

PA Department of L&I - Agricultural Outreach Plan (AOP)

Introduction

This plan describes the proposed activities for providing services to Pennsylvania's agricultural employers and migrant and seasonal farm workers (MSFWs). The commonwealth provides MSFWs equitable services through the PA CareerLink® system, which include counseling, testing, and job and training referral services.

Pennsylvania's State Monitor Advocate continuously reviews outreach programs for MSFWs to measure the performance of each office and assure that outreach productivity goals are reached. U.S. Department of Labor's Employment and Training Administration (ETA) reports and outreach logs are reviewed on a monthly basis along with on-site field checks and field visits, and an annual compliance review of the significant bilingual MSFW office. Pennsylvania's State Monitor Advocate works full time and performs the following:

- Monthly review of each office to ensure that outreach productivity goals are reached.
- Review of agricultural activities lists for MSFW's activities and job openings.
- Review all inter- and intrastate clearance orders.
- Review all MSFW-related forms prepared at PA CareerLinks®.
- Interview individual(s) responsible for outreach in all local offices.
- Accompany PA CareerLink® staff on random field visits.
- Monitor and review state and local agency Affirmative Action Plans.
- Establish ongoing liaison with partner organizations and other organizations serving farm workers throughout the state.
- Serve as chairperson for the Pennsylvania Department of Labor & Industry's MSFW Coordinating Committee.
- Provide technical assistance in using the automated ETA 5148 quarterly report and the outreach log.

PY 2012 Agricultural Activity

Agriculture is one of Pennsylvania's leading industries, with a diversity of crop activity throughout the commonwealth. There has been a recent shift towards mechanized crops such as corn, soybeans and wheat, and several specialty crops such as sweet corn, squash, pumpkins, and ornamentals.

In Pennsylvania's southeastern region a majority of smaller mushroom growers produce crops for the larger growers whose operations have become more modernized and efficient. The commonwealth is the largest producer of mushrooms in the nation, producing 62 percent of our nation's supply. Additionally, in the eastern region there is considerable blueberry and cherry production. In Bucks and Montgomery Counties there are also wholesale nursery productions and several apple orchards.

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Adams and Franklin Counties, located in South Central Pennsylvania, are considered the state's fruit-belt. The largest crop is apples, followed by peaches, cherries, and pears. Although not nearly as large as Adams and Franklin Counties' apple production, Bedford and Blair Counties have numerous apple growers. A burgeoning local wine industry has resulted in the expansion of acreage dedicated to grapes.

The agricultural activity in the western region of the state tends to be more in wholesale evergreen nurseries, vegetables and grapes. In the northwestern portion of the state there is more emphasis on grapes, followed by cherries, assorted vegetables and nursery production.

PY 2012 MSFW Activity

During PY 2012, there were an estimated 45,500 migrant workers in the commonwealth, with 462 MSFWs registered for services with the PA CareerLink® system. Since only a small percentage of MSFWs use the PA CareerLink® computerized system, the 462 registered farm workers represent less than one percent of all MSFWs. These numbers are not unique to Pennsylvania or to Federal Region II. One of Pennsylvania's neighboring states listed in their AOP zero (0) as the total number of registered farm workers on their system. While MSFW usage of state one-stop services are constantly low through the entire East Coast migrant stream, Pennsylvania welcomes and encourages MSFWs to take full advantage of the wide range of services.

MSFW activity is year-round in Pennsylvania. MSFWs represent an almost constant presence in the commonwealth. Many agricultural employers, specialty growers and others cultivate an ongoing relationship with farm workers and keep in touch with these workers even when they are out of state. The same holds true for FLCs. There is a "big picture" with regard to the significant agricultural office. Activities wax and wane by season. Apples are by far the largest crop in those areas. There is a pruning season, which runs from winter to spring. A handful of farm workers can prune large orchards over that period of time. Later on in spring the same workers may thin apples. Thinning typically ends at about the same time that the blueberry harvest begins in New Jersey, and migrants leave the area and return later on around the time that the earliest of tree fruits are harvested. That continues until late fall, and after that the great majority of farm workers migrate to Florida for the winter vegetable, fruit and citrus season.

Outreach is performed at the height of the harvest season. One aspect of outreach is to determine the number of MSFWs in an area. To perform outreach in the off (or slow) season could result in counting many of the same workers more than once. The few workers who had stayed behind for the pruning and thinning season are the same workers who had received contact and service information during the harvest season.

The following table shows estimated numbers of MSFWs involved in the harvest of labor intensive agricultural communities during PY 2012. Estimates have changed only slightly over the last several years.

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Table 5.1. Estimates of Migrant and Seasonal Farm Workers

Crops	MSFW Estimates	Geographic Area
Apple/Peach	4,000 Workers	South Central PA
Green Wrap Tomatoes	150 Workers	North Central PA
Mushroom Harvest	5,000 Workers	Southeast PA
Vegetable Harvest	4,000 Workers	South Central & Western PA
Nursery/Landscape/Trees	150 Workers	Western & Central PA
Cut-Christmas Trees	250 Workers	Central & Eastern PA

The difference in numbers between the estimated 45,500 MSFWs in Pennsylvania and the numbers of estimated workers provided in Table 5.1 (13,500) can be attributed to all other crop activities, many of which are too small to have their own category and breakdown. Cherries, strawberries, grapes, raspberries, blueberries, nuts, pears, Asian pears, apricots, pumpkins, sweet corn, potatoes, beets, asparagus, carrots, garlic and a full range of other crops comprise a large agricultural industry spread out across the state. The 45,500 number of farm workers on the AOP was provided to the commonwealth by the 167 Grant recipient, PathStone, which collects data and comes up with the total number of MSFWs on an annual basis.

Pennsylvania received a waiver from the U.S. Department of Labor to pilot the Common Measures Management System. Some of the MSFW data elements are no longer captured. Therefore, to account for those missing elements, data from prior years has been used, factoring in current agriculture trends. Data that continues to be captured reflect the stability and accuracy of the report.

Between July 1, 2012 and June 30, 2013, CWDS listed 54 temporary H-2A agricultural job orders. Fifty-two U.S. workers applied for these jobs in person at PA CareerLink® centers. A considerably larger number of U.S. applicants self-referred for those same jobs, but the exact numbers are not captured. Total numbers are captured by the Chicago National Processing Center (CNPC). Of the 84 known applicants to these jobs, no U.S. workers were hired. During this same period, PA CareerLink® offices received 25,524 temporary non-agricultural job openings and 24,012 permanent non-agricultural job openings. PA CareerLinks® placed seven job applicants against the temporary non-agricultural job orders and zero against the permanent non-agricultural job orders.

The 5148 Labor Exchange Agricultural Reporting System (LEARS) statistical activities require little explanation. Although MSFW numbers are low due to extenuating circumstances, Pennsylvania consistently meets and exceeds USDOL-ETA goals. All five “Equity Indicators” i.e. *referrals to jobs, staff-assisted services, supportive services, career guidance and job development contacts* were met. That means that in each of the above categories MSFWs received equal or greater service than the general population. With regard to the seven “minimum service level indicators,” which are *job placement, placed at \$.50 above the minimum wage, placed in long-term non-agriculture job, reviews of significant offices, field*

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checks conducted, outreach contacts per staff day worked and timely process of ES complaints, all service levels consistently met or surpassed USDOL-ETA goals for the year. Unlike areas of growth industries, agriculture in Pennsylvania remains robust yet static. Therefore, our goals are set accordingly. From year to year there is practically no change in the numbers of growers, labor camps and ultimately MSFWs. The same holds true for the H-2A guest worker program. The different numbers of H-2A orders from year to year generally vary by single digits. Thus field checks, field visits, outreach, monitoring and equity ratio indicators remain constant.

During the 2012 growing/harvest season, L&I received a total of 141 agricultural interstate clearance orders from Massachusetts. These clearance orders were for a total of 1,461 farm workers.

Projected Level of Agricultural Activity

PY 2013 activities are anticipated to be similar to the activities in PY 2012. Projections of agricultural activities remain static from year to year in Pennsylvania. While vegetable growers may rotate their crops within their own farms, the harvest remains the same. Only weather conditions and unpredictable climate variations can change agricultural activities for the coming year, and those changes cannot be predicted this far in advance. During the years of the housing boom there had been a progressive reduction in farming in the commonwealth. Those changes halted when the housing market became stagnant.

Projected Number of MSFWs for the Coming Year

The commonwealth projects 45,500 MSFWs for the coming year as estimated by WIA 167 National Farmworker Jobs Program (NFJP) grantees. This number remains static since similar crop activities are anticipated.

In PY 2013, PA CareerLink® centers estimate they will receive approximately 700 agricultural job openings and will refer applicants to approximately 85 percent of them.

The offices estimate they will continue to receive approximately 140 clearance orders for the PY 2013 harvest season from other states and anticipate these to be primarily requests for H-2A workers.

Outreach Activities

Wagner-Peyser staff and WIA 167 NFJP grantees (participating partner agencies) have set a goal of contacting five percent of the total estimated number of MSFWs in the state during PY 2013. Five percent has been a consistent number from year to year. While the commonwealth understands the higher percentage the better, limited resources and a diminished economy make it a challenge to maintain the current numbers. The goal for the immediate future is sustainability. The level of Wagner-Peyser funding to be used on outreach is equivalent to an average minimum of five outreach contacts per Wagner-Peyser staff workday. The amount of

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funding decreases proportionately as the average number of MSFWs contacted per staff workday increases.

Open communication is ongoing with the liaison and partner agencies i.e., Migrant Health, Migrant Education, PathStone and legal services. PathStone shares statistical information with the commonwealth and is also a partner in several PA CareerLinks®. Frequently, information exchanges occur with regards to services to MSFWs. Cooperation amongst partner agencies is common. Referrals to Pennsylvania Department of Labor & Industry with regards to wage complaints, job referrals, working conditions, housing conditions, unsafe working conditions, etc., are frequent. MSFWs seeking OJTs, in need of emergency lodging or food, ESL classes, emergency transportation, health care, etc., are immediately referred to the appropriate partner agency. These open lines of communication and referrals serve almost synergistically to assist MSFWs.

Outreach is defined as going to farm labor camps and providing information about PA CareerLink® services and services available through other agencies; visual re-inspection of labor camps; informing MSFWs of their rights; and taking complaints, if necessary. Outreach is also used to obtain a headcount of farm workers. A contact is an in-person, one-on-one or group encounter with farm workers. Contact numbers are increased by going directly to the place of work or to the labor camp. Field checks occur in H-2A orders where there have been U.S. workers hired. Field visits are random, and employers are contacted for permission to visit their workers. Field checks generally take place if there are U.S. workers. Rarely, if ever, are U.S. workers hired for H-2A orders in Pennsylvania. If third-party complaints come in or workers directly complain about conditions, or if the employer has had problems in the past, those workers will be visited. Tools used to conduct outreach contacts include printed material, flyers, cellular phone, business cards, and posters. Printed materials range from business cards, listing of services, provider agencies, worker rights and topical information on everything from pesticides to heat stress. Outreach focuses on farm worker services, health and safety, abuse, apparent violations, farm worker rights, and all topics are weighted equally as any particular topic covered may ultimately be the most important to a farm worker.

Services Provided to MSFWs through the PA CareerLink® Delivery System

Each PA CareerLink® has a designated agricultural specialist. Though some one-stops in metropolitan areas have no or minimal agriculture, the offices will provide any visiting MSFWs with full and equal services. In other non-significant MSFW PA CareerLinks®, outreach is performed when necessary. In significant agriculture offices, Adams and Franklin Counties, 100 percent of farm labor camps receive outreach.

Agricultural employers are treated equally and with the same high standards as all other employers through the commonwealth. Contacts are tracked on the PA CareerLink® computer system as are those of all other employers.

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PA CareerLink® offices with considerable numbers of MSFWs are deemed “Significant Offices” by 20 CFR 651.10. Designated staff these offices provide MSFWs with in-depth services, including: referrals to agricultural and non-agricultural jobs; information on training and supportive services; testing; counseling; job development services; and an explanation of basic farm worker rights and the complaint system. These services are provided regardless of a MSFW’s ability to communicate in English. See available LEP services in other areas of this plan.

The PA CareerLink® system provides MSFWs the opportunity to file complaints when violations are committed. Services provided at PA CareerLink® offices are measured using the indicators of compliance reports as mandated by Federal Regulation at 20 CFR 653.112.

The significant agricultural office in Adams County strives to maintain bilingual MSFW specialists. Other offices covered by LEP requirements may have bilingual staff, but they are not necessarily designated as MSFW specialists. An MSFW specialist is a bilingual (English and Spanish) employment specialist with the added responsibility of performing MSFW outreach during peak season.

Prior to PY 2012, the Franklin County PA CareerLink® office had been designated as a significant bilingual MSFW office. The State Monitor Advocate has performed a study of current available statistical information to determine whether or not the Franklin County office still qualified as a “significant bilingual” office. Since the last federal determination in 2003 there have been considerable changes in Franklin County. The housing boom removed considerable amounts of tillable acreage from the landscape. Outside industry moved into the area and added significantly to the loss of farmland. Finally the conversion from being a fruit oriented agricultural industry to that of a corn based/ethanol producing market took away much of the labor-intensive fruit production. This resulted in a dramatic reduction in the numbers of MSFWs in Franklin County. As of PY 2012, the number of MSFW labor camps/housing has dwindled to just four. If those camps are filled to capacity, the number of farm workers would be 139. Statistical information regarding the remaining MSFWs who live outside grower provided housing is unsubstantiated. Considering the most recent NASS (National Agricultural Statistics Survey) of 2008 the entire farm worker population of Franklin County represents 1.4 percent of the community. NASS statistical data aggregates all farm workers in their statistics, not just MSFWs. There is no break down of farm workers in their classification system. Only the numbers of MSFW serve to establish the classification of significant office.

To consider an office to be a significant MSFW office, even under the “special circumstances” category, at least ten percent of the population would have to be considered a “migrant” or a “seasonal” farm worker at some point during the year, generally during peak harvest or planting season. Even if we consider the NASS numbers, which include “all” farm workers and not just qualifying MSFWs, and we do not take into account that their most recent 2008 survey numbers have likely diminished, we are still far short of the number needed to qualify that office. Therefore, the Franklin County office has been removed from the “significant bilingual MSFW office” list. The four MSFW labor camps in the county will receive outreach and the office may eventually hire a bilingual PA CareerLink® specialist.

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Services Provided to Agricultural Employers through the PA CareerLink® Delivery System

Pennsylvania growers are offered the full range of PA CareerLink® services. Growers receive additional services from the Pennsylvania Farm Bureau, numerous growers' associations and the Pennsylvania Department of Agriculture.

Through the Agricultural Recruitment System (ARS), the PA CareerLink® offices are able to help employers meet their needs for permanent, temporary, and/or seasonal labor by placing job postings in CWDS and by using a vigorous agricultural employer marketing and outreach program.

All PA CareerLinks® provide exceptional employer services. Most outreach occurs at the height of harvest season when farm worker populations are greatest. While some outreach occurs in the off season, it is usually a random spot check as follow-up to a previous problem, or as the result of the request from a farm worker who has raised doubts as to the current conditions.

In addition to Pennsylvania's high standard of business services, as outline in the body of the State Plan, agricultural employers are also offered services when met in person on MSFW outreach, at agricultural meetings, and other business related events. Due to the nature of these encounters, they are not coordinated with business services teams; however, they do serve to reinforce the overall goal of providing the best services possible.

Job posting requirements, as specified under federal regulations at 20 CFR 653, and housing standards, as specified at 20 CFR 654 and 29 CFR 1910.142, are complied with in the PA CareerLink® offices. Additional requirements, as outlined in ETA Manual No. 3398, which pertain to requests from employers for employing temporary alien agriculture workers under the H-2A Program, are also followed. Along with these requirements, PA CareerLink® staff conducts Prevailing Wage and Prevailing Practice surveys where there is significant MSFW activity and where there are requests for seasonal or temporary farm workers under the H-2A Program.