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## DEPARTMENT OF LABOR AND EMPLOYMENT

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Category:	Migrant Seasonal Farm Worker (MSFW) Program
Subject#:	Guidelines for Use of MSFW Program Funding
Source:	Federal/State
Revise/Replace:	10-11-P
Contact:	State Monitor Advocate for the MSFW Program
Distribution:	All Workforce Center staff and Finance staff located in designated "Significant Offices" in the Migrant Seasonal Farm Worker Program (i.e., Brighton, Delta, Greeley, Lamar, Monte Vista, and Rocky Ford).
Colorado One-Stop System Policy Guidance Letter#:	13-01-WP
Date:	January 3, 2013

### I. REFERENCE(S):

Wagner-Peyser Act of 1933, as amended by Title III of the workforce Investment Act (WIA) of 1998; 20 CFR, Parts 651, 653, and 658, PGL 10-10-WP, PGL 12-01-P, and TEGL No. 15-02, Clarification and Guidance on PY 2002 Labor Exchange Transition Issues for the ETA 9002 and VETS 200 Reports, specifically Sec 4c., 5148 Reporting for MSFWs.

### II. PURPOSE:

The purpose of this Program Guidance Letter (PGL) is to provide guidance to Migrant and Seasonal Farmworker (MSFW) significant offices on the use and expenditure of MSFW Program funding.

- A. **Statutory Reference:** Wagner-Peyser Act of 1933, as amended by 20 CFR parts 651, 653, and 658, effective January 25, 1977, governing employment services to migrant and seasonal farm workers by the federal-state public Job Service System.
- B. **Purpose of Funding:** Funding is provided to support the Local Workforce Region's delivery of services to Migrant Seasonal Farm Workers (MSFWs) and to cover personnel and benefits, training, and travel costs, as well as the purchasing of equipment, supplies, and other materials to operate the MSFW Program.

### **III. BACKGROUND:**

Pursuant to 20 CFR Parts 651, 653, and 658, Significant Migrant Seasonal Farmworker (MSFW) Local offices shall be those designated annually by the U.S. Department of Labor's Employment and Training Administration (ETA), and shall include those local offices where MSFWs account for 10% or more of the annual MSFW applications, and/or those offices which the ETA Administrator determines should be included due to special circumstances, such as, an estimated large number of MSFWs in the local office service area. The following offices have been designated significant offices by ETA: Brighton, Delta, Greeley, Lamar, Monte Vista and Rocky Ford. These offices are subject to all Federal requirements regarding services to migrant and seasonal farmworkers.

Despite these requirements, significant MSFW offices have received limited funding for the operation of the MSFW program. Therefore, CDLE has approved an appropriation of Wagner-Peyser 10% (WP10%) discretionary funds to be distributed to each significant office to help offset the cost of operating the program.

Colorado Department of Labor and Employment (CDLE) has reviewed the Federal MSFW Program requirements and has determined that the funding provided through these discretionary grants may be used for the following:

- Outreach training for MSFW staff, which covers both in-state and out-of-state travel.
- Operational costs which cover :
  - Purchasing and/or replacement of equipment that would assist the outreach workers in providing better services to the MSFW population. Such equipment to include but not be limited to, laptop computers, portable printers, cell phones, etc.
  - MSFW Program public relations, outreach, information, and allowable promotional activities and/or materials, approved by the State Monitor Advocate. (PGL 10-10-WP)
  - Housing inspection costs that includes mileage reimbursement
  - Mileage reimbursement related to outreach activities
  - Staff salaries and benefits

### **IV: POLICY/ACTION:**

MSFW Program Funding shall be provided through a Notice of Fund Availability (NFA) letter identifying the fund amounts to each local workforce region with a significant office. Workforce regions shall submit an EA pursuant to the guidelines established in PGL # 12-01-P - Expenditure Authorization (EA) Procedures.

The State Monitor Advocate shall review each EA to evaluate the services to be provided and the prioritization of proposed expenditures and cost levels. The State Monitor Advocate shall approve the planned expenditures and/or will work with each workforce region to adjust the prioritization of expenditures prior to approval for spending any

funds. Approval of expenditures shall be based on the order of prioritization provided in this chart.

Budget Line Items	Planned Expenditures
Outreach Training, both in-state and out of state travel	
Operational Costs (as defined above)	
<b>Total Cumulative Expenditures</b>	

The MSFW Program guidelines in TEGL No. 15-02 Clarification and Guidance on PY 2002 Labor Exchange Transition Issues for the ETA 9002 and VETS 200 Reports, specifically, Sec 4c 5148 Reporting for MSFWs set forth expectation for the delivery of services to Migrant and Seasonal Farmworkers.

The Significant Offices are expected to provide to the MSFW population equitable services that are both quantitatively and equitably proportionate to the services provided to the non-MSFW customer and strive to meet the equitable indicators and the minimum service indicators presented below on a quarterly basis. The MSFW Program funding is provided in support of meeting these service level indicators.

As required by Federal Regulations 20 CFR 653, State agency self-monitoring, all significant offices are to be reviewed by the State Monitor Advocate at least once each program year. Monitoring will be completed during a time of highest activity in each area using the monitoring tool attached. (Attachment 1)

**Service Provided Migrant and Seasonal Farmworker  
Equity Ratio Indicators (Statewide)**

Service	Minimum Required %	Goal %
Referred to Jobs	12.3%	
Provided Staff Assisted Services	31%	
Referred to Supportive Services	1.1%	
Career Guidance	5%	
Job Development Contact	1%	

**Services Provided Migrant and Seasonal Farmworkers  
Minimum Service Level Indicators (Statewide)\***

Service	Minimum Required %	Goal %
MSFW Placed in Jobs	43%	
50 Cents Above Minimum Wage	14%	
Placed in Non-Ag Jobs over 150 Days	4%	

*\*Workforce regions will not be held accountable if they fail to meet the Minimum Service Level Indicators goals since these are uncontrollable, however, regions should strive to meet these indicators whenever possible.*

The Statement of Work in the EA should describe the services to be delivered to both the agricultural employers as well as the MSFWs. How these services are integrated into the one-stop delivery system should also be described.

## Reporting Requirements

Completed by outreach worker

- Monthly Outreach Activities summary report – due on the 10<sup>th</sup> of each month
- Daily Outreach logs – when outreach is done, due on the 10<sup>th</sup> of each month
- Quarterly report 5148D part one and three – due on the 10<sup>th</sup> of the month following the end of each quarter

Completed by finance department

- Financial Quarterly reports showing a quarterly summary of all actual expenditures through that quarter - due on the 25<sup>th</sup> of the following month after the end of each quarter.

Submit electronic reports to the State Monitor Advocate at [olga.ruiz@state.co.us](mailto:olga.ruiz@state.co.us).

### V. IMPLEMENTATION DATE:

Upon publication of this program guidance letter

### VI. INQUIRIES:

Inquiries concerning this PGL should be addressed to the State Monitor Advocate, Olga Ruiz at (303) 318-8802 or [olga.ruiz@state.co.us](mailto:olga.ruiz@state.co.us)

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Elise Lowe-Vaughn, Acting Director  
Workforce Development Programs

Attachments

1. MSFW Registration Monitoring Tool