

VIRGINIA EMPLOYMENT COMMISSION  
PLAN FOR AGRICULTURAL SERVICES  
PROGRAM YEAR 2012

The purpose of this plan is to describe the activities planned for providing services to the agricultural community in Virginia in accordance with 20 CFR 653 and the Workforce Investment Act of 1998 (WIA). The policy of the Commonwealth of Virginia is to assist employers and job seekers through the operation of a basic labor exchange system as described in 20 CFR 652, Subpart A. Services to both agricultural employers and migrant and seasonal farmworkers (MSFWs) are covered in this plan.

Agricultural employers can list job openings with the Virginia Employment Commission (VEC). They may participate in the intrastate or interstate job clearance system as described in 20 CFR 653, Subpart F. If shortages of U.S. workers develop and certain specific conditions are satisfied, agricultural employers may apply for and receive a labor certification for the temporary employment of nonimmigrant foreign workers (H-2A).

MSFWs shall be provided all of the job services consistent with Title I of WIA and their employment preferences, needs, and skills. Specifically, the VEC shall offer to MSFWs the core, intensive, and training services; the benefits and protections, including the full range of counseling, career guidance, and job referral services as are provided to non-MSFWs. In the electronic environment, specifically trained staff shall be available for direct assistance to farmworkers who are unable to meet their needs through self-service.

Finally, at least one-third of the actual peak number of MSFWs shall be contacted through outreach efforts by selected local office staff.

I. ASSESSMENT OF NEED

An extensive statewide survey of previous and projected agricultural and farmworker activity was conducted by the VEC. The Assessment of Need Data Sheets (see Attachment A) were developed in conjunction with input from local office personnel, farm placement staff, extension agents, WIA 167, and members of numerous other organizations with knowledge of MSFWs. A statewide survey (see Attachment B) was also conducted to estimate the MSFW population. For Program Year 2011 (PY 11), approximately 15,081 MSFWs were estimated in Virginia with a peak of about 13,461, 2,812 of which were H-2A farmworkers. Following are the previous year's agricultural activity and MSFW employment. Projections of major labor intensive crop activity and MSFW availability for the coming year have been indicated by location and crop. Staff training to meet the needs of farmworkers is described at the end of Section IV.

EASTERN SHORE (ONLEY F. O.)

Crop	Activity Period	Total Employment	MSFW Employment	Labor Shortage	Crop Changes	MSFW Availability
Tomatoes	Apr-Oct	3125	3125	No	Decrease	Decrease
Potatoes	May-July	72	72	No	Stable	Stable
Grapes	Jan-Oct	37	34	No	Decrease	Stable
Nursery	Apr-Aug	147	130	No	Stable	Stable
Lima Beans	June-Dec	20	5	Yes	Stable	Stable

NORTHERN NECK (WARSAW F. O.)

Crop	Activity Period	Total Employment	MSFW Employment	Labor Shortage	Crop Changes	MSFW Availability
Grapes	Mar-Sep	190	170	Yes	Stable	Stable
Berries	May-Jul	100	95	Yes	Stable	Decrease
Tomatoes	Mar-Oct	250	240	Yes	Stable	Decrease
Nursery	Feb-Nov	250	240	Yes	Stable	Stable
Melons	Jul-Aug	100	75	Yes	Stable	Decrease
Vegetables	Jun-Nov	450	400	Yes	Increase	Decrease

CENTRAL (ROANOKE F. O.)

Crop	Activity Period	Total Employment	MSFW Employment	Labor Shortage	Crop Changes	MSFW Availability
Apples	Feb-Nov	125	77	Yes	Stable	Stable
Grapes	Mar-Oct	34	34	No	Stable	Stable
Peaches	Apr-Aug	62	62	No	Stable	Stable
Nursery	Feb-Dec	130	130	No	Stable	Stable
Vegetables	Apr-Oct	16	16	No	Stable	Stable
Tobacco	Apr-Nov	112	22	Yes	Stable	Stable

CENTRAL (PETERSBURG F.O.)

Crop	Activity Period	Total Employment	MSFW Employment	Labor Shortage	Crop Changes	MSFW Availability
Melons	Apr-July	50	50	No	Stable	Stable
Tobacco	Mar-Oct	150	88	Yes	Decrease	Decrease
Nursery	Feb-Jun	174	89	Yes	Stable	Stable
Vegetables	Apr-Nov	287	107	Yes	Stable	Stable
Grain	Mar-Aug	181	161	Yes	Stable	Stable
Sod	Mar-Oct	33	20	Yes	Stable	Stable

SHENANDOAH VALLEY (WINCHESTER F.O.)

Crop	Activity Period	Total Employment	MSFW Employment	Labor Shortage	Crop Changes	MSFW Availability
Apples	July-Nov	673	275	Yes	Stable	Stable
Peaches	Jul-Sept	54	54	No	Stable	Decrease
Grapes	Aug-Oct	74	74	No	Increase	Stable
Vegetables	Mar-Nov	40	40	No	Stable	Stable
Nursery	Feb-Dec	74	74	No	Stable	Stable

SHENANDOAH VALLEY (CHARLOTTESVILLE F.O.)

Crop	Activity Period	Total Employment	MSFW Employment	Labor Shortage	Crop Changes	MSFW Availability
Apples	Sept-Nov	278	210	Yes	Stable	Decrease
Peaches	July-Sept	186	118	Yes	Stable	Decrease
Grapes	July-Oct	342	312	Yes	Increase	Stable
Nursery	Oct-June	418	350	Yes	Increase	Stable
Vegetables	May-Oct	20	20	No	Increase	Stable

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SOUTHSIDE (SOUTH HILL F.O.)

Crop	Activity Period	Total Employment	MSFW Employment	Labor Shortage	Crop Changes	MSFW Availability
Tobacco	Apr-Oct	2100	900	Yes	Increase	Stable
Nursery	Feb-Aug	45	35	Yes	Increase	Stable
Vegetables	Feb-Aug	250	100	Yes	Decrease	Stable
Hay	Mar-Sept	200	125	Yes	Decrease	Stable

SOUTHSIDE (DANVILLE F.O.)

Crop	Activity Period	Total Employment	MSFW Employment	Labor Shortage	Crop Changes	MSFW Availability
Tobacco	April-Oct	1600	380	Yes	Decrease	Decrease
Vegetables	June-Aug	40	10	Yes	Decrease	Stable
Hay	Mar-Sept	10	0	Yes	Decrease	Decrease
Nursery	Feb-Aug	40	40	No	Stable	Stable

SOUTHWEST (BRISTOL F.O.)

Crop	Activity Period	Total Employment	MSFW Employment	Labor Shortage	Crop Changes	MSFW Availability
Apples	Jun-Oct	200	125	No	Increase	Stable
Vegetables	Mar-Nov	350	200	Yes	Increase	Stable
Tobacco	May-Dec	180	75	No	Decrease	Stable
Trees	Oct-Dec	1200	900	Yes	Increase	Stable

## II. OUTREACH PLAN

This section of the Virginia Plan for Agricultural Services was prepared in accordance with the federal requirements in 20 CFR Part 653.

### A. Assessment of Available Resources:

During PY 12, the agency will use full-time farm placement staff (equivalent positions for outreach indicated) in the local offices of Bristol (.07), Charlottesville (.04), Danville (.22), Onley (.09), Tri-Cities (.08), Warsaw (.10), Roanoke (.01), South Hill (.17), and Winchester (.05). As the season develops, local office staff will conduct outreach activities. At the central office there is no staff specifically assigned for the sole purpose of conducting outreach. However, the State Monitor Advocate, in the course of visits to areas where MSFWs live and work, may conduct significant outreach. Both Onley and Winchester, as MSFW significant local offices, have full-time staff for outreach duties during the peak of the season (see Attachment C). For the 2012 growing season the VEC will maintain the same full-time staffing level used during PY 11. We anticipate no reductions during PY 12 in full-time staff serving MSFWs. To augment the VEC outreach efforts, staff from the State's WIA 167 Grantee, under an interagency cooperative agreement (see Attachment D), will supplement the agency's effort to contact a majority of the 15,081 MSFWs estimated to be in Virginia during the peak of the agricultural season.

### B. Numerical Goals:

1. During PY 12, VEC staff plan to contact 33% of the MSFWs (one-third of the estimated peak MSFWs in the state) to offer job services. The VEC will make at least five contacts per staff day worked (SDW) or a minimum of 1300 contacts per staff year. Actual VEC minimum staff contacts are computed as follows and listed below by local office:

260 days = 1 staff year.

260 days x 5 contacts per SDW = 1300 contacts per staff year.

2.8 staff years x 1300 contacts per staff year = 3511 VEC contacts for PY 12.

o Winchester	132	Contacts	27	SDW
o Tri-Cities	293	Contacts	59	SDW
o Onley	1191	Contacts	239	SDW
o Charlottesville	202	Contacts		41
SDW				
o Warsaw	341	Contacts	69	SDW

○ Danville	225	Contacts	45	SDW
○ Roanoke	74	Contacts	15	SDW
○ Bristol	739	Contacts	148	SDW
○ South Hill	314	Contacts	63	SDW

2. The WIA 167 Grantee, Telamon Corporation, under a cooperative agreement, will supplement the VEC outreach with approximately 4,226 MSFW contacts. For PY 12, Telamon Corporation (WIA 167), and any other individual or organization with the proper automated equipment, will be able to find VEC services to MSFWs listed on the agency web site at [www.vec.virginia.gov](http://www.vec.virginia.gov) and search for employment opportunities through the Virginia Workforce Connection found at [www.vec.virginia.gov/virginia-workforce-connection](http://www.vec.virginia.gov/virginia-workforce-connection). MSFWs may review job openings at Telamon Corporation and select prospective positions for which they may be qualified. This technological capability exposes MSFWs to more employment opportunities and they are better informed about the labor market. Through the self service system now available or with the assistance of Telamon Corporation staff, MSFWs can be registered for job services before they even visit one of the VEC local offices.

A total of approximately 7,737 MSFW contacts will be made by both VEC and Telamon Corporation during PY 12.

#### C. Proposed Outreach Activities (20 CFR 653.107 (i-p))

All VEC staff assigned responsibilities for MSFW outreach use a similar variety of techniques. Personal contact with at least one-third of the estimated peak number of MSFWs (as it develops during the growing season) is the primary outreach technique. Depending on the local circumstances, which include consideration of employer and MSFW preferences, outreach contacts may occur in agricultural fields during the work day. However, many MSFWs, especially those working on piece rate, prefer to continue to work rather than stopping to talk with an outreach worker. In that situation, VEC staff meet MSFWs during lunch or after work at their living quarters. During these meetings VEC staff, in a language appropriate for the MSFW, present information on the services available from the local office and use handout materials which are specific for each location. These handouts, in some cases, contain maps in addition to a full listing of various partners, social service agencies, organizations and special groups with an interest in serving MSFW needs. VEC outreach workers may also take complaints from MSFWs. In all cases, outreach contacts are used to explain the benefits of coming into the local office to receive the full range of services available. These services include referrals to agricultural and nonagricultural jobs; information on training and supportive services with special emphasis on services available through Telamon Corporation, as well as counseling, career guidance, and job development services; an explanation of basic farmworker rights; and a full review of the JS Complaint System.

Continuing in PY 12, follow-up will be conducted with all U.S. workers referred by the VEC on H-2A job orders who:

- Did not report for the scheduled interview, or
- Were interviewed but not hired, or
- Were later terminated by the employer.

III. JOB SERVICES PROVIDED TO MSFWs THROUGH THE ONE-STOP DELIVERY SYSTEM

A. Plan for Program Year 2012

The VEC will meet the minimum requirements for providing services to MSFWs as listed in 20 CFR 653.112. As in past years, the VEC will provide equitable services for:

- MSFWs referred to jobs
- MSFWs for whom a service is provided
- MSFWs referred to supportive services
- MSFWs receiving career guidance
- MSFWs receiving job development

In addition, as a significant MSFW state, at least four of the seven minimum service level indicators listed below will be accomplished:

MSFWs placed	42.5%
MSFWs placed .50 cents above minimum wage 14.0%	
MSFWs placed in long-term non-ag jobs	5.2%
MSFW significant local offices reviewed	100.0%
Field Checks conducted where JS placements were made	25.0%
MSFWs receiving outreach contact	5 per SDW
Complaints remaining unresolved more than 45 days (Unless pending enforcement agency action or hearing) < 10%	

B. Monitoring

Monitoring Virginia Workforce Centers throughout the year for compliance with

MSFW regulations will be accomplished by both the State Monitor Advocate, and by the WIA monitoring unit.

The significant local offices at Winchester and the Eastern Shore will have an annual in-season on-site review by either the Regional Monitor Advocate, or the State Monitor Advocate, or both together.

All other local offices will have on-site reviews done by the State Monitor Advocate as appropriate or will have desk reviews done monthly using data from the agency automated reporting system, using the format suggested by USDOL: "Virginia MSFW Indicators of Compliance, Qualitatively Equivalent and Quantitatively Proportionate Services: JS Services to Migrant and Seasonal Farmworker Applicants Compared With Services to All Non-MSFWs."

### C. Significant Bi-Lingual MSFW Office Affirmative Action Plan: Eastern Shore local office.

#### Local Office Service Area Workforce Analysis

A current review of the most recent labor force data for the area served by the Eastern Shore Local Office indicates there are 23,565 individuals in the civilian labor force (CLF). Whites comprise 64.2% of the population, and minorities comprise 35.8%. An analysis was done to determine the MSFW population that should be included in the work force for affirmative action purposes. The current migrant population is estimated by the local office to be 3320 (Accomack County-1920 and Northampton County-1400). The local office further estimates that 20% of the unduplicated count is equal to full-time presence. Thus, the full-time equivalent for migrant workers is 664 (3320 X .20). With respect to seasonal workers, the local office estimates a population of 570 (Accomack-350 and Northampton-220) with an estimate of 40% to determine full-time presence. This is equal to 228(570 X .40). The total of the two percentages is 1234 (664+ 570). The MSFW estimated population of 1234 plus the CLF number of 23,565 equals 24,799, with MSFWs comprising 5.2% of the labor force.

#### Local Office Staffing Characteristics:

The Eastern Shore Local Office organizational structure is described below. The office is comprised of a manager, professional staff, and clerical support. The structure of the office is as follows:

**Manager**- Directs the work of professional and clerical staff engaged in all Job Service (JS), Unemployment (UI), and MSFW activities.

**Hearing Officer**- Conducts fact-finding interviews with employers and claimants and interprets and applies unemployment insurance laws. Renders non-monetary determinations in relation to the eligibility of claimants to receive unemployment benefits.

**Workforce Services Representative-** Interviews job seekers and claimants to assist in locating employment and filing claims for unemployment compensation.

**Farm Placement Specialist-** Provides service to MSFWs. Visits employers to assess current needs, advises on movement of workers, and on child labor, crew leader, and other employment-related laws. Assists agricultural employers with provisions related to the H-2A program. Possess the ability to communicate in a language which the majority of MSFWs can understand. Farm Placement Specialists are required to be bilingual in English and Spanish.

**Office Services Specialist-** Provides clerical support to the manager and office staff, performing a variety of general clerical functions.

The office has eleven filled positions: four part-time and seven full-time staff. The two Farm Placement Specialists are from MSFW backgrounds, speak Spanish and are racially and ethnically representative of the MSFWs in the service area.

Recruitment efforts are described in the section below.

The office is 55% minority and 45 % white. Females comprise 73% of the office, and males comprise 27%.

Efforts To Recruit MSFWs For Staff:

During PY 11, the Eastern Shore Local Office hired a full time Farm Placement Specialist. In accordance with 20 CFR 653.107, the candidate selected is ethnically representative of the MSFW population, is from a MSFW background, and has previously worked as a MSFW. In addition to other qualifications, the candidate is fluent in Spanish, which is the predominant language of MSFWs in the area. These qualification requirements were communicated to interested applicants in the State Workforce Agency's recruitment efforts and will be included as required in future efforts to recruit Farm Placement Specialists for the Eastern Shore Local Office.

#### IV. JOB SERVICES PROVIDED TO AGRICULTURAL EMPLOYERS THROUGH THE ONE-STOP DELIVERY SYSTEM.

##### A. Data Analysis:

##### 1. Program Year 2011 History

- a. Approximately 2,924 agricultural job openings were received in VOS.
- b. Approximately 98 agricultural job orders were placed in VOS.
- c. 69 interstate clearance orders (H-2A) were initiated from 350 employers.
- d. There were 2,823 H-2A job openings.
- e. There were 296 U.S. workers referred to H-2A job openings.

## 2. Program Year 2012 Plan

- a. Approximately 3,000 agricultural job openings are expected.
- b. Approximately 150 agricultural job orders are expected to be placed in VOS.
- c. Approximately 70 interstate clearance orders (H-2A) are expected to be filed.
- d. 2,800 H-2A job openings are expected.
- e. Approximately 300 U.S. workers will be referred to H-2A job openings.
- f. FPS and Rural Services Staff will be more engaged in job development efforts.

### B. Narrative Description

The VEC maintains a Rural Services Unit with a professional staff located in the central office in Richmond. This unit coordinates all phases of the agency effort to provide job services to agricultural employers. Ten additional VEC farm placement staff are located in nine local offices to serve agricultural employers. Both central office and local office personnel work very closely with the state's major grower associations, the Virginia State Horticultural Society, the Virginia Cooperative Extension Service, Virginia Polytechnic Institute and State University, the Farm Bureau, the Virginia Department of Agricultural and Consumer Services, and other interested agencies. One of the objectives of these working relationships is to disseminate information to agricultural employers about the services available from the VEC. With the cooperation of these organizations, the Rural Services Unit conducts farm labor seminars for agricultural employers on a statewide basis. In addition, participants are given information and updates on the following topics:

- o Immigration Reform and Control Act (IRCA) of 1986
- o Migrant and Seasonal Agricultural Worker Protection Act
- o Agricultural Recruitment System (ARS)
- o Farm Labor Contractor Registration
- o Fair Labor Standards Act (FLSA)
- o Child Labor Laws and Pesticide Safety
- o Agricultural Alien Labor Certifications (H-2A Program)
- o Unemployment Insurance for Agricultural Workers

For PY 12, the Rural Services Unit will conduct several seminars around the state for employers who use temporary agricultural labor. During these meetings, potential agricultural employers are often identified and their need for MSFW labor discussed.

On a more technical level, the VEC uses various procedures to match agricultural employers and farmworkers. During PY 12, the VEC will use the internet-based Virginia Workforce Connection System (VOS) for matching jobseekers and employers. This system provides for staff assistance as needed, but also allows both jobseekers and employers to create their own files and find each other. Agricultural job orders, to include H-2A job orders, may be created by employers with final

oversight by central and local office Rural Services Staff. As a result of the internet-based system we have created a much wider dissemination of all agricultural job orders. This increase in access promotes the employment of U.S. workers in Virginia agriculture.

Additional resources include the use of the Agricultural Recruitment System (ARS) for job orders, local and regional circulation of agricultural job orders, close coordination with WIA 167 service providers, and direct contact with grower associations. The VEC has a "Home Page" on the Internet, found at: [www.vec.virginia.gov](http://www.vec.virginia.gov). This site contains a State Monitor Advocate Section and a Rural Services Section which has many useful forms, publications and links, a list of the Rural Services Staff, copies of active H-2A job orders and information of interest to Agricultural Employers and MSFWs. There are also links to WIA 167 agencies, and to other resources to assist farmworkers and agricultural employers. Organizations serving farmworkers may access these sites and make appropriate information available to job seekers.

At the state level, the Governor has formed a MSFW interagency policy committee to coordinate overall services to MSFWs. This committee, which meets as needed, brings together agencies (including the VEC) which serve the needs of MSFWs. Within this forum and by way of relationships developed as a result, substantial coordination is provided in order to respond to the local needs of MSFWs.

Virginia continues to be a significant user of the H-2A program. Although some agricultural employers have reduced the number of workers they need in certain crops, they continue to diversify in the varieties of crops grown. For example, the VEC has received H-2A job orders in recent years for custom combine operators, agricultural equipment operators and fish hatchery. We continue to strive to match qualified workers to agricultural openings in Virginia, but this continues to be difficult due to the diminishing migrant population. The decline in the number of migrant farm workers can be directly contributed to the U.S. government's efforts to curb illegal immigration, the downturn in the economy and the rise in U.S. worker unemployment. We hope to expand the use of the VOS system among agricultural employers and workers alike to better match applicants with job openings.

Staff training is an on-going process. Initial training for new farm placement staff serving in Virginia Workforce Centers has been and will continue to be conducted on outreach, the Job Service (JS) complaint system, MSFW definitions, other regulatory requirements, and the ARS. Additional training for selected staff, including local office Management and Regional Directors will be provided through attendance at regional training sessions conducted by the State Monitor Advocate and State Rural Services Manager. Training will also be conducted by the State Monitor Advocate and Rural Services Manager for new Workforce Services Representatives at state VOS training sessions held at a central location. FPS staff will participate at local grower meetings, and combined training will be conducted with the WIA 167 Grantee (Telamon). The VEC will continue to work closely with labor law enforcement

agencies, such as the U.S. Department of Labor, Wage and Hour Division, the Virginia Department of Labor and Industry, the Virginia Department of Health and with the Central Virginia Legal Aid Society in order to continue knowledge exchange and to ensure quality service to agricultural workers and employers.

## OTHER PLAN REQUIREMENTS:

- A. This plan for agricultural services in Virginia was prepared by the State Monitor Advocate. Helpful assistance was also provided by local office managers and especially the farm placement staff who directly serve MSFWs and growers.
- B. In the preparation of this plan, consideration was given to the State Monitor Advocate's recommendations as presented in the annual MSFW summary developed under 20 CFR 653.108(t).
- C. The state afforded the State Monitor Advocate an opportunity to approve and comment on the Agricultural Outreach Plan. The state solicited information and suggestions from WIA 167 National Farmworker Jobs Program grantees, other appropriate MSFW groups, public agencies, agricultural employer organizations, and other interested organizations. At least 45 days before submitting its final outreach plan, the State provided a proposed plan to the organizations listed below and allowed at least 30 days for review and comment. The State considered any comments received in formulating its final proposed plan, informed all commenting parties in writing whether their comments have been incorporated and, if not, the reasons therefore, and included the comments and recommendations received and its responses with the submission of the plan.
- D. The state assures that Migrant and Seasonal Farmworker (MSFW) significant office requirements are met. Note: The five states with the highest estimated year-round MSFW activities must assign full-time, year-round staff to outreach activities. The Employment and Training Administration designates these states each year. The remainder of the top 20 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 highest activity.
- E. The Virginia State Monitor Advocate is assigned to work on a full-time basis performing the duties as described at 20 CFR 653.108 and the State will abide by the regulations at 20 CFR 653.108.
- F. The organizations listed below assisted in the development of this plan and/or were provided a complete copy of it for review and comment:

Ms. Sharon L. Saldarriaga, State Director  
Telamon Corporation  
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Ms. Christianne Queiroz, Program Director  
Virginia Farm Workers Program  
Central Virginia Legal Aid Society  
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Mr. James Albright  
Coordinator of Migrant Ministry  
Catholic Diocese of Richmond  
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Ms. Carol Burke, General Manager  
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Mr. Kenny Annis, Agricultural Consultant  
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Ms. Eloise Wilder, Executive Secretary  
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Mr. Bruce Clark, District Director  
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Mr. Ron Thompson, Senior Policy Analyst  
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Mr. Micah Raub  
Virginia Department of Agriculture and Consumer Services  
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Mr. Gary Hagy, Director. Division of Food and Environmental Services  
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Mr. Ed Rossmoore, Executive Director  
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