



**Department of Workforce Services  
and**

**Arkansas Workforce Investment Board Issuance PY07-17**

**From:** Artee Williams, Director  
Kenneth B. Ferguson, Executive Director

**Date:** May 23, 2008

**Subject:** DWS/AWIB Serving Migrant Seasonal Farmworkers (MSFW)

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**1. Purpose:**

To provide an overview of the MSFW program and to outline how DWS & AWIB field staff are to interact with and provide services to workers in partnership with the Arkansas Human Development Corporation (AHDC), the National Farmworker Jobs Program (NFJP) grant recipient for the state of Arkansas.

**2. Definitions:**

Seasonal Farmworker is 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 done in farm work, earned at least half of his/her earned income from farm work, and was not employed in farm work year round by the same employer.

Migrant Seasonal Farmworker is a Seasonal Farmworker who had to travel to do the farm work so that he/she was unable 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.

Migrant Food Processing worker is 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, earned at least half of his/her 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.

It should be noted that the above definitions are the Wagner-Peyser program definitions, which are different than the NFJP definitions. The NFJP definitions look at a 24-month period and have income eligibility criteria.

For correct MSFW identification, farmworker applicants must have dates of employment, good job descriptions, length of jobs, and rate(s) of pay for proper reporting identification on the work application. In other words, a well-documented, complete work history, which includes the how, why, when, and where, is essential to correctly define and apply the MSFW definition.

One-Stop offices should periodically review those applications that are designated MSFW for correctness of designation and should randomly review new registrations to ensure that MSFW applicants are correctly identified.

3. **Background:**

Regulations at 20 CFR, 653.100, require that MSFWs be offered the full range of employment services, benefits and protections on a basis which are qualitatively equivalent and quantitatively proportionate to services provided to non-MSFWs. One-Stop offices shall consider and be sensitive to the preferences, needs, and skills of individual MSFWs and the availability of job and training opportunities.

Section 167 of the WIA provides funds for the NFJP to provide additional services to assist migrant and other seasonally employed farmworkers and their families achieve economic self-sufficiency through job training and other services that address their employment related needs. This program is authorized by Congress to counter the impact of chronic unemployment and underemployment experienced by MSFW's who primarily depend on jobs in agricultural labor and are supplementary services to those provided by ADWS. The AHDC is our prime partner in providing services to MSFWs and One-Stops should coordinate with this agency to facilitate MSFWs access to services available through the workforce system. The Department of Labor also oversees this program and ensures that MSFWs receive the same treatment as non-MSFWs. As noted above, differences between program definitions of MSFWs may affect eligibility for NFJP activities.

4. **Action Required:**

A. All workforce system services must be made available to all MSFWs including:

- WIA Core Services which include skills assessment, job search, WIA program eligibility determination and access to the other core services at the local One-Stop.
- WIA Intensive Services, upon determination of eligibility, that include assessment, basic education and employment development planning achieved through a case manager based individual service strategy.
- WIA Training Services, upon determination of eligibility, that include occupational skills and job training, including OJT.
- Related Assistance Services that include short-term direct assistance to address an urgent or life threatening matter that enables farmworkers (and family members) to retain their agricultural employment or to participate in Intensive or Training activities.

- B. The following Arkansas Job Link (AJL) services should be selected, as appropriate, from the *Services and Training Plan Service Quick Entry* button:
- Assessment Interview
  - Referral to Supportive Services [normally AHDC]
  - Referral to WIA Services
  - Job Services
  - Job Development Activities
- C. Quarterly, Field Offices are encouraged to attempt to contact individuals coded in AJL as MSFWs to see if there are any services that can be provided or are needed.
- D. Field offices should actively seek to coordinate activities with the NFJP program to ensure that farmworkers have access to the full array of workforce development services.
5. **For Additional Information:** Contact John Newkirk, State Monitor Advocate, at [john.newkirk@arkansas.gov](mailto:john.newkirk@arkansas.gov) or by calling 501-683-2372.
6. **Expiration:** Continuing.