

# **COMMONWEALTH OF VIRGINIA**

## **AGRICULTURAL OUTREACH PLAN**

**July 1, 2013 through June 30, 2014**



**May 31, 2013**

## **INTRODUCTION**

**This Agricultural Outreach Plan sets policies and objectives in providing workforce services to the agricultural community, including agricultural employers and migrant and seasonal farm workers (MSFWs), in accordance with 20 CFR 653 and the Workforce Investment Act of 1998 (WIA). The Commonwealth Of Virginia provides equitable services utilizing the Virginia Workforce Connection System to ensure that the full range of employment, training and educational services are available on a basis which is qualitatively equivalent and quantitatively proportionate to services provided to non-MSFWs. 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 use the Virginia Employment Commission (VEC) and the Virginia Workforce Connection system to list job openings and search for applicants. 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 through the H-2A program.**

**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. Specifically trained staff shall be available for direct assistance to farmworkers who are unable to meet their needs through our self-service system.**

**Finally, at least one-third of the actual peak number of MSFWs in the Commonwealth 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 2012 (PY 12), approximately 14,101 MSFWs were estimated in Virginia with a peak of about 12,780, 2,745 of which were H-2A farmworkers. The following tables list the agricultural activity and MSFW employment throughout the nine federally-designated crop reporting areas of the Commonwealth. 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)**

Crop	Activity Period	Total Employment	MSFW Employment	Labor Shortage	Crop Changes	MSFW Availability
Tomatoes	Apr-Oct	1755	1755	No	Stable	Decrease
Potatoes	May-Jul	72	72	No	Stable	Stable
Grapes	Jul-Oct	30	30	No	Stable	Stable
Nursery	Mar-Jun	300	300	No	Stable	Decrease
Lima Beans	Jun-Dec	20	10	Yes	Stable	Stable

**NORTHERN NECK (WARSAW )**

Crop	Activity Period	Total Employment	MSFW Employment	Labor Shortage	Crop Changes	MSFW Availability
Grapes	Mar-Sep	150	150	No	Increase	Stable
Berries	Apr-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 )**

<b>Crop</b>	<b>Activity Period</b>	<b>Total Employment</b>	<b>MSFW Employment</b>	<b>Labor Shortage</b>	<b>Crop Changes</b>	<b>MSFW Availability</b>
Apples	Feb-Nov	125	85	Yes	Stable	Stable
Grapes	Mar-Oct	30	30	No	Stable	Stable
Peaches	Apr-Aug	60	60	No	Stable	Stable
Nursery	Feb-Dec	75	75	No	Stable	Stable
Vegetables	Apr-Oct	16	16	No	Stable	Stable
Tobacco	Apr-Nov	95	20	Yes	Stable	Stable

**CENTRAL (PETERSBURG )**

<b>Crop</b>	<b>Activity Period</b>	<b>Total Employment</b>	<b>MSFW Employment</b>	<b>Labor Shortage</b>	<b>Crop Changes</b>	<b>MSFW Availability</b>
Melons	Apr-July	75	75	No	Stable	Stable
Tobacco	Mar-Oct	120	50	Yes	Stable	Decrease
Nursery	Feb-Jun	135	80	Yes	Stable	Stable
Vegetables	Apr-Nov	374	65	Yes	Stable	Stable
Grain	Mar-Aug	101	70	Yes	Stable	Stable
Sod	Mar-Oct	35	20	Yes	Stable	Stable

**SHENANDOAH VALLEY (WINCHESTER )**

<b>Crop</b>	<b>Activity Period</b>	<b>Total Employment</b>	<b>MSFW Employment</b>	<b>Labor Shortage</b>	<b>Crop Change s</b>	<b>MSFW Availability</b>
<b>Apples</b>	<b>July-Nov</b>	<b>614</b>	<b>387</b>	<b>Yes</b>	<b>Stable</b>	<b>Stable</b>
<b>Peaches</b>	<b>Jul-Sept</b>	<b>54</b>	<b>54</b>	<b>No</b>	<b>Stable</b>	<b>Stable</b>
<b>Grapes</b>	<b>Aug-Oct</b>	<b>74</b>	<b>74</b>	<b>No</b>	<b>Increase</b>	<b>Stable</b>
<b>Vegetable</b>	<b>Mar-Nov</b>	<b>75</b>	<b>40</b>	<b>Yes</b>	<b>Stable</b>	<b>Stable</b>
<b>Nursery</b>	<b>Feb-Dec</b>	<b>146</b>	<b>136</b>	<b>Yes</b>	<b>Stable</b>	<b>Stable</b>

**SHENANDOAH VALLEY (CHARLOTTESVILLE )**

<b>Crop</b>	<b>Activity Period</b>	<b>Total Employment</b>	<b>MSFW Employment</b>	<b>Labor Shortage</b>	<b>Crop Change s</b>	<b>MSFW Availability</b>
<b>Apples</b>	<b>Sept-Nov</b>	<b>237</b>	<b>188</b>	<b>Yes</b>	<b>Stable</b>	<b>Decrease</b>
<b>Peaches and Nectarine</b>	<b>July-Sept</b>	<b>122</b>	<b>112</b>	<b>Yes</b>	<b>Stable</b>	<b>Decrease</b>
<b>Grapes</b>	<b>July-Oct</b>	<b>338</b>	<b>314</b>	<b>Yes</b>	<b>Increase</b>	<b>Stable</b>
<b>Nursery</b>	<b>Oct-June</b>	<b>394</b>	<b>348</b>	<b>Yes</b>	<b>Increase</b>	<b>Stable</b>
<b>Vegetable</b>	<b>May-Oct</b>	<b>20</b>	<b>20</b>	<b>No</b>	<b>Increase</b>	<b>Stable</b>

**SOUTHSIDE (SOUTH HILL)**

Crop	Activity Period	Total Employment	MSFW Employment	Labor Shortage	Crop Changes	MSFW Availability
Tobacco	Apr-Nov	2300	975	Yes	Stable	Increase
Nursery	Feb-Aug	45	35	Yes	Increase	Stable
Vegetable	Mar-Aug	30	20	No	Stable	Stable
Hay	Mar-Sept	300	20	Yes	Stable	Stable

**SOUTHSIDE (DANVILLE)**

Crop	Activity Period	Total Employment	MSFW Employment	Labor Shortage	Crop Changes	MSFW Availability
Tobacco	April-Oct	1632	380	Yes	Increase	Stable
Vegetable	June-Aug	40	10	Yes	Stable	Stable
Hay	Mar-Sept	10	0	Yes	Stable	Decrease
Nursery	Feb-Aug	40	40	No	Stable	Stable

**SOUTHWEST (BRISTOL)**

<b>Crop</b>	<b>Activity Period</b>	<b>Total Employment</b>	<b>MSFW Employment</b>	<b>Labor Shortage</b>	<b>Crop Changes</b>	<b>MSFW Availability</b>
Apples	Jun-Oct	200	125	No	Increase	Stable
Vegetables	Mar-Nov	350	200	Yes	Increase	Decrease
Tobacco	May-Dec	150	45	Yes	Decrease	Decrease
Trees	Oct-Dec	1200	900	Yes	Increase	Decrease

**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 13, the agency will use full-time farm placement staff in the local offices of Bristol, Charlottesville, Lynchburg, Onley, Tri-Cities, Warsaw, Farmville, and Winchester. 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. Due to hiring and budget constraints within the VEC, the Roanoke Crop Reporting area FPS position is vacant. Therefore, for the 2013 growing season the overall agency FPS staffing level will be

decreased. We anticipate no further reductions during PY 13 in full-time staff serving MSFWs. Other VEC staff members will cover the Roanoke Crop reporting area for outreach activities as described herein. However, in order to provide sufficient coverage for services to MSFWs and agricultural employers, the State Monitor Advocate has advised the agency of the need to fill the position.

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 efforts to contact a majority of the MSFWs in Virginia during the peak of the agricultural season.

#### **B. Numerical Goals:**

- 1. During PY 13, 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. Actual VEC minimum staff contacts are listed below by local office and the State Outreach goal for PY 13.**

○ Winchester	234 Contacts
○ Tri-Cities	168 Contacts
○ Onley	827 Contacts
○ Charlottesville	197 Contacts
○ Warsaw	332 Contacts
○ Lynchburg	251 Contacts
○ Roanoke	102 Contacts
○ Bristol	660 Contacts
○ Farmville	303 Contacts
○ State Total	3,074 Contacts

- 2. The WIA 167 Grantee, Telamon Corporation, under a cooperative agreement, will supplement the VEC outreach with approximately 3,226 MSFW contacts. For PY 12, Telamon Corporation (WIA 167), and any other individual or organization, 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. Joint collaboration team building and staff training will ensure that MSFWs within the Commonwealth have full access to WIA and Wagner Peyser services.

### 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 contain 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. Occasionally, VEC Farm Placement Specialist staff partner and conduct joint outreach with Telamon staff.

Continuing in PY 13, 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.

Case notes will be entered into the VOS system where appropriate.

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

#### **A. Plan for Program Year 2013**

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, four of the seven minimum service indicators listed below will be accomplished:

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

**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. The Eastern Shore Field Office will maintain two fully bi-lingual Farm Placement Specialists and Winchester will maintain one full time Farm Placement Specialist.

All other local offices will have on-site reviews done by the State Monitor Advocate as appropriate or will have desk reviews done 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.”

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

##### **A. Data Analysis:**

##### **1. Program Year 2012 History**

- a. Approximately 3,242 job openings were received in VOS for farming, fishing and forestry occupations.**
- b. Approximately 172 agricultural job orders were placed in VOS.**
- c. 65 interstate clearance orders (H-2A) were initiated from 350 employers.**
- d. There were 2,823 H-2A job openings.**
- e. There were 317 U.S. workers referred to H-2A job openings.**

##### **2. Program Year 2013 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 Agricultural Services Staff will be more engaged in job development efforts.

## **B. Narrative Description**

The VEC maintains an Agricultural 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. Nine additional VEC farm placement staff are located in eight 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:

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

For PY 13, the Agricultural 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 13, 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 Agricultural 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 an Agricultural Services Section which has many useful forms, publications and links, a list of the Agricultural 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 and agricultural employers.

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. 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. 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 Specialists 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 Foreign Labor Certification Manager. Training will also be conducted by the State Monitor Advocate for other staff as needed. 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 Specialist staff who directly serve MSFWs and agricultural employers.
- 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(f).
- C. 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. As one of the top 20 significant MSFW states the VEC will 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:

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