



**POLICY NUMBER  
03-040**

## **Administrative Policy**

<b>Title:</b>	<b>Wagner-Peyser Migrant and Seasonal Farmworker and Agricultural Employer Services Procedures</b>
<b>Program:</b>	<b>Wagner-Peyser/Migrant and Seasonal Farmworker Services</b>
<b>Adopted:</b>	<b>August 22, 2003</b>
<b>Effective:</b>	<b>January 13, 2017</b>

### **I. PURPOSE AND SCOPE**

To provide guidance and clarification to Local Workforce Development Boards (LWDBs), career center employees and other workforce system partners on the proper procedures relating to the provision of migrant and seasonal farmworker (MSFW) services, registration and agricultural employer services in the Wagner-Peyser (W-P) reporting system, as well as outreach requirements.

### **II. BACKGROUND**

According to W-P Employment Service regulations 20 CFR 652.207, labor exchange services must be available to all employers and job seekers, including unemployment insurance (UI) claimants, veterans, migrant and seasonal farmworkers, and individuals with disabilities.

In 1973, United States (U.S.) District Court Judge Charles R. Richey rendered a declaratory judgment that farmworkers' civil rights had been violated by the U.S. Employment Service system. In August 1974, Judge Richey entered an extensive Court Order, stipulated and agreed to by both sides, requiring the U.S. Department of Labor (USDOL) to undertake specified actions on providing farmworkers all employment services on a non-discriminating basis.

The Settlement Agreement established rules and regulations that provide criteria for serving farmworkers with the same equity of services as provided to non-farmworkers. One of the criteria was to establish full-time MSFW outreach staff in those career centers where a large number of MSFWs were known to be available. Other requirements include ensuring that all agricultural employers hiring job seekers referred by the Employment Service system comply with federal and state laws, as well as reporting violations of any state or federal employment-related law by any

agricultural employer. As a result of the Court Order, federal regulations at Title 20, Parts 651, 653 and 658 were formed.

The Migrant and Seasonal Agricultural Worker Protection Act (MSPA) was enacted in 1983 and amended in 1994 and 1997. MSPA provides employment-related protections to MSFWs and is administered and enforced by the USDOL Wage and Hour Division.

In 2014, the Workforce Innovation and Opportunity Act (WIOA) was passed, replacing the Workforce Investment Act of 1998. Section 167 of the WIOA provides funds for the National Farmworker Jobs Program (NFJP). This program provides additional services to assist MSFWs and their families to achieve economic self-sufficiency through job training. The program is authorized by Congress to counter the impact of chronic unemployment and underemployment experienced by MSFWs who primarily depend on jobs in agricultural labor. Services provided by the NFJP are supplementary services to those provided by the Department of Economic Opportunity (DEO). Florida's NFJP grantee, the Florida Department of Education and its local NFJP providers are our prime partners in providing services to MSFWs. Career centers should coordinate with these providers to facilitate MSFWs' access to services available through the workforce system and coordinate co-enrollments. USDOL also oversees this program and ensures that MSFWs receive the same treatment as non-MSFWs. For a listing of Florida's NFJP providers, referred to in Florida as the Farmworker Career Development Program, please visit <http://www.fldoe.org/academics/career-adult-edu/farmworker-jobs-edu-program/index.stml>.

#### **REVISION HISTORY**

AWI FG 03-040 Final Guidance for Wagner-Peyser (W-P) Migrant Seasonal Farmworker Registration and Agricultural Employer Services Procedures, dated August 22, 2003

AWI FG 03-040 Final Guidance for Wagner-Peyser (W-P) Migrant Seasonal Farmworker Registration and Agricultural Employer Services Procedures, revised October 20, 2010

DEO FG 03-040 Final Guidance for Wagner-Peyser (W-P) Migrant Seasonal Farmworker Registration and Agricultural Employer Services Procedures, revised September 4, 2012

### **III. AUTHORITY**

[Wagner-Peyser Act of 1933, Employment & Training Administration \(ETA\) - U.S. Department of Labor](#)

[Workforce Innovation and Opportunity Act of 2014](#)

Judge Richey Court Order (United States District Court for the District of Columbia Civil Action No. 2010-72)

[20 CFR 651 General Provisions Governing the Wagner-Peyser Act Employment Service](#)

[20 CFR 652.207 How does a State meet the requirement for universal access to services provided under the Wagner-Peyser Act?](#)

[20 CFR 653 Subpart B Services for Migrant and Seasonal Farmworkers \(MSFWs\)](#)

[20 CFR 653 Subpart F Agricultural Recruitment System for U.S. Workers \(ARS\)](#)

[20 CFR 658.419 Apparent Violations](#)

[20 CFR 685 National Farmworker Jobs Program Under Title I of the Workforce Innovation and Opportunity Act](#)

[Florida Workforce Innovation and Opportunity Act Unified Plan](#)

[Migrant and Seasonal Agricultural Worker Protection Act \(MSPA\)](#)

#### **IV. DEFINITIONS OF TERMS**

- “Agricultural Employer” means any employer as defined in this section who owns or operates a farm, ranch, processing establishment, cannery, gin, packing shed or nursery, or who produces or conditions seed, and who either recruits, solicits, hires, employs, furnishes, or transports any migrant or seasonal farmworker or any agricultural employer as described in 29 U.S.C. 1802(2) (MSPA).
- “Agricultural Recruitment System (ARS)” is a clearance system that provides agricultural employers with a means of reaching U.S. jobseekers in other parts of the state and the country to perform farmwork on a temporary, less than year-round basis.
- “Clearance” is the term for the expansion of a job order whose labor needs are not met in the immediate local area to be “cleared” or released to other local career centers within the State (Intrastate Clearance Order) or if not met statewide, may be “cleared” through the USDOL Employment & Training Administration (ETA) Region III Office in Atlanta (except in the case of H-2A clearance orders) to be released as an Interstate Clearance Order.
- “Clearance Order” means a job order that is processed through the clearance system under the Agricultural Recruitment System or the H-2A program.
- “Clearance System” means the orderly movement of U.S. jobseekers as they are referred through the employment placement process by a career center. This includes joint action of local career centers in different labor market areas and/or states.
- "Commuting Distance" is the distance that a worker can reasonably be expected to commute from the worker's residence to the place of work and return to his/her residence on a daily basis.
- "Complaint" is a representation made or referred to a state or career center office of an alleged violation of the Employment Service regulations and/or other federal, state or local employment-related law.

- “Employer” is a person, firm, corporation, or other association or organization (1) which currently has a location within the U.S. to which U.S. workers may be referred for employment, and which proposes to employ a worker at a place within the U.S. and (2) which has an employer relationship with respect to employees under this subpart as indicated by the fact that it hires, pays, fires, supervises and otherwise controls the work of such employees. An association of employers is considered an employer if it has all of the indicia of an employer set forth in this definition. Such an association, however, is considered as a joint employer with the employer member if either shares in exercising one or more of the definitional indicia.
- "Farmwork" means the cultivation and tillage of the soil, dairying, the production, cultivation, growing, and harvesting of any agricultural or horticultural commodities. This includes the raising of livestock, bees, fur-bearing animals, or poultry, the farming of fish, and any practices (including any forestry or lumbering operations) performed by a farmer or on a farm as an incident to or in conjunction with such farming operations, including preparation for market, delivery to storage or to market or to carriers for transportation to market. It also includes the handling, planting, drying, packing, packaging, processing, freezing, or grading prior to delivery for storage of any agricultural or horticultural commodity in its unmanufactured state. For the purposes of this definition, agricultural commodities means all commodities produced on a farm including crude gum (oleoresin) from a living tree. Farmwork also means any service or activity covered under 20 CFR 655.103(c) (the H-2A definition of agriculture) and/or 29 CFR 500.20(e) (MSPA regulations).
- “Farmworker” is an individual employed in farmwork, as defined above.
- “Farmworker Career Development Program” is the Florida WIOA MSFW program/National Farmworker Jobs Program. The grantee is the Florida Department of Education and they subgrant the program locally to different providers such as local government, educational institutes, school boards, and non-profit organizations.
- “Field Visit” means the appearance by outreach staff to the working and living areas of MSFWs to discuss employment services and other employment-related programs with MSFWs, crew leaders, and employers. Outreach staff must keep records of such visits.
- “H-2A” is a program that enables agricultural employers to hire foreign citizens for seasonal jobs when there are not enough U.S. workers to fill the available job openings. Before taking advantage of the H-2A program, the employer must attempt to recruit through the clearance system and agree to hire any qualified U.S. workers that are available. In addition, the employer must provide the H-2A workers (and any U.S. workers in corresponding employment from outside of the commuting area) with free housing that meets OSHA standards, wage guarantees, and transportation to and from the work site.
- “Interstate Clearance Order” is an agricultural job order processed under a clearance system (either ARS or H-2A) for temporary employment describing one or more hard-to-fill job

openings, which a career center uses to request recruitment assistance from other career centers in a different state.

- "Intrastate Clearance Order" is an agricultural job order processed under a clearance system (either ARS or H-2A) for temporary employment describing one or more hard-to-fill job openings, which a career center uses to request recruitment assistance from other career centers within the state.
- "Migrant Farmworker" is a seasonal farmworker, as defined in this section, who travels to do the farmwork and is not reasonably able to return to his/her permanent residence within the same day. Full-time students traveling in organized groups rather than with their families are excluded.
- "MSFW" is a migrant farmworker or a seasonal farmworker, as defined in this section.
- "National Farmworker Jobs Program (NFJP)" is a program that is administered by the USDOL-ETA National Office whose mission is to empower MSFWs and their families to achieve economic self-sufficiency by providing services that address their employment-related needs. The following link provides information on the NFJP program: <https://www.doleta.gov/Farmworker/html/NFJP.cfm>.
- "Outreach" is an effort by the career center staff to locate and contact MSFWs outside of the center who are not being reached by the normal intake activities conducted by the center.
- "Outreach Contact" is each MSFW that receives the presentation of information and offering of assistance, or follow-up activity from an outreach worker during outreach as defined above.
- "Quality Contact" is an outreach contact with an MSFW where a reportable staff assisted service is provided and documented with the MSFW's name and social security number.
- "Seasonal Farmworker" is an individual who is employed, or was employed in the preceding twelve months, in farmwork (as defined in this section) of a seasonal or other temporary nature and is not required to be absent overnight from his/her permanent place of residence. A worker who moves from one seasonal activity to another while employed in farmwork is employed on a seasonal basis even though he/she may continue to be employed during a major portion of the year, as long as he/she was not employed in farmwork year-round by the same employer. For the purposes of this definition only, a farm labor contractor is not considered an employer. Non-migrant individuals who are full-time students are excluded.
- "Significant MSFW Career Centers" are offices designated annually by ETA where MSFWs account for ten percent or more of annual W-P participants in employment services and those career centers which the administrator determines must be included due to special circumstances such as an estimated large number of MSFWs in the service area.

- “Significant Multilingual MSFW Career Centers” are those significant MSFW offices designated annually by ETA where ten percent or more of MSFW participants are estimated to require service provisions in a language other than English unless the administrator determines other career centers also must be included due to special circumstances.
- “Supply State” means a state that potentially has U.S. workers who may be recruited for referral through the clearance system to the area of intended employment in a different state. Florida is considered a supply state.
- “Underemployed” is an individual who is working part-time but seeking full-time employment or is an individual who is employed full-time but whose annual income remains below the poverty line.

## V. POLICIES AND PROCEDURES

All career centers must provide the same equity of services to MSFWs as are provided to all other job seekers. This includes ensuring MSFWs have access to workforce development services in a way that meets their unique needs. Career centers must offer MSFWs the full range of career and supportive services, benefits and protections, and employment and training referral services. The USDOL-ETA established equity and minimum service level standards for MSFWs that must be met by states. The standards, designed to measure the level of equity and quality of services provided by a state (through its local career centers) to MSFWs during the program year, are:

### Equity Ratio Indicators

- Referred to Jobs
- Received Staff Assisted Services
- Referred to Supportive Services
- Career Guidance
- Job Development Contacts

### Minimum Service Level Indicators

- MSFWs Placed in a Job
- Placed 50 Cents Above Minimum Wage
- Placed in Non-Ag Jobs Over 150 Days

Equity ratio indicators are controllable services and must be met by all career centers. Career centers must make an attempt to meet all minimum service level indicators, but significant MSFW career centers must meet at a minimum two. All other career centers must meet a minimum of one minimum service level indicator. Data for these indicators can be found in the MSFW Indicators of Compliance (MIC) Report in Employ Florida Marketplace (EFM).

Every career center must determine whether or not a jobseeker is an MSFW, as defined in Section IV. Definition of Terms, and further described in the [MSFW Desk Aid](#). MSFW customers with limited English proficiency must receive the language assistance necessary (free of charge) to afford them meaningful access to programs, services and information offered by the career center. Additionally, the services available through the career center shall be explained, including the Employment Service and Employment-Related Law Complaint System (Complaint System), and all MSFWs must be provided with a copy of the "Notice to Job Seekers" (Form [DEO-511N](#)) in their native language (available in [Spanish](#) and [Creole](#)) that provides a list of those available services and a copy of the Farm Labor Rights brochure. This information must be provided, at a

minimum, during the MSFW's first visit to the career center or contact with staff during outreach, and subsequently at each time of enrollment.

Career centers must also provide adequate staff assistance to MSFWs to register for services, to access job order information easily and efficiently, and to receive referrals as needed. In significant MSFW career centers, such assistance must be provided in the MSFW's native language.

### **MSFW REGISTRATION**

Upon registration or re-enrollment in EFM, MSFWs must be appropriately coded as seasonal or migrant farmworkers. It is recommended that staff do not change the MSFW code after enrollment during participation, unless the code was selected in error, so as to not affect compliance reporting. MSFWs must have a full registration in EFM. However, a partial registration may be input for an MSFW after all benefits of a full registration have been explained and the MSFW elects not to complete a full registration. A case note should be entered explaining the reason for the partial registration. When a partial registration has been input and the MSFW returns to the office seeking work or other job seeker services, a full registration should be completed at that time. Both full and partial registrations for MSFWs should include applicable information in the Farm Worker Information section. The date that the MSFW received the Form DEO-511N should be entered in EFM.

MSFW full registrations must contain, to the extent possible, the significant work history (at a minimum, 12 months), with a description of the work performed; training, and educational background; desired employment; and a description of any training needs based on the desired employment. This information must be listed in the General Information and Background sections on the Personal Profile screen in EFM. Associated crop codes based on work experience must be listed as well; these can be entered in a case note. Work applications must contain sufficient information to permit a thorough assessment of the job seeker's skills, knowledge, and abilities. The MSFW standards for required data apply to all job seeker intake processes whether automated or non-automated. Based on the immediate needs of the MSFW or his/her family, and barriers to employment, referrals to supportive services must also be provided, as appropriate.

### **MSFW DESK AID**

The MSFW Desk Aid serves as a convenient guide for determining the coding for MSFWs and the full registration requirements. Each career center employee who processes applications for job seekers should maintain a personal copy of the desk aid, which can be accessed at <http://www.floridajobs.org/PDG/MSFW/MSFWDeskAid.pdf>.

### **NOTICE TO JOB SEEKERS – DEO 511N**

Federal regulation 20 CFR 653.103(c) requires career center staff to provide MSFWs with a list of employment services that are available to them. Form DEO-511N outlines the services that are available without an EFM registration, and those services that require a full or partial EFM

registration. The Form DEO-511N must be provided to the MSFW in his/her native language and can be accessed through the following links:

[http://www.floridajobs.org/PDG/MSFW/511N\\_english.pdf](http://www.floridajobs.org/PDG/MSFW/511N_english.pdf)

[http://www.floridajobs.org/PDG/MSFW/511N\\_spanish.pdf](http://www.floridajobs.org/PDG/MSFW/511N_spanish.pdf)

[http://www.floridajobs.org/PDG/MSFW/511N\\_creole.pdf](http://www.floridajobs.org/PDG/MSFW/511N_creole.pdf)

#### **OUTREACH AND SIGNIFICANT CAREER CENTERS**

Significant MSFW career centers, as defined in the previous section, must have a full-time, year round MSFW Outreach Specialist assigned to conduct outreach. Florida's significant career centers are located in Quincy, Plant City, Winter Haven, Bradenton, Sebring, Wauchula, Port Saint Lucie, Belle Glade, Homestead, Immokalee, and Clewiston.

Career centers designated as significant offices must employ W-P/Employment Service staff in a manner facilitating the delivery of services tailored to the special needs of MSFWs, including multilingual staff and the hiring of staff members from the MSFW community or members of community-based migrant programs. Additionally, significant career centers must develop an outreach plan every four years, as described in a later section. It is also recommended that significant offices establish local operating procedures for providing services to MSFWs.

For purposes of hiring and assigning staff to conduct outreach duties, and maintaining compliance with CareerSource Florida's Affirmative Action programs, LWDBs must seek, through merit system procedures, qualified candidates who are multilingual based on the language common among MSFWs in the service area. They must also be from an MSFW background or from a race or ethnicity most representative of the MSFW population in the area. Significant office outreach workers must spend a majority of their time in the field. Outreach workers must also coordinate their outreach efforts with Farmworker Career Development Program staff in their service area, as well as with public and private community service agencies and MSFW groups.

Outreach workers must be trained in local office procedures and in the services, benefits, and protections afforded to MSFWs by the Employment Service system, including training on protecting farmworkers against sexual harassment. Training may also include similar issues such as sexual coercion, assault, and human trafficking. Such trainings are intended to help outreach workers identify when such issues may be occurring in the fields and how to document and refer the cases to the appropriate enforcement agencies. They also must be trained in the procedure for informal resolution of complaints. The program for such training must be formulated by DEO.

Outreach is not limited to significant offices and should be conducted by any career center operating in a service area that has an MSFW population. These non-significant offices that have agricultural activity shall establish formal or informal cooperative agreements, with other public and private social service agencies that provide services to MSFWs, in order to supplement outreach efforts to the MSFWs in their service area. Non-significant offices that have a Farmworker Career Development Program provider in their service area must collaborate with this partner to ensure seamless service delivery for MSFWs, per DEO Agreement F1134.



**OUTREACH WORKER ACTIVITIES**

Outreach workers must locate and contact MSFWs who are not being reached by normal intake activities conducted by the career center. Outreach workers must be provided with photo identification cards, business cards, name tags, or other material identifying them as DEO or CareerSource employees. This identification must be carried at all times during outreach and displayed upon request.

1. The MSFW outreach worker shall explain to MSFWs at their working, living or gathering areas (including day-haul pick-up sites), by means of written and oral presentations either spontaneous or recorded, and in a language readily understood by them, the following:
  - A. Services available at the career center, including the availability of referrals to employment, training, supportive services, and career services, as well as specific employment opportunities and other related services;
  - B. Information on the Complaint System (including the Florida Farmworker Helpline);
  - C. Information on other organizations serving MSFWs in the area; and
  - D. A basic summary of farmworker rights, including rights with respect to the terms and conditions of employment (along with a copy of the [Farm Labor Rights brochure](#)).
2. After making the presentation, outreach workers must encourage the MSFWs to go to the local career center to obtain the full range of employment and training services.
3. If an MSFW cannot or does not wish to visit the career center, the outreach worker must offer to provide on-site the following:
  - A. Assistance with EFM registration or re-enrollment;
  - B. Assistance in obtaining referral(s) to current and/or future employment opportunities;
  - C. Referral to supportive services and/or career services in which the MSFW or a family member may be interested;
  - D. Assistance with the preparation of complaints, if necessary, and referral of complaints to the career center complaint specialist or career center manager; and
  - E. As needed, assistance in making appointments and arranging transportation for the MSFW or members of his/her family to and from the local career center or other appropriate agencies.
4. Outreach workers shall make follow-up contacts as necessary and appropriate to provide the assistance specified above.
5. Outreach workers must be alert to observe the working and living conditions of MSFWs and, upon observation or receipt of information regarding a suspected violation of employment-related law or Employment Service regulations, document and refer information to the career center manager for processing in accordance with the Apparent Violations chapter in the [DEO Employment Service Complaint-Resolution System Handbook](#).

Unless otherwise authorized to enter by law, outreach workers must not enter work areas to perform outreach duties described in this section on an employer's property without permission of the employer, must not enter workers' living areas without the permission of the workers, and must comply with the appropriate State laws regarding access. Outreach workers must keep a

record of employers who have refused the outreach workers access to MSFWs. If an H-2A employer has refused reasonable access to conduct outreach, staff must alert the DEO Senior Monitor Advocate immediately.

Outreach workers must not engage in political, unionization or anti-unionization activities during the performance of their duties.

#### **MSFW OUTREACH PLAN**

Significant career centers must develop an MSFW outreach plan every four years in conformance with the state's Agricultural Outreach Plan found within the WIOA Unified Plan. The MSFW outreach plan must describe proposed outreach activities and set numerical goals and objectives. It must include the following:

1. Provide an assessment of the unique needs of MSFWs in the service area based on past and projected agricultural and MSFW activity in the area;
2. Provide an assessment of available resources for outreach;
3. Describe the career center's proposed outreach activities including strategies on how to contact MSFWs who are not being reached by the normal intake activities conducted by the career center staff;
4. Describe the activities planned for providing the full range of employment and training services to the agricultural community, including both MSFWs and agricultural employers, through the career center;
5. Describe the career center's multilingual office plan;
6. Describe the process for meeting the indicators of compliance; and
7. Provide an assurance that the MSFW outreach worker was afforded the opportunity to review the plan and provide input.

#### **LOG OF DAILY OUTREACH ACTIVITIES – DEO 1303**

Every staff who makes an outreach contact with an MSFW or an agency or organization that serves MSFWs, should record that contact on the Log of Daily Outreach Activities, DEO-1303, located at <http://www.floridajobs.org/PDG/MSFW/DEO1303LogofDailyOutreachActivities.pdf>. Outreach contacts made each day must be included on the log. Federal Regulations stipulate that career center managers should review Logs of Daily Outreach Activities to ensure proper completion and provision of services. Copies of logs must be maintained in the career center for five years after the date of completion. Log data should be included in the monthly Outreach Worker's Log Review and Migrant and Seasonal Farmworker Outreach Services Report, DEO-1659. Completed reports should be submitted by the fifth working day following the report month, to the DEO MSFW mailbox at [MSFW@deo.myflorida.com](mailto:MSFW@deo.myflorida.com).

The name of the individual performing the outreach and the name of the career center should be entered in the appropriate spaces at the top of the form.

Instructions for completion of the Log of Daily Outreach Activities can be found at: <http://www.floridajobs.org/PDG/MSFW/DEO1303Instructions.pdf>.

**MSFW OUTREACH SERVICES REPORT – DEO 1659 & OUTREACH LOG REVIEW**

Every significant career center must complete the Migrant and Seasonal Farmworker Outreach Services Report (DEO-1659) and the Outreach Worker's Log Review on a monthly basis. Non-significant career centers must complete these reports for months when outreach is conducted. Completed reports should be submitted by the fifth working day following the report month to the DEO MSFW mailbox at [MSFW@deo.myflorida.com](mailto:MSFW@deo.myflorida.com). Managers should ensure that all data is accurate prior to the report being submitted. These forms can be accessed at:

<http://www.floridajobs.org/PDG/MSFW/DEO1659MSFWOutreachServicesReport.pdf>

<http://www.floridajobs.org/PDG/MSFW/OutreachWorkersLogReview.pdf>

Instructions for completion of the DEO-1659 can be found at:  
<http://www.floridajobs.org/PDG/MSFW/DEO1659Instructions.pdf>.

**LOG OF APPARENT VIOLATIONS – DEO 1300**

All career center staff must be trained and prepared to address Employment Service complaints. Outreach staff must also be trained in the protections afforded to MSFWs by employment-related laws, to enable outreach workers to identify any issues occurring in the field. Any associate who observes, has reason to believe, or is in receipt of information regarding a suspected violation of employment-related laws or Employment Service regulations pertaining to MSFWs or agricultural job orders is required to document and refer the information to the career center manager. The career center manager is then required to determine if the career center has received a job order from that employer within the last 12 months. If no job order has been filed within this period, the manager is then required to refer the apparent violation of employment-related law in writing to the appropriate enforcement agency. If the career center has received a job order from the employer within the last 12 months, the manager or outreach worker should attempt to informally resolve the apparent violation and assist the employer in achieving compliance with the law and/or the job order within five business days. If informal resolution cannot be achieved, procedures for discontinuation of services must be initiated. If a violation of employment-related law exists, the violation should be referred in writing to the appropriate enforcement agency. Authority for Discontinuation of Services to an employer by the career center is located in 20 CFR 658 Subpart F.

Apparent violations must be documented by career center staff on the Log of Apparent Violations, Form DEO-1300, which can be accessed at [http://www.floridajobs.org/PDG/MSFW/LogOfApparentViolations\\_MSFW.pdf](http://www.floridajobs.org/PDG/MSFW/LogOfApparentViolations_MSFW.pdf). Instructions for filling out this form may be found at <http://www.floridajobs.org/PDG/MSFW/1300instructions.pdf>.

One incident may be a violation of one or more employment-related laws or Employment Service regulations. The most accurate method of logging apparent violations is to enter one type of violation per line on the log.

For additional instructions and information refer to guidance in the DEO Employment Service Complaint-Resolution System Handbook found at: <http://www.floridajobs.org/PDG/MSFW/EmploymentServiceComplaintResolutionSystemHandbook.pdf>.

### **AGRICULTURAL JOB ORDERS**

Outreach workers and LWDB business service staff shall also conduct outreach to agricultural employers to offer labor exchange services and assistance with workforce planning.

Agricultural job orders (as defined in "farmwork"), including but not limited to those with the North American Industry Classification System (NAICS) farmwork industry codes that fall under subsection 111 Crop Production, subsection 112 Animal Production and subsection 115 Support Activities for Agriculture and Forestry, or with an O\*NET code in the agricultural industry, must contain the criteria listed below:

1. Use job titles that match the O\*NET codes if possible, otherwise use the job title the employer provides.
2. If the job is seasonal or temporary, a specific estimated number of days or months must be shown.  
Example: "Early February to mid-June depending on weather, etc."
3. Specific days and hours to be worked must be included in the job summary. Phrases such as "TBA" are not acceptable. A qualifying phrase may follow the days and hours such as:  
Example: "Monday-Saturday, 6:30 a.m. - 4:00 p.m.; Days and hours to be worked depend on crop and weather conditions."
4. The summary of the job description should include all pertinent data. Describe the job specifically. What does the worker do? How does he/she perform the work? Why does he/she do it? What degree of skill is involved?  
Example: "Pick oranges by hand, use up to 24 ft. ladder with 1¾ bushel pick sack, will dump into large bins."
5. A wage rate must be specific on job orders. The note "depending on experience (DOE)" is not acceptable. Employers covered by FLSA must adhere to minimum wage laws.
6. If the worker is to be paid by piece rate, the job summary should include the following:
  - A. The amount to be paid;
  - B. The unit of measurement;
  - C. A brief, concise description of the size or capacity of the measurement;
  - D. A statement as to whether or not the agricultural employer is covered by Fair Labor Standards Act (FLSA) or employer guarantees minimum wage.  
Example: "\$0.90 per 1 3 /5 bushel, employer covered by FLSA."
7. If the employer is a farm labor contractor (FLC) or farm labor contractor employee (FLCE), the job order must include the federal and state registration numbers. If driving, transporting or housing of workers is involved, verify on the FLC/FLCE registration card that the FLC/FLCE has these authorizations on his/her license and that they have not expired.

8. If the work site(s) is/are different from the employer address, both addresses must be included. Precise location and directions to get to the work site(s) are imperative. Directions to work site(s) must be indicated on the EFM "Work Sites" screen in the Corporate Profile or in the job order itself. If the work site is the same as the employer address and is the only work site, a statement indicating so should be added to the job order.
9. The statement "Referrals within commuting distance only" is required if the job is not permanent.

#### **AGRICULTURAL RECRUITMENT SYSTEM**

Agricultural job orders for work in other areas of the state outside of a normal commuting distance and for work out-of-state must go through the Agricultural Recruitment System (ARS) and be approved by DEO and ETA prior to posting in EFM for intrastate or interstate recruitment. Only the local job order for local recruitment may be entered by career center staff. For more information, please visit <http://www.doleta.gov/programs/ars.cfm>.

For additional instructions and information, reference Final Guidance 035 Wagner-Peyser (W-P) Job Seeker Registration and Employer Services Procedures found at <http://www.floridajobs.org/PDG/guidancepapers/WP03-035.pdf>, the MSFW web page at <http://www.floridajobs.org/workforce-board-resources/program-resources/program-resources> and the Workforce Innovation and Opportunity Act Unified Plan at <http://careersourceflorida.com/docking/WIOAUnifiedPlan.pdf>.