who have self-identified as MSFWs. Self-identified enrollees must be verified as to whether they meet the definition of an MSFW. Enrollees who meet the definition must be made program eligible for the generic MSFW program, contacted, and offered appropriate services. Staff-assisted services must be recorded and attached to the generic program application. A crosswalk chart of appropriate services that are captured in the Migrant Indicators of Compliance Report accompanies this WIFI.

The enrollees who do not meet the definition must have their enrollment information modified by staff under "General Information," under "Personal Profile," and at the "Migrant and Seasonal Farm Worker Information" section.

Local areas must review MSFW enrollments which currently can be found in MWE-VOS. This review should include PY2010 enrollments. Regular searches should be conducted, on a weekly basis during peak season especially, to insure that verified MSFWs are offered staff-assisted services in a timely manner.

ETA 5148 Services to Migrant and Seasonal Farm Workers is the required federal reporting form on which Labor Exchanger Administrators report local services to the State Monitor Advocate. The State Monitor Advocate reviews and consolidates local reports into a state report which is submitted to the USDOL Regional Monitor Advocate. Labor Exchange Administrators are required to submit their complete ETA 5148 local report to the State Monitor Advocate by the tenth (10th) day after the last day of the reporting quarter.

**CONTACT
PERSON:**

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EFFECTIVE:

Immediately



Paulette Francois
Assistant Secretary
Division of Workforce Development and Adult Learning

Attachment

(2)

Migrant Indicators of Compliance	Service Code	Service Title	ServiceLevelCD	VOS Code
1. Referral to Jobs	004	Self Referral to a Job	SYSTEM_GENERATED_SERVICES	500
	041	Referral to Employment	STAFF_ASSISTED	006
2. Staff Assisted Services	020	Job Search Activity	STAFF_ASSISTED	161
	021	Job Search Workshop	STAFF_ASSISTED	132
	024	Job Order Search With Local OfficeContact	STAFF_ASSISTED	133
	029	Referral to WIA Services	STAFF_ASSISTED	211
	032	Referral to Federal Training	STAFF_ASSISTED_CORE_SIG_INVOLVEMENT	208
	036	Job Search and Placement Assistance, including Career Counseling and Guidance	STAFF_ASSISTED	125
	041	Referral to Employment	STAFF_ASSISTED	006
	049	Group Counseling or Guidance (WP)	STAFF_ASSISTED	150
	050	Individual Counseling, Guidance and Career Planning (WP)	STAFF_ASSISTED	151
		Completed TAP	STAFF_ASSISTED	111
	236	Veteran Workforce Investment Program	INTENSIVE	227
	268	High Demand Training	STAFF_ASSISTED	173
	272	Referral to Apprenticeship and Training Opportunities	STAFF_ASSISTED	206
	273	Employment Eligibility Verification	STAFF_ASSISTED	147
	274	Ex-Offender Assistance	STAFF_ASSISTED	175

	Offender Job Readiness		
284	Workshop	STAFF_ASSISTED	176
286	Prove IT Assessment	STAFF_ASSISTED	177
	ESL for Workforce		
296	Development	STAFF_ASSISTED	172
	Ex -Offender Assistance for		
297	federal probationer	STAFF_ASSISTED	174
	Occupational Training- Cyber		
298	Security	Training	329
	Occupational Skills Training		
290	(MESP)	Training	317
VOS	referred to Job Corp		207
	Referred to Educational		
VOS	Services		229
	Out of Area Job Search		
VOS	Reportable Service From		216
	DVOP/LVER		
VOS			127
	Assigned Case Manager		
	and/or Received Case		
	Management Services- Vets		
VOS	Only		129
	Employer Pre-Screening		
VOS			134
	Enrolled In Apprenticeship Training		314
	Support Service -		186
	Seminar/Workshop		
	Allowance		
	Support Service - Job Search		187
	Allowance		
266	Referral to Local Or State Job		146
3. Referral to Support Services			
028	Referral to Support Services		185
	Referral to Vocational		
030	Rehabilitation		136
031	Referral to Other Services		185

4. Career Guidance	036	Job Search and Placement Assistance, including Career Counseling and Guidance	STAFF_ASSISTED	125
	049	Group Counseling or Guidance (WP)	STAFF_ASSISTED	150
	050	Individual Counseling, Guidance and Career Planning (WP)	STAFF_ASSISTED	151
5. Job Development Contact	27	Job Development Contacts (working with Employer and Job Seeker)		123