



POLICY REFRESHER

Migrant and Seasonal Farmworker Program Introduction

FARMWORK IN NJ

Despite New Jersey's densely populated northeastern and southwestern regions close to New York and Philadelphia, farming continues to be a significant economic force in the state's rural areas. Approximately 734,084 acres of the state's area is used for farming. In order of sales, Cumberland (\$212.6M), Atlantic (\$120.7M), Gloucester (\$102.4M), Salem (\$102.3M), and Burlington (\$98.6M) lead New Jersey's 21 counties accounting for the majority of agricultural productions statewide (New Jersey Department of Agriculture, 2020).

Migrant and Seasonal Farmworkers (MSFW) are predominantly Spanish, Haitian Creole, or Korean speaking, from countries of origin that include Mexico, Guatemala, Jamaica, Haiti, Korea, and U.S. born workers from Puerto Rico. Farmworkers tend to have low levels of literacy, lack of transportation, lack of healthcare, with minimal access to resources and supportive services.

MSFW ONE-STOP OPERATION

MSFWs must receive the full range of career services (Basic, Individualized, Follow-Up), as defined in WIOA sec. 134 (c) (2), including supportive services, appropriate language assistance services for English Language Learners (ELL), benefits and protections, and job and training referral services, as are provided to non-MSFWs. One-Stop Career Centers must provide MSFWs a list of available career and supportive services in their native language. Services include the provision of:

- Labor exchange services, including job search and placement assistance
- Career counseling and individual counseling
- Information on in-demand industry sectors and occupations
- Referrals to and coordination of activities with other programs and services
- Workforce and labor market employment statistics information.

DEFINITIONS CFR 651.10

Farmworker: An individual employed in farm work.

Farm Work: 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.

Seasonal Farmworker: An individual who is employed, or was employed in the past 12 months, in farm work of a seasonal or other temporary nature and is not required to be absent overnight from his/her permanent place of residence. Non-migrant individuals who are full-time students are excluded. A worker who moves from one seasonal activity to another, while employed in farm work, is employed on a seasonal basis even though he/she may continue to be employed during a major portion of the year.



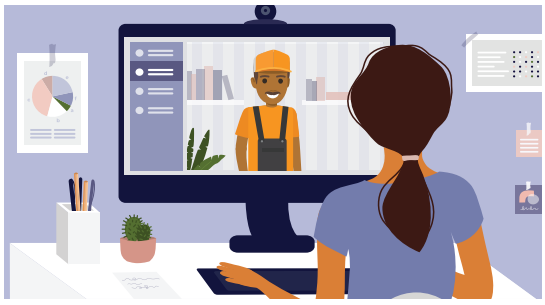
Migrant and Seasonal Farmworker: A seasonal farmworker travels to the job site so that they are not reasonably able to return to their permanent residence at the end of the workday. Full-time students traveling in organized groups rather than with their families are excluded.

EMPLOYMENT AND TRAINING SERVICES

MSFWs may benefit from Employment Services (ES), including partnerships with MSFW serving organizations, but due to long work hours, remote area location associated with farms, and mistrust in government agencies given the issues associated with immigrant communities, MSFWs tend to not participate with ES employment and training programs or services. Based on past and projected agricultural and farmworker activity in NJ, farmworkers' needs include:

- Flexible hours for accessible services as agricultural work hours do not always coincide with typical business hours.
- Assistance with language barriers, including English language classes.
- ES services offered in culturally and linguistically appropriate manner, including bilingual one-stop staff, translated list of services and programs, referrals to appropriate supportive services resources.
- Increased collaboration with MSFW serving organizations to build a sense of trust within farmworker communities while increasing program service capacity.
- Increased co-enrollment with WIOA core programs, including Title 1 and II for training options.
- Streamlined ES service delivery to ensure all MSFW are provided ES services and protections in an equitable manner, on a statewide basis.
- Increased WDB involvement and activity, as it relates to creating policies and programs tailored to serve MSFW communities, particularly in local areas with ETA designated Significant Offices.

The unique unemployment and training needs of MSFWs may be met by offering and incentivizing training and employment programs, including work experience components, On the Job Training (OJT), Incumbent Worker Training, as well as partnering with community businesses to create tailored employment and training opportunities.



SIGNIFICANT OFFICES

Significant MSFW One-Stop Career Centers are designated by the Department and include ES offices where MSFWs account for 10 percent or more of annual participants in employment services and local ES offices that the administrator determines must be included due to special circumstances, such as an estimated large number of MSFWs in the service area. Each significant office has a dedicated staff person conducting outreach during the growing season.

Self-assessments of One-Stop Career Centers include reviews of MSFW daily outreach logs and plans, Complaint System logs, MSFW program performance and compliance reports. Field office reports to the State Monitor Advocate (SMA) include information compiled through internal and external customer contacts, customer satisfaction surveys, system-generated reports, and input provided by stakeholders.

Staff at the following locations can help migrant seasonal farm workers in their native language, and provide support services, including job search and training help:

- **Atlantic County:** (609) 485-0052
- **Cumberland County:** (856) 696-6600
- **Gloucester County:** (856) 853-3200
- **Somerset County:** (908) 541-5780

Email sma@dol.nj.gov for more information.

OUTREACH

OUTREACH STAFF RESPONSIBILITIES (20 CFR § 653.107 (B)):

- **Contact** and **locate** the MSFWs where they work and live;
- **Observe** their working and living conditions;
- **Explain** the services available;
- **Provide** information about the Job Service complaint system;
- **Explain** basic farmworker rights when referring an MSFW to a job (20 CFR 653 and 658); [nj.gov/labor/worker-protections/myworkrights/farmworkers.shtml](https://www.nj.gov/labor/worker-protections/myworkrights/farmworkers.shtml)
- **Assist** in the preparation of a work application;
- **Refer** to a job currently available;
- **Assist** in the preparation of a worker complaint;
- **Maintain** complete records of contacts and performed services
- **Refer** to supportive services, if needed; and
- **Assist** in making appointments.

NOTE: The Agricultural Recruitment System (ARS) helps agricultural employers recruit qualified U.S. workers on a temporary or seasonal basis, and provides workers seeking temporary agricultural employment with opportunities for such employment. For more information see https://farmworker.workforcegaps.org/resources/2021/03/26/21/22/Acquiring_Workers_for_Agricultural_Jobs_Through_the_Agricultural_Recruitment_System

NJDOL has provided guidance in WD-PY19-5.1 to Local Workforce Development Boards, One-Stop Career Centers (One-Stops), and the MSFW system, regarding the delivery of outreach services to MSFWs during the COVID-19 pandemic.

Outreach quality and productivity includes services provided and methods and tools used to offer services. The implementation of these services will be monitored according to WD-PY20-1.

COMPLAINT AND APPARENT VIOLATION SYSTEM

If a State Workforce Agency, an ES office employee, or outreach staff observes, has reason to believe, or is in receipt of information regarding a suspected violation of employment-related laws or ES regulations by an employer, except as provided at CFR 653.503 of this chapter (field checks) or CFR 658.411 (complaints), the employee must document the suspected violation and refer this information to the ES Office Manager (CFR 658.411).

The Employment Services for Employment-related Law Complaint system is unique to MSFW (CFR 658.411). An individual can indicate an interest in filing a complaint with an ES office, the SWA, or outreach staff.



STATEWIDE PARTNERSHIP

NJ Department of Health collaborated with NJ Department of Agriculture and Department of Labor and Workforce Development to assist agricultural business and farm workers during the COVID-19 pandemic.

TO LEARN MORE:

nj.gov/agriculture/pdf/MSFWs-Guidance.pdf

REFERENCES

NJ Combined State Plan 2020 (page 150-151)

WD-PY20-1: To notify Local Workforce Development Boards (WDB), One-Stop Career Center (OSCC) Operators, Employment Service (ES) Managers and other local workforce partners of state policy and guidance regarding monitoring activities related to Workforce Innovation Opportunity Act (WIOA) Service and Protections to Migrant and Seasonal Farmworkers (MSFW). <https://bit.ly/3aYGhfe>

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Farm Workers in NJ: Rights and Protections nj.gov/labor/worker-protections/myworkrights/farmworkers.shtml



[NJ.GOV/LABOR](https://nj.gov/labor)