

Agricultural Recruitment System

- Beginning in June 10, 1980, the Wagner-Peyser Act mandates the United States Employment Service to maintain a system for the orderly movement of workers within and between States.
- The Foreign Labor Certification (FLC) and Migrant and Seasonal Farmworker (MSFW) are the two major components of the Agricultural Recruitment Program.
- Operational responsibility for the program rests primarily with the State Workforce Agencies (SWAs/Employment Service) in cooperation with the United States Department of Labor (U.S. DOL). In Arkansas, the SWA is the Arkansas Division of Workforce Services.
- The major components of these programs are:
 1. Foreign Labor Certification Process
 2. Housing
 3. Outreach/Field Visits
 4. Complaint System
 5. State Monitor Advocate

FOREIGN LABOR CERTIFICATION PROCESS

- Employer determines need for workers.
- Employer places a job order at local SWA office.
- Local SWA office prepares job order and recruits locally.
- If labor needs are not met through a local job order, employer should be advised of the option to clear the order to other local offices within the State (Intrastate Clearance Order).
- If labor needs are not met statewide, the SWA, with employer authorization, will submit the Intrastate Job Order to the U.S. DOL Employment and Training Administration, Regional Office (ETA) for their review as an Interstate Clearance Order.

- The ETA Regional Office reviews and approves or disapproves the Interstate Clearance Order, and determines the areas of supply to which the order shall be extended if it is approved.
- The SWA sends the Clearance Order to ETA designated State(s) where qualified workers may be available.
- If the potential labor supply State(s) SWA accepts a Clearance Order, it actively recruits workers for referral. The labor supply State is responsible for:
 - Informing workers about the availability of jobs;
 - *Explaining* the conditions of employment to them and;
 - Arranging through the order-holding SWA for the interested workers and the employer to take the steps necessary to finalize the hiring agreement.
- The order-holding office continues to have responsibility for the placement process until the workers recruited out of the area arrive at the jobsite and commence employment. This includes such tasks as helping the employer advise labor supply States of changes in crop and recruitment conditions that may occur and informing the employer of any changes in the status of recruited workers which may impact upon filling the employer's labor needs.
- After workers arrive and start employment, the order-holding office or State SWA is responsible for oversight and conducts on-site field checks of job sites where workers have been placed. The SWA also is responsible for responding to any work related complaints from the worker(s). It is suggested that the outreach worker and/or local office staff contact workers on-site to offer and inform them of services available.

HOUSING

- No cost or public housing which meets Federal, State, and/or other applicable standards must be available to the specified number of workers being requested on the Clearance Order.
- Housing facilities cover workers and family members (if applicable) who are unable to return to their residence in the same day.
- Preoccupancy Housing Inspection
- A preoccupancy housing inspection is conducted by the local SWA office or other appropriate public agency. The housing must meet the minimum standards set forth in the applicable regulations at 20 CFR 654 or 29 CFR 1910.142, as well as any applicable State and local standards.
- Facilities are assessed in terms of housing sanitation, adequacy of the housing site, shelter availability, water supply, toilet facilities, laundry and bathing provisions, and first-aid set-up.

OUTREACH/FIELD VISITS

The State Workforce Agency must designate Outreach Workers who:

- Visit different agricultural worksites, schools, community events, community centers and many more places where they may find MSFWs who could benefit from employment services.
- At agricultural worksites, the employer must assure that the SWA staff, including outreach staff, will be afforded reasonable access to the employer's premises to:
 - Talk with the farm workers and the employers educating them about workforce services and programs, including the services available from local workforce centers: employment opportunities (agricultural and non-agricultural), job training, supportive services, as well as counseling and the availability of education and job testing in the area.
 - Verify compliance with the terms and conditions of employment specified in the Clearance Order.

COMPLAINT SYSTEM

In accordance with 20 CFR 658.410, ADWS is required to establish and maintain a uniform system for accepting, investigating, resolving and referring complaints and apparent violations through the Employment Service (ES) program.

- The ES complaint system primarily addresses complaints related to ADWS Workforce Center' Employment Services (ES) and other complaints which are primarily related to employer practices (Non-ES) and are referred on to other agencies. The involvement of Migrant and Seasonal Farmworkers (MSFWs) is also a characteristic identified with all complaints taken.
- Complaints may be accepted in any workforce center, or by a State Workforce Agency, or elsewhere by an outreach worker.
- The ES office representative handling a complaint must offer to assist the complainant through the provision of appropriate services.
- When a complainant is an English Language Learner (ELL), all written correspondence with the complainant under part 658, subpart E must include a translation into the complainant's native language.
- When possible, complaints and will be resolved locally by the Local Office Manager or with the assistance of the Area Operations Chiefs (AOCs), as needed. Those complaints not resolved will be forwarded with a copy of all information to the SMA.
- The overall objective of the Employment Services Complaint Resolution Process is to resolve complaints quickly and to the satisfaction of the complainant, whenever possible.
- All complaints which involve ES complaints will be documented and logged.
- Telephone or anonymous complaints will not be taken.