



New York State Department of Labor

Andrew M. Cuomo, Governor

Peter M. Rivera, Commissioner

PY2014 Wagner-Peyser Agricultural Outreach Plan

The New York State Department of Labor's ("NYSDOL") Agricultural Outreach Plan ("AOP") details the activities planned for providing services and outreach to both Migrant and Seasonal Farmworkers ("MSFWs") and Agricultural Employers for the period of July 1, 2014 to June 30, 2015, and is prepared in accordance with 20 CFR 653.107, WIA Title I final regulations, WIA/W-P Act Integrated Workforce Planning Guidance, Unified Planning Guidance, and applicable WIA Workforce Development regulations. This plan is a modification to, and will become part of, New York State's Workforce Plan for the period of July 1, 2012 to June 30, 2016.

Submission Requirements:

The goal of the AOP is to describe the strategies the Agriculture Labor Program ("AgLP") will use in the coming program year to provide services to MSFWs through the American Job Center network, or New York State Career Center System, which are quantitatively proportional and qualitatively equivalent to those provided to non-MSFWs, and to detail how services will be delivered to Agricultural Employers in an effort to ensure the jobs they provide are filled with the available domestic labor supply.

NYSDOL's plan includes the following:

- A. *Assessment of Need*-Information on PY12 agricultural and MSFW activity¹, projected levels of agricultural activity in PY14, and projected numbers of MSFWs in NYS in PY14.
- B. *Outreach Activities*-A description of how MSFWs across the state will receive services in PY14, as well as an assessment on staff and the resources available for outreach.
- C. *Services Provided to MSFWs through the American Job Center Network*-A review of the ways New York's AgLP staff will ensure MSFWs receive the same services as non-MSFWs.
- D. *Services Provided to Agricultural Employers through the American Job Center Network*-Information on utilizing the One-Stop Operating System ("OSOS")/New York State Job Bank as well as job bulletins to ensure Agricultural Employers receive the workforce required to maintain a vital New York industry.
- E. *Data Analysis*-A review of PY12 activity including agricultural job orders received and filled, and those interstate clearance orders received and initiated, as well as an estimate on the activity for PY14 in the same categories.
- F. *Other Requirements*-Review and comment by the State Monitor Advocate, WIA Section 167 NFJP grantee PathStone Corporation, and other agricultural organizations and the public.

A. Assessment of Need

¹ PY12 data will be used because it is the last full year for which information is available.

(i) *A review of the previous year's agricultural activity in the state:*

Agriculture is one of the most important industries in New York State, providing food for the state's consumers and employment for many of its residents. Crops grown across the state are very diverse and include a variety of fruits, root vegetables, and plant/nursery stock. Throughout PY12, the AgLP recorded information on the specific crops grown on farms staff visited and provided vital data demonstrating the best time of year to visit certain farms based on the crops grown at that location. Regional crop activity in PY12 was as follows:

1. *Long Island* - Nursery, Potatoes, Grapes (operating all year)
2. *Hudson Valley* - Apples and Onions (mid April-late November)
3. *North Country* - Corn and Hay (Crops grown on Year Round Dairies), Apples (mid April-late November)
4. *Central New York* - Corn and Hay (Crops grown on Year Round Dairies), Mixed Berries, Apples, Mixed Ground (mid April-late November)
5. *Finger Lakes* - Apples, Grapes, Mixed Ground (mid April-late November)
6. *Western New York* - Cabbage, Apples, Nursery (mid April-late November)

(ii) *A review of the previous year's MSFW activity in the state:*

In PY12, AgLP staff visited small, medium, and large farming operations, which included seasonal and year round workforces. It is difficult to obtain accurate data on the number of MSFWs in New York because the information may come from several different sources. The AgLP staff met with NYSDOL's IT staff to ensure the reporting was accurate for the information provided in the Federal Report 5148. Once the system was updated, it became clear that the estimated number of MSFWs would be more accurate going forward. Although these estimates are more precise than in previous years, it is important to note that individuals may be counted more than once throughout the year based on their location at a given point in the year. Data obtained for PY12 MSFW activity was obtained from the 5148 report and is as follows:

1. *Long Island* - 550 workers
2. *Hudson Valley* - 2,250 workers
3. *North Country* - 2,000 workers
4. *Central New York* - 650 workers
5. *Finger Lakes* - 9,800 workers
6. *Western New York* - 900 workers

The estimates of MSFWs in each region of the state total approximately 16,150 MSFWs. These numbers show an approximate 1,500 person increase in MSFWs

in the state from PY11 and a far greater number than our estimate of 10,000 MSFWs for PY12 stated in PY11's AOP. This may be due to a stable weather situation in the second half of PY12, causing more MSFWs to remain in the state because of the available work.

- (iii) *A projected level of agricultural activity in the state for the coming year:*
The AgLP has seen an increase in the number of agricultural job orders, both for domestic labor and H-2A workers, submitted since PY12. Therefore, it is believed that the level of agricultural activity will be equal to PY12 or higher in PY14.

In PY14 an increased focus will be placed on assisting Agricultural Employers to submit job orders for domestic labor. As the AgLP was brand new in PY12, the focus was largely on meeting the Agricultural Employers across the state and notifying them of the services the Agriculture Labor Specialists ("AgLS") could provide to them and their workers on the farm. Now that the employers are aware of the AgLS in their area, more focus can be placed on providing them with the labor supply required to ensure their farms thrive. An increased labor supply will ultimately correlate to a high activity level in the industry overall.

- (iv) *A projected number of MSFWs in the state for the coming year:*
Based on last year's numbers and the data provided by NYSDOL's Division of Labor Standards in the Farm Labor Contractor Registrations and Grower/Processor Registrations for each quarter's 5148 report and that provided by PathStone Corporation, New York's WIA 167 National Farmworker Jobs Program grantee, it is the AgLP's estimate that approximately 15,000 farmworkers will be in New York during PY14.

B. Outreach Activities

- (i) *Numerical goals for the number of MSFWs to be contacted during PY14:*
The 10 bilingual AgLS (1 vacant position) are located in New York Career Centers² close to high populations of agricultural workers. For those staff who are not located in offices deemed significant by USDOL ETA, the AgLP has worked with NYSDOL's Division of Employment and Workforce Solutions ("DEWS") to ensure the AgLS can work in a significant office at least one day per week. This will ensure MSFWs can reach an AgLS from almost anywhere in the state on any given day. Because the staff is strategically located in close proximity to MSFW populations, the goal is to reach as many of the estimated 15,000 farmworkers in

² One AgLS is located in the Central Office located in Albany, NY but spends time at 2 local Career Centers during the harvest season. All other staff works out of NYS Career Centers.

PY14 as possible. Likewise, an objective of the AgLP is to visit farms with an MSFW workforce twice during the season to provide outreach services to MSFWs working on the farm during the harvest season that may not have been there earlier in the year, during the planting season.

Outreach will also continue to be provided to dairy workers, who may be year-round workers. This will lead to an overall increase in the number of farm workers reached by AgLP staff, and may also lead to the discovery of seasonal workers who may work at these dairies and can be provided outreach services.

(ii) Assessment of available resources:

1. In PY14 there will be 10 AgLS, and 3 Supervisors called Community Relations Officers (“CROs”) conducting outreach to MSFWs. In addition, the AgLP has added the Agriculture Labor Liaison to the outreach team. In addition to conducting outreach as needed, she will also be able to assist the AgLP in connecting local domestic labor with available jobs in NYS. All 14 positions are full time.
2. In addition to the 14 full time AgLP staff, the NY State Monitor Advocate will also conduct outreach throughout PY14.
3. In PY14, AgLP staff will be working closely with PathStone Corporation. Many of the staff will continue to participate in PathStone’s Program Area Advisory Committee Meetings throughout the season. In addition, the local AgLS will be working from PathStone’s Williamson office one evening (from 5-8pm) per week to serve farm workers. The AgLS role in the PathStone office will be to provide outreach, information and employment services to the farm workers who visit that location.

Additionally, the AgLP will continue to develop the services and information available to farmworkers through the Pine Island Alamo location. During PY13, the AgLP staff provided services and information from the Alamo three days a week. This will continue as we further develop the services that farm workers can access at this location.

During PY14, Riverhead’s Spanish Apostolate will also continue to host the local AgLS at their offices. For both of these locations, our staff presence provides much needed outreach and assistance to workers who would not typically visit the nearest NYS Career Center.

(iii) Tools used to conduct outreach:

To reach an estimated 15,000 MSFWs as well as year round agricultural workers in PY14, AgLP staff will use several tools:

- The primary delivery method is personal contact. Staff travel to farms several days each week to meet with MSFWs in person and provide them with packets of information relevant to their rights, supportive services available to them in the community, and employment related services available at the New York Career Centers across the state.
- Each AgLS is equipped with a Blackberry mobile device, making the AgLS accessible to MSFWs even when they are not at the Career Center.
- Prior to visiting farms, staff assemble a packet of materials including fact sheets from NYSDOL, information on other agencies serving MSFWs in the community (Community Resource Guides), and contact information for the AgLP staff. The following documents are included in the basic outreach packet for MSFWs (non-guest workers):
 - DIPA services (in English and Spanish)
 - DIPA AgLP Contact List
 - NYS Department of Labor General Services (in English and Spanish)
 - DEWS New York Career Center Locations (Contains address, and phone number)
 - DOL Protection for Farmworkers (in English and Spanish)
 - Farmworker Fact Sheet (in English and Spanish)
 - Community Resource Guide

In addition, the staff will tailor these worker packets by adding specific workshop/training opportunities available at their local Career Center.

- As always, if staff is met with resistance by Agricultural Employers that do not want to facilitate outreach to MSFWs, the staff also has a document that cites their legal authority to enter the business.
- When applicable, staff also provides outreach services at various events across the state. Several times per year, there are events held in the agricultural community where outreach can take place:
 - Empire Farm Days
 - Mexican Consulate events throughout the year
 - Guatemalan Consulate events throughout the year

C. Services Provided to MSFWs through the American Job Center Network

The goal of outreach is to contact MSFWs who are not reached by the normal intake activities of the NYS Career Center. The AgLS provide outreach services to farm workers at their living and gathering locations outside of the physical Career Center, which may include farm sites, labor camps, grocery stores, and churches. The AgLS explains the services that can be accessed at the local Career Center and also educates the farm workers on their rights and responsibilities under NYS labor law. With regard to employment services, the AgLP staff encourages farm workers to visit the nearest NYS Career Center to explore the opportunities available to them through Core, Intensive, and Training services.

AgLS provide the following services through outreach:

- Information on services available through PathStone Corporation, New York's WIA 167 grantee;
- Information on training services such as GED, ESL, and basic education available through the Career Center or other services provided in the community;
- Details on applying for Unemployment Insurance, if applicable;
- Health care, transportation, and child care services available in the local area;
- Information about New York State and Federal labor laws and their enforcement;
- Appropriate channels for filing complaints through the Employment Services Complaint System; and
- Resolution of "apparent violations" observed or uncovered by the AgLS during their outreach visit.

Providing these services to farmworkers and ensuring they utilize them, increases the likelihood of farm workers becoming more competitive in the local, regional, and national economy, and may enable them to use their acquired skills to transition to employment in the non-agricultural sector if they so choose.

In PY12, the AgLP staff visited the New York Career Centers in their territories to provide training to Career Center staff on serving MSFWs who visit the centers. In the past, Career Center staff typically referred MSFWs to the appropriate Rural Employment Services Program staff. The AgLP wanted to ensure this would no longer happen and that all Career Center staff are equipped to provide necessary services to any MSFW that walks into the Center. The AgLP staff continued this practice in PY13 and will do so in PY14 as well.

D. Services Provided to Agricultural Employers through the American Job Center Network

Providing services to Agricultural Employers in New York is extremely important because they require a reliable workforce to ensure the products they grow can be harvested in a time and manner that guarantees the highest quality product reaches consumers. The AgLS provide many services to employers, including updating them on compliance with state and federal labor laws and ensuring they have the most current posters, forms, and guides. AgLP staff also provides the following business services to Agricultural Employers:

- Assistance in recruiting domestic labor
- Matching workers' skills and experience to employer needs and available positions
- Answering questions about recruiting and registering workers
- Referrals for labor laws and compliance issues
- Labor market data

In PY14, the AgLP will continue to focus on providing Agricultural Employers the domestic labor they need to succeed in this important industry. The AgLP will continue the "Labor Needs" project that began in PY13 to determine exactly what the employers in the state are looking for in their workforce and the time of year they will most likely need workers. The Labor Needs Form provides an opportunity for the Agricultural Employer to place a local job order with the AgLS. The AgLS then enters the information into OSOS, and the job order becomes active on the New York State Job Bank, becoming visible to potential workers on the Internet.

For those workers without computer access, these jobs are also posted in the NYS Career Centers, as well as the Farm Jobs Bulletin the AgLP implemented in April 2013. This bulletin is sent out to staff approximately every two weeks and can be posted at grocery stores, churches, and other MSFW gathering locations so that they may become aware of available positions across the state. We expect these initiatives will help workers obtain jobs and employers receive the labor supply required at farms across the state.

While conducting field visits and outreach to MSFWs, the AgLP staff also speak with Agricultural Employers and provide information on services available to them. Just as the workers have a packet, the staff also prepares an employer packet prior to visiting the farm which includes the following:

- NYSDOL Services for Business Flyer
- DIPA Services Flyer
- DIPA AgLP Contact List
- NYS Agricultural Minimum Wage Poster

- NYS Federal Bonding Program
- Farm Labor Commissary Registration Form
- NYSDOL Application for Grower/Processor of Migrant Registration
- Pay Notice Agreement for Workers (in English and Spanish)
- Blank Wage Statement (For non-H2A employers)
- Blank Wage Statement (For H2A employers)
- Unemployment Insurance Employer Registration Information
- Workers' Compensation Advocate for Business Booklet
- What Business Owners Must Know About Workers' Compensation Flyer
- USDOL H-2A Employer Handbook

To maintain contact with employers and to ensure their concerns are heard, the AgLP continued to hold Post Harvest Meetings in January 2014 by webinar. In addition, the AgLP also held the first annual Dairy Meeting in January 2014 by webinar. One recording of each meeting is accessible on YouTube. Links to these recordings can be found on <http://labor.ny.gov/immigrants/agriculture-labor-program/grower-producer-meetings.shtm>

E. Data Analysis

(i) *Previous year's Non H-2A history:* The following information represents a small part of the non H-2A job orders that are received by the NYSDOL because NYS agricultural employers rely heavily on the H-2A Guest Worker Program for their labor. Supportive H-2A data for PY12 is provided below as well.

- a. Number of agricultural job orders and openings received: 119 Non-H2A job orders created, containing 428 openings; 262 H-2A job orders created, containing 3,923 openings.
- b. Number of agricultural job orders filled: 2 Non-H2A job orders were filled
- c. Percent to be filled: 99%
- d. Number of Non H-2A interstate clearance orders received: None
- e. Number of Non H-2A interstate clearance orders initiated: None

(ii) *Plan for upcoming year (estimates):*

- a. Number of agricultural job orders expected to be received: Similar to PY12, the NYSDOL expects to receive approximately 125 Non-H2A job orders in

PY14. It also expects that approximately 325 H-2A job orders will be received in PY14.

- b. Number of non-H2A agricultural job orders projected to be filled: Similar to PY12, the NYSDOL expects to refer few workers through OSOS to these job orders. The AgLP expects that the job orders will be filled and closed through our efforts promoting these jobs with a direct application process (worker applies directly with the employer) found in the New York Farm Jobs Bulletin.
- c. Percent to be filled: Again, the percentage in OSOS will be low.
- d. Estimated number of interstate clearance orders the state will receive: None
- e. Estimated number of interstate clearance orders the state will initiate: None

F. Other Requirements

(i) *State Monitor Advocate:* The newly appointed NY State Monitor Advocate, Laura Tramontana, was afforded the opportunity to review and comment on the PY 2014 Agricultural Outreach Plan.

(ii) *Review and Public Comment:* The draft of this AOP was made available through the NYSDOL's Division of Immigrant Policies and Affairs webpage for comment from April 16 through May 15, 2014. The AgLP notified the following groups for their input and comments:

- Cornell Cooperative Extension
- New York Farm Bureau
- New York State Department of Agriculture and Markets
- PathStone Corporation
- Worker Justice Center of New York
- The International Institute of Buffalo
- Cornell Farmworker Program

NYSDOL received comments from NYS Agriculture & Markets and NY Farm Bureau. The comments provided were reviewed but did not result in any changes to the 2014-2015 Agriculture Outreach Plan.