

**National
Farmworker
Jobs
Program**

NATIONAL FARMWORKER JOBS PROGRAM
Program Guide

June 2023

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1 – Introduction

This Program Guide is designed for the National Farmworker Jobs Program (NFJP) grant recipients who administer Career Services and Training Services grants and Housing grants. **This document does not have the force and effect of law and does not replace existing law or agency policies.** This tool is intended to provide an overview of NFJP and serve as a desk reference for program eligibility requirements and components.

In 2020, the Association of Farmworker Opportunity Programs (AFOP) developed this Program Guide as part of a cooperative agreement funded by the U.S. Department of Labor (USDOL) and with contributions from several representatives from the NFJP Grant Community. In 2022, the NFJP national team updated the Program Guide to align with Employment and Training Administration (ETA) guidance, [Training and Employment Guidance Letter \(TEGL\) 18-16, Change 1.](#)

The Program Guide also gives an overview of the Workforce Innovation and Opportunity Act (WIOA) of 2014 and the role of NFJP within the greater public workforce system as an American Job Center partner and a service provider to migrant and seasonal farmworkers (MSFW) across the country.

The Program Guide is organized as follows:

- **Section 2** provides a high-level introduction to the basics of NFJP.
- **Section 3** follows with an overview of WIOA and how NFJP operates within the context of WIOA and American Job Centers (also sometimes referred to locally as One-stop Career Centers).
- **Section 4** explains participant eligibility for NFJP services, examining each component of eligibility determination and how each is applied in making determinations.
- **Section 5** examines the various adult services available under NFJP, including career services and training, housing services, supportive services, and related assistance.
- **Section 6** reviews NFJP youth eligibility criteria, as well as activities and services.
- **Section 7** lists the various other types of requirements relevant to NFJP grant recipients, including the related laws, regulations, cost principles, Office of Management and Budget circulars, grant award package, Funding Opportunity Announcements (FOA), Training and Employment Notices (TEN) and Training & Employment Guidance Letters (TEGL).
- **The Appendices** provides valuable information including reporting forms, the applicable statute, regulations for NFJP, and more.

The Program Guide is a technical assistance tool and is not intended to replace or supersede guidelines or policies established by the US Department of Labor. Every effort has been made to match this document to existing federal policies and guidelines; however, if a conflict is identified, federal policy should be followed first and foremost. Also, the Program Guide covers only existing program requirements for NFJP and is not intended to establish new requirements.

The ETA's NFJP website (<https://www.dol.gov/agencies/eta/agriculture>) is a source of current information regarding the program. Additionally, the Agricultural Connection (<https://farmworker.workforcegps.org/>) is an online collection of resources for organizations and state and local agencies that serve farmworkers through the public workforce system. Grant recipients should reference the tools, including the ETA Grantee Handbook, available at the [**Agricultural Connection's NFJP Grant Administration and Operations Tools**](#).

2 – What is the National Farmworker Jobs Program?

The National Farmworker Jobs Program (NFJP) is a nationally directed, locally administered program of services for migrant and seasonal farmworkers and their dependents. Career Services and Training grant recipients help farmworkers, and their dependents acquire the necessary skills to either stabilize or advance in their agricultural jobs or obtain employment in new industries. To support better economic outcomes for farmworkers, Housing grant recipients work to meet a critical need for safe and sanitary permanent and temporary housing. The NFJP is an integral part of the public workforce system and a partner in the nationwide network of [American Job Centers](#). Additionally, NFJP partners with the [Monitor Advocate System](#) to ensure farmworkers have equitable access to career services, skill development, and workforce protections offered by American Job Centers so they may improve their living and working conditions. For more information, see the [National Farmworker Jobs Program Fact Sheet](#) and visit the [Agricultural Connection Community](#).

Target Population. NFJP serves adults, including eligible MSFW adults and adult dependents of an eligible MSFW, as well as youth, including eligible MSFW Youth and youth dependents of eligible MSFW.

Demographics. According to the Department of Labor's [Findings from the National Agricultural Workers Survey \(NAWS\) from 2019-2020 report¹](#):

- Two-thirds of farmworkers are from Mexico (63 percent). Almost one-third were born in the United States or Puerto Rico (30 percent). Five percent identified being born in Central America.
- Seventy-eight percent of all farmworkers were Hispanic. Among U.S.-born workers, 32 percent were Hispanic.
- Thirty-three percent of farmworkers self-identified as White, fewer than 1 percent as Black or African American, and 66 percent of respondents did not select a category; instead, they described race with an open-ended “other” response.
- Ten percent of farmworkers were identified as Indigenous.
- Farmworkers in their first year in the United States comprised only 1 percent of the hired crop labor force.
- Over half of all farmworkers had work authorization (56%).
- On average, the highest grade completed by workers born in the United States was 12th, and the highest grade completed by workers born in Mexico or other countries was 7th.
- Sixteen percent of farmworkers lived in a dwelling owned or administered by their current employer.
- 13 percent of the farm of the grower for whom they were working and 3 percent off the farm.
- Just fewer than a third of farmworkers lived in a dwelling defined as crowded (30%).
-
- Over half of all farmworkers had work authorization (56 percent).
- Most farmworkers were settled workers (85 percent).
- Fifteen percent were migrants.

¹ The NAWS reports can be found at <https://www.dol.gov/agencies/eta/national-agricultural-workers-survey/research>.

H-2A workers. The above statistics do not include farmworkers temporarily employed in the United States through the H-2A Temporary Agricultural Program. The Department of Labor, through the Employment and Training Administration, [Office of Foreign Labor Certification's National Office](#) and two processing centers, in cooperation with the State Workforce Agencies (SWAs), administer various Foreign Labor Certification programs. See [4.10.1 Serving H-2A workers to learn more about how NFJP grantees may provide emergency services to H-2A workers.](#)

Barriers to Employment. MSFWs are mentioned specifically in the WIOA statute as a group that experiences barriers to employment [[WIOA Sec. 3\(24\)](#)]. At the same time, MSFWs may fall within other subgroups, such as the low-income, homeless, displaced homemakers, individuals with disabilities, English language learners, youth who are in or have aged out of the foster care system, long-term unemployed individuals, single parents (including single pregnant women), individuals with low levels of literacy, etc. As such, the MSFW population can greatly benefit from career services, training services and housing services provided by NFJP grant recipients.

Grant Competition and Awards. The ETA awards NFJP grants through a competitive process held every four years through a Funding Opportunity Announcement (FOA) announced in the Federal Register and on the [grants.gov](#) website. Additional information on the most recent NFJP FOA is available here: [PY 2020 NFJP FOA.](#)

Allocation Formula. The NFJP grant award amounts are determined by a formula that estimates the relative demand for NFJP services in each state. The formula distributes funds geographically by state service area based on each area's relative share of farmworkers who are eligible for enrollment in NFJP. The data used in the formula are comprised of a combination of data sets that were selected to yield the relative share distribution across states of eligible farmworkers. More information on the most current state allocations is available in the [PY 2021 Federal Register notice](#) at: <https://www.federalregister.gov/documents/2021/06/16/2021-12604/employment-and-training-administration-eta-program-year-py-2021-workforce-innovation-and-opportunity>.

NFJP Career Services and Training Grant Recipients. ETA awards funding to grantees to provide NFJP career services and training. There is one grant recipient per state, including Puerto Rico, with a few exceptions (e.g., California, with its high population of farmworkers, has more than one, while Alaska and the District of Columbia have none). Please see <https://www.dol.gov/agencies/eta/agriculture> for information on current grant recipients.

NFJP Housing Grant Recipients. In addition, ETA awards multiple NFJP housing grant recipients at various locations across the country. Please see <https://www.dol.gov/agencies/eta/agriculture> for information on current grant recipients.

Types of Services. A grant recipient's four-year program plan must describe the population they will serve and their plan for providing services. See [20 CFR §685.420](#) for additional information on a grant

recipient's four-year program plan. Through NFJP, Career Services and Training grant recipients may provide the following services:

- Career Services [[20 CFR §685.340](#) and [20 CFR §678.430](#)]
 - [Basic Career Services](#), such as eligibility determinations, labor market information, job search, etc. For information on staff-assisted vs. self-service and what triggers program participation, see [Section 4.9.1](#).
 - [Individualized Career Services](#), such as comprehensive skill assessments, individual employment plans (IEPs), career planning, internships, placement assistance, and work experiences linked to careers.
 - [Follow-up Services](#), such as counseling regarding success in the workplace.
- Training Services [[20 CFR §685.350](#) and [20 CFR §680.200](#)]
 - Examples include occupational skills and job training, including on-the-job training and skills upgrading opportunities, which prepare participants to work in in-demand industries, meet the hiring needs of local employers, and provide participants with an industry-recognized credential.
- Housing Services [[20 CFR §685.360](#)]
 - [Permanent Housing](#), such as project management, resource development to secure acquisition, construction, renovation, and property management.
 - [Temporary Housing](#), such as emergency housing payments, including vouchers and cash payment for rent/lease and utilities.
- Youth Services [[20 CFR §685.370](#)]
 - Career services and training as offered to adults.
 - Youth workforce investment activities.
 - Life skills activities.
 - Community service projects.
 - Any activities and services available to WIOA Title I Youth as one of the 14 program elements – see [Youth Program Reference Tool](#).
- Supportive Services [[WIOA Sec. 3\(59\)](#)]
 - Any services provided to an individual already enrolled in career or training services that enable the individual to participate in those activities.
 - Examples include transportation, childcare, housing, etc.
- Related Assistance [[20 CFR §685.110](#) and [20 CFR §685.380](#)]
 - Intended to help stabilize the employment of an individual who is not otherwise participating in career, youth, or training services.
 - Emergency assistance is a type of related assistance.
 - Examples include housing, transportation, and food vouchers.

Career Services and Training grant recipients must spend at least 70 percent of their grant on employment and training services. Note, employment and training services do not include related assistance. See additional information in [FOA-20-08](#).² Career Services and Training grant recipients serve adults and youth, or only adults depending on their approved program plan. If youth services are provided, see regulations and guidance for NFJP Youth Programs are outlined in [Section 6, "What are the NFJP Youth Services and Eligibility Requirements?"](#).

² FOA-20-08 is available at [Search Grants | GRANTS.GOV](#).

Housing grant recipients may provide either permanent or temporary, or both types of housing services depending on a grant recipient's type of award. Permanent housing developed with NFJP funds must be promoted and made widely available to eligible MSFWs, but occupancy is not restricted to eligible MSFWs. Temporary housing services must only be provided to eligible MSFWs.² Additionally, except when the provision of housing assistance allows for the participant to self-select the housing (including vouchers and cash payments for rent, lease, and utilities), NFJP funds used for assistance must ensure the provision of safe and sanitary temporary and permanent housing that meets ETA and OSHA (Occupational Safety and Health Act) federal housing standards.² For further guidance on NFJP housing services, please see [20 CFR §685.360](#).

3 – What is the Workforce Innovation and Opportunity Act?

Because NFJP is authorized as a part of the Workforce Innovation and Opportunity Act of 2014 (WIOA) and is a required American Job Center (AJC) partner, it is useful for those interested in NFJP to have a fundamental understanding of WIOA and how NFJP operates within the context of the public workforce system.

3.1 What is the Purpose of WIOA?

Below are some highlights of WIOA:

Requires States to Strategically Align Workforce Development Programs: WIOA ensures that employment and training services provided by the core adult, dislocated worker, and youth programs are coordinated and complementary, so that job seekers acquire skills and credentials that meet employers' needs.

Promotes Accountability and Transparency: WIOA ensures that federal investments in employment and training programs are evidence-based, data-driven, and accountable to participants and taxpayers.

Fosters Regional Collaboration: WIOA promotes alignment of workforce development programs with regional economic development strategies to meet the needs of local and regional employers.

Improves the American Job Center (AJC) Network: WIOA increases the quality and accessibility of services that job seekers and employers receive at their local AJC.

Improves Services to Employers and Promotes Work-Based Training: WIOA contributes to economic growth and business expansion by ensuring the workforce system is job-driven, matching employers with skilled individuals.

Provides Access to High-Quality Training: WIOA helps job seekers acquire industry-recognized credentials for in-demand jobs.

Enhances Workforce Services for the Unemployed and Other Job Seekers: WIOA ensures that unemployed and other job seekers have access to high-quality workforce services.

Improves Services to Individuals with Disabilities: WIOA increases access for individuals with disabilities to high-quality workforce services and prepares these individuals for competitive integrated employment.

Makes Key Investments in Serving Disconnected Youth and Other Vulnerable Populations: WIOA prepares vulnerable youth and other job seekers for successful employment through increasing the use of proven service models and services.

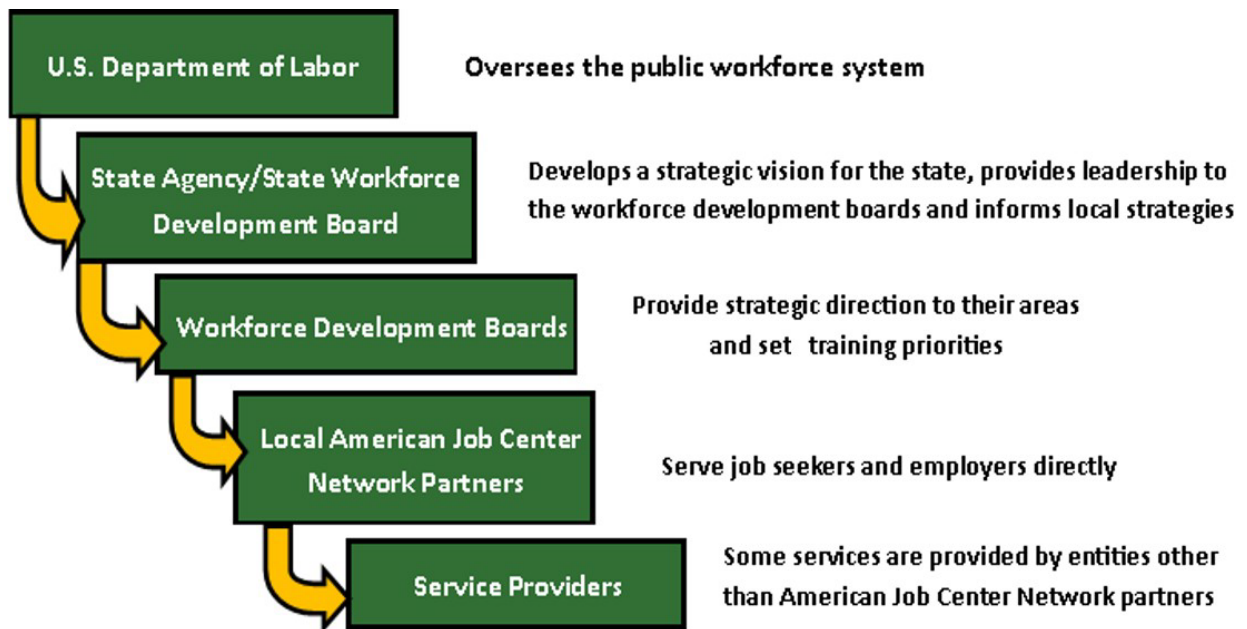
Enhances the Job Corps Program: WIOA increases the performance outcomes and quality of Job Corps.

Streamlines and Strengthens the Strategic Roles of Workforce Development Boards: WIOA makes state and local boards more agile and well-positioned to meet local and regional employers' workforce needs.

Under WIOA, partnerships at all levels – local, state, and federal – and across the system are the hallmark of the public workforce system. All levels are required to coordinate and collaborate with agencies and entities that had not previously been a part of the traditional workforce development system. Accountability and responsibility for outcomes at all levels of the system are required, with each level having particular and integral roles and responsibilities.

3.2 What are Workforce Development Boards?

The public workforce system is designed to include the full involvement of stakeholders at the state and local level, including business, labor, community organizations, and public officials, in designing and ensuring the quality of the workforce system. Through Workforce Development Boards (WDB), states and local areas develop policies, interpretations, guidelines, and definitions relating to program operations that help shape the system. State WDBs (SWDBs) oversee Local WDBs (LWDBs), which in turn oversee the American Job Centers (AJC), where employment and training services are provided. A diagram representing the funding and oversight of these different entities can be seen below:



The composition and functions of SWDBs and LWDBs are described below.

3.2.1 State Workforce Development Boards³

The purpose of the State Workforce Development Board (SWDB) is to convene state, regional, and local workforce system and partners to [\[20 CFR §679.100\]](#):

- Enhance the capacity and performance of the workforce development system;
- Align and improve the outcomes and effectiveness of federally funded and other workforce programs and investments; and
- Through these efforts, promote economic growth;
- Engage public workforce system representatives, including businesses, education providers, economic development, labor representatives, and other stakeholders, to help the workforce development system achieve the purpose of WIOA; and
- Assist to achieve the state’s strategic and operational vision and goals as outlined in the State Plan.

The Agricultural Outreach Plan, or AOP, is to be submitted as part of the State Plan; for more information, see [AOP](#) in Section 3.5.4.

The SWDB develops a 4-year strategic plan and assists the governor with developing and overseeing the workforce system in the state. The governor of a state establishes the SWDB to carry out the following functions [\[WIOA sec. 101\(d\), 20 CFR §679.130\]](#):

- Develop a 4-year unified or combined State Plan that outlines a strategy for the state’s workforce system;
- Review actions the state must take to align and streamline workforce development programs within the system;
- Develop and continuously improve the statewide workforce system;
- Designate local workforce investment areas;
- Develop and update comprehensive state performance and accountability measures to assess core program effectiveness;
- Identify and disseminate information on best practices, including best practices for the effective operation of One-stop centers, the development of effective LWDBs, and effective training programs;
- Develop performance measures for use by LWDBs in assessing the effectiveness, physical and programmatic accessibility, and continuous improvement of One-stop centers;
- Develop guidance for the allocation of One-stop center infrastructure funds;
- Develop policies relating to the appropriate roles and contributions of entities carrying out One-stop partner programs within the One-stop delivery system, including approaches to facilitating equitable and efficient cost allocation in the system;
- Develop allocation formulas for the distribution of funds to local areas for employment and training activities for adults and youth workforce investment activities;
- Develop strategies for technological improvements to facilitate access to the AJC and improve the quality of services and activities provided through the One-stop delivery system;
- Prepare an annual report for the US Department of Labor; and

³ [20 Code of Federal Regulations Part 679 Subpart A](#)

- Develop the statewide workforce and labor market information system described in sec. 15(e) of the Wagner-Peyser Act.

The SWDB membership includes [[WIOA sec. 101\(b\)](#), [20 CFR §679.110](#)] (mandatory unless otherwise stated):

- The governor;
- One member of each chamber of the state legislature;
- Members appointed by the governor, including:
 - a majority of representatives of businesses or organizations in the state, and
 - at a minimum, one member representing small businesses;
- Workforce representatives (20 percent or more) within the state, including:
 - Two or more representatives of labor organizations nominated by state labor federations;
 - One member of a labor organization or training director from a joint labor-management registered apprenticeship program, or, if no such program exists in the state, a member of a labor organization or training director who is a representative of a registered apprenticeship program;
 - (Optional) One or more representatives of community-based organizations that have demonstrated experience and expertise in addressing the employment, training, or education needs of individuals with barriers to employment, including veterans and people with disabilities;
 - (Optional) One or more representatives of organizations that have demonstrated experience and expertise in addressing the employment, training, or education needs of eligible youth, including out-of-school youth.
- The balance of the members must include:
 - The lead state officials with primary responsibility for WIOA adult, dislocated worker, and youth programs; Adult Education and Family Literacy Act (AEFLA) program; and the state Vocational Rehabilitation (VR); (in instances where the lead official represents more than one core program, that official must ensure adequate representation of the needs of all core programs under his or her jurisdiction);
 - Two or more chief elected officials (CEO) (collectively representing both cities and counties, where appropriate); and
 - (Optional) Other appropriate representatives and officials designated by the governor.

NFJP grant recipients, though not required members of SWDBs, can serve as representatives of the following non-mandatory partners:

- A community-based organization, or
- An organization serving youth.

3.2.2 Local Workforce Development Boards⁴

A Local Workforce Development Board (LWDB) is established in each local workforce investment area in the state. The LWDB, in partnership with local elected officials, sets policy for and oversees the

⁴ [20 Code of Federal Regulations Subpart C](#)

workforce system in the local area. Below are some of the LWDB's main functions [[see WIOA sec. 107\(d\)](#) or [20 CFR 679.360](#) and [20 CFR 679.370](#) for the full list]:

- Develop a 4-year local workforce investment plan for the local area;
- Conduct workforce research and regional labor market analysis;
- Convene local workforce development system stakeholders to assist in developing the local plan and in identifying non-federal expertise and resources to leverage support for workforce development activities;
- Lead efforts to engage with a diverse range of employers and other entities in the region, in order to promote business representation, develop effective linkages with employers, etc.;
- Conduct oversight of youth workforce investment activities, adult and dislocated worker employment and training activities, and the entire One-stop delivery system in the local area;
- Ensure the appropriate use and management of the funds provided for the youth, adult, disabled, and dislocated worker activities and One-stop delivery system in the local area;
- Negotiate with the CEO and required partners on the methods for funding the infrastructure costs of local One-stop centers or must notify the governor if they fail to reach an agreement at the local level and will use a state infrastructure funding mechanism (SFM);
- Select the operators of the American Job Centers in the local area;
- Selects the eligible providers of youth services and the eligible providers of adult and dislocated worker intensive and training services;
- Develop a budget for the purpose of carrying out local workforce system activities;
- Negotiate local WIOA performance measures; and
- Establish various standing committees to provide information and assist in carrying out the LWDB's responsibilities under [WIOA sec. 107](#) (see "Standing Committees" in the following section).

The LWDB includes the following members [[WIOA Sec. 107\(b\)](#), [20 CFR §679.320](#)]:

- Representatives of business in the local area, including two or more representatives of small businesses (the majority of the LWDB and the chair must be business representatives). These representatives must:
 - Be an owner, chief executive officer, chief operating officer, or other individual with optimum policymaking or hiring authority; and
 - Provide employment opportunities in in-demand industry sectors or occupations.
- Workforce representatives (20 percent or more):
 - Two or more representatives of labor organizations or other employee representatives;
 - At least one representative of a joint labor-management, or union-affiliated, registered apprenticeship (RA) program where one exists (and where not, a non-union RA program representative must be appointed, if one exists);
 - (*Optional*) One or more representatives of community-based organizations that have demonstrated experience and expertise in addressing the employment, training, or education needs of individuals with barriers to employment, including those who serve veterans, or who provide or support competitive integrated employment for individuals with disabilities;
 - (*Optional*) One or more representatives of organizations that have demonstrated experience and expertise in addressing the employment, training, or education needs of eligible youth, including representatives of organizations that serve out-of-school youth.
- Representatives of training and education providers, including:

- At least one eligible training provider administering adult education and literacy activities under WIOA Title II; and
- At least one representative from an institution of higher education providing workforce investment activities, including community colleges.
- At least one representative from each of the following:
 - Economic and community development entities;
 - The state Employment Service office under the Wagner-Peyser Act serving the local area;
 - The programs carried out under Title I of the Rehabilitation Act of 1973.

The LWDB may also include [[WIOA sec. 107\(b\)](#), [20 CFR §679.320](#)]:

- Entities administering education and training activities who represent local entities administering education and training activities;
- Educational agencies or community-based organizations with demonstrated expertise in addressing the education or training needs for individuals with barriers to employment;
- Governmental and economic and community development entities who represent transportation, housing, and public assistance programs;
- Philanthropic organizations serving the local area;
- Other appropriate individuals as determined by the CEO.

NFJP grant recipients, though not required members of LWDBs, can still serve as non-mandatory partners, such as:

- community-based organizations,
- organizations serving youth,
- entities administering education and training activities, or
- community development entities representing housing programs (i.e., NFJP housing grant recipients).
- Standing committee representative.

Standing Committees [[20 CFR §679.360](#)]. WIOA allows for the establishment of various standing committees to provide information and to assist with planning, operation, and other issues relating to the committees' areas of expertise. Standing committees must be chaired by a member of the LWDB, may include other members of the LWDB, and must include other individuals appointed by the LWDB who are not LWDB members, and who have demonstrated experience and expertise per the definition below, and as determined by the LWDB.

A representative with “demonstrated experience and expertise” means an individual who:

- is a workplace learning advisor – an individual employed by an organization who has the knowledge and skills necessary to advise other employees of that organization about the education, skill development, job training, career counseling services, and credentials, including services provided through the workforce development system, required to progress toward career goals of such employees in order to meet employer requirements related to job openings and career advancements that support economic self-sufficiency;
- contributes to the field of workforce development, human resources, training and development, or a core program function; or

- is recognized by the LWDB for valuable contributions in education or workforce development related fields [[20 CFR §679.340\(b\)](#)].

The three committees mentioned specifically in WIOA relate to the One-stop delivery system, youth, and individuals with disabilities. However, the LWDB may designate other committees as needed. The Standing Youth Committee can be a former Youth Council migrated over from the Workforce Investment Act (WIA), and would exist to assist the LWDB with planning, operational, and other issues relating to the provision of services to youth. The Committee should include community-based organizations with a demonstrated record of success in serving eligible youth [[WIOA sec. 107\(b\)\(4\)](#)].

NFJP and LWDBs. NFJP grant recipients are mandated One-stop partners in the areas where they operate. As such, grant recipients and LWDB must develop and enter into a Memorandum of Understanding (MOU) which sets forth their respective responsibilities for providing access to the full range of NFJP services through the One-stop delivery system to eligible MSFWs ([20 CFR §685.220](#)) ([See Section 3.3.3](#)). Under WIOA, NFJP grant recipients are not required on LWDBs, though boards have the option to include NFJP program representatives in the full committee or subcommittees.

3.3 What are American Job Centers? ⁵

Services available through the public workforce system are provided through a network of American Job Centers (AJC). The purpose of AJCs is to increase employment, job retention, earnings, and occupational skills of participants, and to assist employers in finding skilled applicants for job openings – a dual-customer service model. There are about 2,500 comprehensive and affiliate AJCs across the country. This section describes the AJC network and how NFJP operates within and coordinates with the AJCs.

3.3.1 Overview of the AJC Network

The American Job Center Network, also known as the One-stop delivery system, brings together workforce development, educational, and other human resource services in a seamless customer-focused service delivery network that brings universal access to the programs' services and improves long-term employment outcomes for individuals receiving assistance. One-stop partners administer separately funded programs as a set of integrated, streamlined services to customers [[20 CFR §678.300](#)].

TIP! [Careeronestop.org](#), the internet platform for the American Job Center Network, is maintained by the Department of Labor and is a valuable resource for all partners and customers in the AJC network.

3.3.2 AJC Required Partners

WIOA designates federally funded programs that require AJC partners. The LWDB may also identify additional AJC partners. The following programs, including NFJP, are required partners in the AJC Network [[WIOA sec. 121\(b\)](#), [20 CFR §678.400](#)]:

⁵ [20 Code of Federal Regulations Part 678 Subpart A – General Description of the One-Stop Delivery System](#)

- **U.S. Department of Labor** – WIOA Title I Adult, Dislocated Worker, Youth, Job Corps, Indian and Native American, and National Farmworker Jobs Programs; Wagner-Peyser Employment Service (as authorized under the Wagner-Peyser Act and amended by WIOA Title III); Senior Community Service Employment Program (SCSEP) (as authorized under Title V of the Older Americans Act of 1965); Trade Adjustment Assistance (authorized under the Trade Act of 1974, as amended); Jobs for Veterans State Grants (Chapter 41 of title 38); Unemployment Compensation programs; and Reentry Employment Opportunities (REO) program (Section 212 of the Second Chance Act of 2007 and WIOA sec. 169).
- **U.S. Department of Education** – Adult Education (AEFLA, WIOA Title II); Postsecondary Vocational Education (as authorized under the Perkins Act of 2006); and Vocational Rehabilitation (as authorized under the Vocational Rehabilitation Act of 1973, as amended by WIOA Title IV).
- **U.S. Department of Health and Human Services** – Community Services Block Grant; Temporary Assistance for Needy Families (TANF) (as authorized under the Social Security Act Title IV, part A).
- **U.S. Department of Housing and Urban Development** – Employment and training programs administered by the Department.

AJC “Infrastructure Costs” are non-personnel costs that are necessary for general operation of the One-stop center.

For example:

Rental costs for facilities

Utilities and maintenance

Equipment (including assessment-related products)

Technology to facilitate access to the One-stop

See WIOA sec. 121(h)(4)

NFJP grant recipients are required partners to AJCs in service areas where they carry out the NFJP program activities [WIOA Sec. 121(b), 20 CFR §678.415(a)]. Generally, these areas are outlined in the approved grant plans, but NFJP grant recipients should consult their Federal Project Officer (FPO) if they have questions regarding this requirement. Note that NFJP grant recipients are not required partners to AJCs in service areas where they do not carry out NFJP program activities.

Roles and responsibilities of NFJP grant recipients within the One-stop System [20 CFR §678.420]:

- Provide access to its programs or activities through the AJC network, in addition to any other appropriate locations;
- Use a portion of funds made available to NFJP, to the extent consistent with the federal law authoring the program, to create and maintain the AJC delivery system, provide applicable career services, and help pay for the American Job Center’s infrastructure costs;

- Enter into a Memorandum of Understanding (MOU) with the LWDB relating to the operation of the AJC network;
- Participate in the operation of the AJC network consistent with the terms of the MOU and the requirements of authorizing laws;
- Participate in board committees as needed.

Please refer to the WIOA program regulations at [20 CFR §678.420](#) for full information on the responsibilities for the required AJC partners.

3.3.3 Memorandum of Understanding

Because NFJP grant recipients are required partners in those local workforce investment areas where the grant recipient operates, the grant recipient and the LWDB must negotiate a Memorandum of Understanding (MOU). To facilitate transparent and flexible agreements, the LWDB and its partners are encouraged to develop a single “umbrella” MOU that addresses issues related to the local American Job Center network, its chief elected official (CEO), and *all* partners. LWDBs, with the agreement of the CEO, may still enter into separate agreements between each partner or groups of partners; however, the aim of the “umbrella” MOU is to allow partner programs to focus on service delivery and not the process of negotiating several MOUs [[20 CFR §678.505](#)].

What is an MOU?

A Memorandum of Understanding, or MOU, is an agreement developed and executed between the LWDB and the AJC partners relating to the operation of the AJC delivery system in the local area. It establishes what all involved partners are going to contribute to the overall project.

All involved partners should sign an MOU.

What must be included in the Memorandum of Understanding (MOU) [WIOA sec. 121(c), [20 CFR §678.500](#)]?

- A description of the services to be provided by each partner through the AJC delivery system, including the manner in which the services will be coordinated and delivered through the system;
- Agreement on funding the costs of the services and operating costs of the system, including infrastructure and certain additional costs;
- Methods for referring individuals between the AJC operators and partners;
- Methods to ensure that the needs of workers, youth, and individuals with barriers to employment, including individuals with disabilities, are addressed in providing access to services, including access to technology and materials that are available through the One-stop delivery system;
- The duration of the MOU and procedures for amending the MOU;

- Assurances that the MOU will be reviewed, and if substantial changes have occurred, renewed not less than once every 3-year period to ensure appropriate funding and delivery of services; and
- Any other provisions that are agreed to by the parties and are consistent with WIOA Title I and the WIOA program regulations.

Since funds are generally appropriated annually, the LWDB may negotiate financial agreements with each partner annually to update funding of services and operating costs of the system under the MOU [[20 CFR §678.505](#)]. The MOU must set forth the respective responsibilities between the AJC operator and the NFJP grant recipient for making the full range of services available through the AJC network available to eligible MSFWs [[20 CFR §685.220](#)].

For further guidance on developing an MOU with your workforce development board, please consult ETA’s Sample MOU and Infrastructure Costs Toolkit:

https://ion.workforcegps.org/resources/2017/03/23/13/30/Sample_MOU_Infrastructure_Costs_Toolkit. One sample MOU is also provided in [Appendix F](#).

3.3.4 Infrastructure Funding Agreement⁶

The MOU between NFJP and the LWDB must also contain an Infrastructure Funding Agreement (IFA) [[20 CFR §678.755](#)]. [TEGL No. 17-16, "Infrastructure Funding of the One-Stop Delivery System,"](#) outlines the requirements for this IFA put forth in the regulations, stating that the IFA must include:

- The period of time the IFA is effective (it may be different from the duration of the MOU);
- Identification of an infrastructure and shared services budget that will be periodically reconciled against actual costs incurred and adjusted accordingly to ensure that it reflects a cost allocation methodology that demonstrates how infrastructure costs are charged to each partner in proportion to its use of the One-stop center and relative benefit received, and that complies with 2 CFR part 200;
- Identification of all One-stop partners, chief elected officials (CEOs), and the LWDB participating in the IFA;
- A description of the period of modification and review process to ensure equitable benefit among One-stop partners;
- Information on the steps the LWDB, CEOs, and One-stop partners used to reach consensus, or an assurance that the local area followed the state funding mechanism process; and
- A description of the process to be used among partners to resolve issues related to infrastructure funding during the MOU duration period when consensus cannot be reached.

Also, TEGL No. 17-16 states that “the Departments [of Labor and Education] consider it essential that the IFA include the signatures of individuals with authority to bind the signatories to the IFA, including all One-stop partners, chief elected official (CEO), and LWDB participating in the IFA.”⁶

State Funding Mechanism vs. Local Funding Mechanism. A LWDB’s infrastructure costs are funded either through the local funding mechanism (LFM) or through the state funding mechanism (SFM).⁶

⁶ [TEGL No. 17-16, "Infrastructure Funding of the One-Stop Delivery System"](#)

- In the local funding mechanism (LFM), the LWDB, CEOs, and One-stop partners agree to amounts and methods of calculating amounts that each partner will contribute for One-stop infrastructure funding, include the infrastructure funding terms in the MOU, and sign the MOU. Certain requirements apply and can be found at [20 CFR §678.715](#).
- If the LWDB and its partners do not reach consensus on methods of sufficiently funding infrastructure costs for the program year, the state funding mechanism (SFM) applies. In this case, a budget for One-stop infrastructure costs will be applied, based either on agreement reached in local area negotiations, or the SWDB formula [[20 CFR §678.745](#) and [WIOA sec. 121\(h\)\(3\)\(B\)](#)].

Funding Sources. Attachment III to TEGL No. 17-16 informs us that, for NFJP grant recipients, program funds, administrative funds, or both may be used under either the LFM or the SFM. Funding for infrastructure costs and additional costs, such as shared costs and shared services, may be in the form of: (1) cash, non-cash, and third-party in-kind contributions; (2) funding from philanthropic organizations or other private entities; or (3) other alternative financing options.⁶

Third-party In-kind

Third-party in-kind contributions are contributions of space, equipment, technology, non-personnel services, or other like items by a non-partner (i.e., a third-party) to support the infrastructure costs associated with One-stop operations.⁶

3.3.5 One-Stop Operations, MSFWs, and Integration⁷

Since the One-stop Center brings together many different programs and customers under one roof, the challenge often becomes one of coordination and integration. TEGL No. 16-16, “One-Stop Operations Guidance for the American Job Center Network,” states that “the management of the American Job Center network is the shared responsibility of State and Local Workforce Development Boards, elected officials, the six WIOA core program partners, required One-stop partners and other additional One-stop partners, American Job Center operators, and service providers.” The One-stop operator is expected to “facilitate integrated partnerships that seamlessly incorporate services for the common customers served by multiple program partners of the American Job Center,” as well as promote other practices that integrate AJC services across programs, putting the customer’s needs first.

One-stops and MSFWs. Special protections for MSFWs have been built into the one-stop system. Regulations at [20 CFR §653.101](#) explicitly state that “each one stop-center must offer MSFWs the full range of career and supportive services, benefits and protections, and job and training referral services as are provided to non-MSFWs. In providing such services, the one-stop centers must consider and be

⁷ [TEGL No. 16-16, “One-Stop Operations Guidance for the American Job Center Network.”](#)

sensitive to the preferences, needs, and skills of individual MSFWs and the availability of job and training opportunities.”

The process for MSFWs to participate in workforce development activities in the AJC network is as follows [\[20 CFR §653.103\]](#):

- Each one-stop center must determine whether participants are MSFWs as defined at [20 CFR §651.10](#).
- All SWAs will ensure that MSFWs who are English Language Learners (ELL) receive, free of charge, the language assistance necessary to afford them meaningful access to the programs, services, and information offered by the one-stop centers.
- One-stop center staff must provide MSFWs with a list of available career and supportive services in their native language.
- One-stop center staff must refer and/or register MSFWs for services, as appropriate, if the MSFW is interested in obtaining such services.

NFJP Coordination Within the One-Stop System. There are some things NFJP grantees can do to “realize an enhanced coordination among WIOA programs,” some of which are listed in [attachment II to TEGL No. 16-16](#):

- Leverage the Adult Ed and Family Literacy Act (AEFLA) program as part of a career pathway strategy for program participants co-enrolled in NFJP;
- Refer NFJP participants to WIOA adult and youth formula programs if they need more intensive support around specific program elements;
- Leverage, and refer NFJP participants to, the Vocational Rehabilitation (VR) program to assist farmworkers with disabilities;
- Refer NFJP participants to the Senior Community Service Employment program for aging farmworkers;
- Refer NFJP participants to Veterans State Grant operators for farmworkers identified as veterans;
- Refer NFJP participants to Temporary Assistance for Needy Families programs for continued support for farmworker family nutrition;
- Coordinate resources to ensure customer-centered service delivery for all customers, including individuals who are English language learners and individuals who are facing substantial cultural barriers; and
- Leverage and refer NFJP participants to, Health and Human Services Head Start programs co-located in American Job Centers and [Department of Education Office of Migrant Education](#) to promote school readiness for farmworker children by supporting their educational development.

3.4 What are Wagner-Peyser Employment Services and How Do They Relate to NFJP?

The Wagner-Peyser Act of 1933 established a nationwide system of public employment offices known as the Employment Service (ES). Since the Workforce Investment Act passed in 1998 and continuing under WIOA in 2014, Employment Services (ES) and all other federal employment and training programs have been offered as part of an integrated national workforce investment system. According to [TEGL No. 16-](#)

16, “Under WIOA, Wagner- Peyser Act ES programs must be co-located in comprehensive and/or affiliate American Job Centers”.⁷

Activities funded under Wagner-Peyser include, but may not be limited to:

- Job search and placement assistance for jobseekers, including counseling, testing, occupational and labor market information, assessment, and referral to employers;
- Recruitment services and special technical services for employers, including assistance in referring skilled candidates for hard-to-fill job orders, assisting with job restructuring, and assistance in dealing with layoffs;
- Re-employment services for unemployment insurance (UI) claimants;
- Services for workers who have received notice of permanent or impending layoff;
- Development and provision of labor market and occupational information; and
- Administration of the work test site for the state unemployment compensation system.

The State Workforce Agency (SWA) is the government agency in each state that is designated to provide ES. It ensures the delivery of services authorized under the Wagner-Peyser Act and is a required One-stop partner in each state and local area.

Monitor Advocate System

The National Monitor Advocate Reports provide information on the background, including Judge Richey Court Order, of the Monitor Advocate System and the State Workforce Agency. Services to MSFWs.

Since the Judge Richey Court Order of 1972, the SWA has had particular duties and responsibilities to ensure the equitable treatment of farmworkers, including an MSFW Outreach program, MSFW-specific requirements within the employment-related complaint system, the development of an Agricultural Outreach Plan (AOP), and duties within the Monitor Advocate System, all of which are described in the following sections.

Because of their parallel work, there are many opportunities for partnership between NFJP grantees, the SWA’s MSFW Outreach Program, and the State Monitor Advocates (further described in [Section 3.5](#)). According to the regulations at [20 CFR §653.107\(a\)\(1\)](#), “SWA Administrators must ensure State Monitor Advocates (SMAs) and its own outreach workers coordinate their outreach efforts with WIOA Title I sec. 167 grantees such as NFJP, as well as with public and private community service agencies and MSFW groups.” As stated in [20 CFR §685.300](#), NFJP “grantees are responsible for coordinating services, particularly outreach to MSFWs, with the State Workforce Agency ... and the State’s Monitor Advocate.” Furthermore, the SMA is required to establish an MOU with NFJP. DOL has provided specific guidance for those MOUs in [TEGL No. 08-17](#) (see [Section 3.5.4](#)).

3.4.1 Employment Services' MSFW Outreach Programs

Each SWA must employ an adequate number of ES outreach workers to conduct MSFW outreach in their service areas. These ES outreach workers are separate from NFJP outreach workers, and their responsibilities include [\[20 CFR §653.107\]](#):

- Visiting MSFWs in their working, living, or gathering areas where they provide information about: 1) the services available to them at the One-stop; 2) ES and employment-related complaint system; 3) other area organizations serving MSFWs; and 4) farmworkers' rights.
 - Urging MSFWs to visit the local One-stop center;
 - For those MSFWs who cannot or will not visit the local One-stop:
 - assisting in the preparation of applications for Employment Services;
 - assisting in obtaining referrals to current and future employment opportunities;
 - referring complaints to the ES complaint specialist or office manager;
 - making referrals to supportive and/or career services; and
 - assisting in making appointments and arranging transportation for MSFWs or their family to/from the local One-stop or other appropriate agencies, as needed.
 - Making follow-up contacts;
 - Documenting and referring suspected and apparent violations to the appropriate ES office manager;
 - Identifying and reporting sexual harassment and similar issues; and
 - Maintaining complete records of their contacts with MSFWs and the services they perform.

SWA outreach workers in significant MSFW local offices must conduct especially vigorous outreach in their service areas.

3.4.2 ES Employment-Related Law Complaint System

Each SWA must establish and maintain a complaint system for Wagner-Peyser Act Employment Services, which is called the Employment Service and Employment-Related Law Complaint System. This Complaint System handles complaints against employers about specific jobs to which jobseekers were referred through the ES and complaints involving failure to comply with ES regulations, which are made within two years of an alleged violation. The Complaint System also accepts, refers to, and, under certain circumstances, tracks complaints involving employment-related laws. Though any individual, employer, organization, association, or other entity may file a complaint, there is special emphasis on complaints involving MSFWs. Specifically, SWAs have a shorter amount of time to attempt to resolve ES-related complaints involving MSFWs and MSFW complaints must be tracked to resolution, with updates provided to the complainant. The state agency official designated to handle MSFW complaints is the SMA [\[20 CFR §658.410\]](#). See State Monitor Advocates in [Section 3.5.1](#).

For examples of potential complaint scenarios covered by the ES and Employment-Related Law Complaint System see the [Monitor Advocate Complaint System Fact Sheet](#). Scenarios may include, but are not limited to:

- A jobseeker applies to a job to which she was referred by an AJC. The jobseeker alleges that the employer refused to hire her because she is a woman.
- A jobseeker, who does not speak English, goes to his local AJC seeking ES. He alleges that the AJC staff told him that they could not help him unless he spoke English, or that he should come back next week when bilingual AJC staff is available.
- During an NFJP eligibility determination, an MSFW applicant tells NFJP staff that she does not know how much money she was paid by her previous employer because the employer kept her paycheck, did not provide paystubs or a contract, and gave her different amounts of money on a random basis.

These scenarios should raise flags for NFJP staff to inform individuals that they can make a complaint through the ES and Employment-Related Law Complaint System. NFJP staff should share information with the SMA so that the Complaint System may be offered to them, and their grievances may be resolved.

Note: The ES and Employment-Related Law Complaint System does not cover complaints alleging violations of Unemployment Insurance regulations, WIOA Title I program, or complaints by veterans alleging violations of mandatory listing requirements under 38 USC 4212. Complaints involving those programs or requirements should be referred to the agency that administers those programs, so that they may follow their own complaint procedures. Specifically, complaints involving delivery of WIOA Title I programs (including NFJP) should be handled by the applicable WIOA grievance procedures, which may or may not be separate from the ES and Employment-Related Law Complaint System. The State Monitor Advocate (SMA) must follow-up monthly regarding MSFW complaints and inform the complainant of the status of the complaint.

3.4.3 ES Apparent Violations

In addition to the Complaint System, SWA, ES office, and state MSFW outreach program staff have an obligation to act when they observe, have reason to believe, or are in receipt of information regarding a suspected violation of employment-related laws or ES regulations by an employer. Such situations are called Apparent Violations. This means that even in cases where an individual does not wish to file a complaint through the ES and Employment-Related Law Complaint System, SWA staff must document and either attempt informal resolution or refer suspected violations to appropriate enforcement agencies. Apparent Violations may also arise from staff observations, rather than from an individual's statement. For example, staff may observe health and safety issues during outreach. Resolution efforts through the SWA's Apparent Violation procedures are available to both MSFWs and non-MSFWs. NFJPs should work with their SWA and SMA to establish a referral process to help increase employer compliance with employment-related laws and ES regulations, which works to improve the working and living conditions for MSFWs and non-MSFWs [20 CFR §658.419]. [TEGL No. 08-17](#) explains that the NFJP's MOU with the SMA must include a procedure for NFJP grantee to refer complaints and/or apparent violations to the SWA.

3.4.4 Agricultural Outreach Plan

Each State Workforce Agency (SWA) must develop an Agricultural Outreach Plan (AOP) as a part of its Unified or Combined State Plan. The State Plan must be submitted to the Secretary of Labor in order for the state to be eligible to receive allotments for its core programs.

The AOP provides an assessment of area MSFWs' unique needs, available resources, planned activities, etc. **In developing the AOP, SWAs must solicit information and suggestions from NFJP grant recipients.** Then, at least 45 calendar days before submitting its final AOP to the Department, the SWA must provide the proposed AOP to NFJP grant recipients, allowing at least 30 calendar days for review and comment.

Additionally, the AOP should detail how the State Workforce Agency (SWA), through its MSFW Outreach Program, will coordinate with the NFJP grant recipient to contact and provide services to MSFWs. This may include:

- how MSFW-related data may be shared,
- whether NFJP will conduct joint outreach with SWA MSFW Outreach Program staff, and
- how NFJP will communicate MSFW-related complaints and apparent violations of law (see [Section 3.4.3](#)).

The SWA must consider and respond to all comments received, explaining which ones were incorporated and which ones were not, and why. Upon submitting the final AOP to USDOL, the SWA must include all comments, recommendations received, and their responses [[20 CFR §653.107\(d\)\(3\)](#)].

3.5 What is the Monitor Advocate System?

The [Monitor Advocate System](#) exists to ensure that MSFWs receive equal access to the full range of Employment Services offered by the SWA. Monitor Advocates monitor SWAs to determine whether MSFWs are receiving all workforce development services, benefits, and protections on an equitable and non-discriminatory basis (i.e., career guidance, testing, job development, training, and job referral). They also monitor MSFW-related complaints that are filed through the ES and Employment-Related Law Complaint System as well as apparent violations of law involving MSFWs. The Monitor Advocate System also supports the needs of agricultural employers by connecting them with willing and able workers through the Agricultural Recruitment System (ARS).

The Monitor Advocate System is comprised of a network of Monitor Advocates at the state, regional, and national level who oversee the delivery and monitoring of specific services to farmworkers and ensure that equity measures are administered.

3.5.1 State Monitor Advocates

Each state must have a State Monitor Advocate (SMA), who is responsible for monitoring SWA services to MSFWs on an ongoing basis. SMAs monitor state and local offices as well as services provided by the SWA's MSFW outreach program in the field. In addition to monitoring Wagner-Peyser ES, SMAs monitor a state-wide complaint system to make sure that MSFW-related complaints are tracked to resolution.

SMA also have liaison and advocacy roles within the SWA. They meet with farmworkers, employers, and farmworker serving agencies, including NFJP; and they are responsible for advocating for improved services to MSFWs where issues are identified.

The SMAs work with the NFJP grant recipients and may act as a liaison to ensure that an effective partnership exists between the SWA and NFJP. A working partnership between the SWA and NFJP is important to ensure that MSFWs seamlessly receive services that are offered by both parties so that MSFWs may develop the tools they need to transition into higher-paying occupations, both in and out of the agriculture industry.

3.5.2 Monitor Advocates at the Federal Level

All Employment and Training Administration (ETA) regional offices must have a Regional Monitor Advocate (RMA) who is responsible for reviewing the effectiveness of SMAs in their regions and to monitor performance of the region's SWAs regarding equitable services to MSFWs. RMAs also monitor the complaint system and, like SMAs, advocate for improved services to MSFWs. NFJP grant recipients interact with RMAs for several reasons including that RMAs are required to establish routine and regular contacts with NFJP grant recipients and must contact NFJP grant recipients as a part of their onsite reviews of SWAs to discuss perceived trends, and/or other relevant information concerning MSFWs in the area. [[20 CFR 658.603\(p\)\(3\)](#); [20 CFR 658.603\(s\)](#)].

At the ETA national office level, there is one National Monitor Advocate (NMA) who reviews performance of both SMAs and RMAs. The NMA performs monitoring and advocacy roles similar to those of SMAs and RMAs, but at the national level. Similar to RMA responsibilities, the NMA also interacts with NFJP grant recipients as a part of the NMA's onsite reviews and the NMA must also establish routine and regular contacts with NFJP grant recipients. The NMA's Annual Reports also include recommendations about how the Department might better coordinate ES and NFJP services as they pertain to MSFWs. [[20 CFR 658.602\(n\)\(3\)](#); [20 CFR 658.602\(q\)](#)].

3.5.3 Monitor Advocates Roles and Responsibilities

All Monitor Advocates provide technical assistance at their respective levels. SMAs provide technical assistance to their SWA. RMAs provide technical assistance to SWAs and SMAs. The NMA offers technical assistance to the entire system. Monitor Advocates support the needs of MSFWs by [[20 CFR §653.108](#), [658.602-603](#)]:

- Collecting information about farmworker needs, characteristics, and concerns to improve the provision of services to farmworkers;
- Collaborating with a broad range of stakeholders, including community- and employer-based organizations;
- Ensuring that farmworkers are served equitably through the American Job Centers;
- Producing annual service assessments and analyses to promote a better understanding of services to farmworkers and to highlight special efforts and accomplishments by states in serving them; and

- Ensuring that all legal protections are afforded to farmworkers and that their complaints are promptly resolved.

3.5.4 MOU Between the SMA and NFJP Grant Recipients

The SMA must meet (either in person or by alternative means), at minimum, quarterly, with WIOA sec. 167 National Farmworker Jobs Program (NFJP) grant recipients and other organizations, to receive complaints, assist in referrals of alleged violations to enforcement agencies, and receive input on improving coordination with ES offices or improving the coordination of services to MSFWs. To foster such collaboration, the SMAs must establish Memoranda of Understanding (MOU) with the NFJP grant recipients and may establish MOUs with other organizations serving farmworkers as appropriate. [[20 CFR §653.108\(l\)](#)]. USDOL requires that “the MOU will be reviewed, and if substantial changes have occurred, revised and renewed no less than once every 4-year period to stay current with NFJP grant award cycles.”⁸

Recommendations and requirements for the SMA-NFJP MOU are laid out by the USDOL in [TEGL No. 08-17](#). The required components are as follows:

- 1) Meeting Frequency: At minimum, the SMA and NFJP must meet at least quarterly; however, the MOU can include language whereby both parties agree to meet more frequently.
- 2) Meeting Format: Describe whether meetings will take place in person or by alternative means, i.e., via teleconference or via video conference, and include information on meeting logistics as applicable. The Department of Labor recommends that an in-person meeting should be conducted at least annually.
- 3) Required Attendees: Participants must include, at minimum: a) the SMA or, if the SMA is unavailable, an individual designated by the SMA; and b) NFJP grantee representative(s).
- 4) Complaints and/or Violations: Procedure for NFJP grant recipient to refer complaints and/or apparent violations to the State Workforce Agency (SWA).
- 5) Enhance Coordination: On-going process for SMA to receive input on improving coordination with One-Stop Centers or improving the coordination of services to MSFWs in areas such as, outreach, referrals, complaints, etc.
- 6) Signatures: The MOU must be signed by an authorized signatory of the NFJP grant recipient, the SMA, an authorized signatory of the SWA, and any other signatory deemed necessary.

USDOL makes several other recommendations for this collaborative effort as well, such as cross-training staff, sharing data, and working together to educate workforce system partners on the complaint system and NFJP services. USDOL further states that RMA and Federal Project Officers (FPO) are available to help in this effort if needed.¹⁰

⁸ TEGL No. 08-17: https://wdr.doleta.gov/directives/corr_doc.cfm?docn=6290.

3.6 Career Pathways and NFJP

In the vernacular, “career pathways” usually means a person’s career over their lifetime. Under WIOA, however, the term “career pathways” has a more specific meaning and is defined in WIOA Sec. 3(6) as “a combination of rigorous and high-quality education, training, and other services that:

- a) aligns with the skill needs of industries in the economy;
- b) prepares an individual to be successful in any of a full range of secondary or postsecondary education options, including apprenticeship;
- c) includes counseling to support an individual in achieving the individual’s education and career goals;
- d) includes, as appropriate, education offered concurrently with and in the same context as workforce preparation activities and training for a specific occupation or occupational cluster;
- e) organizes education, training, and other services to meet the particular needs of an individual in a manner that accelerates educational and career advancement;
- f) enables an individual to attain a secondary school diploma or its recognized equivalent, and at least one recognized postsecondary credential; and
- g) helps an individual enter or advance within a specific occupation or occupational cluster.”

WIOA requires states and localities to collaborate with adult education, postsecondary education, and other partners to establish career pathways systems that make it easier for eligible jobseekers to attain the skills and credentials needed for jobs in their regional economy.

3.6.1 The Career Pathways Toolkit

Employment and Training Administration (ETA) at the USDOL has developed and released a resource called “The Career Pathways Toolkit: An Enhanced Guide and Workbook for System Development,” which they expect “will be especially helpful for state offices and partners required to develop a Unified [or State] Plan as well as staff members supporting State Workforce Development Boards.” (See more on the State Plan in [Section 3.2.1](#)).

The toolkit is available at <https://strategies.workforcegps.org/resources/2014/08/11/16/29/career-pathways-toolkit-six-key-elements-for-success>.

3.6.2 Ways to Implement Career Pathways

Workforce Development Boards and other workforce system partners are ideally situated to take on a leadership role in developing these career pathways. Below is a non-exhaustive list of the things that can be done:

- Collecting, analyzing, and sharing labor market information (LMI);
- Providing skills assessments, skills matching, and career navigation functions, including the identification of skills gaps where training is needed;
- Providing counseling and support services;
- Providing access to and funding for training;
- Providing job search assistance;
- Providing support for research, development, and capacity building;

- Convening or assisting in the convening of key program partners;
- Using labor market information to identify high-demand employers and industry sectors in the state or region;
- Facilitating or convening sector partnerships;
- Working with partners to identify a common vision, mission, and goals;
- Sharing existing community asset audits or participating in such audits;
- Comparing the skills requirements of employers to the education and skills levels of the population, and identifying skills gaps;
- Collaborating with other partners to assess the region’s education and training capacity;
- Coordinating with partners on career navigation and support services;
- Helping to identify and pursue leveraged funding and partnerships; and
- Continuously reaching out to community stakeholders, including employers, to build support for the career pathways system and initiatives.

NFJP follows many of these suggestions, such as sharing LMI, providing counseling and supportive services, providing access to training, providing skills assessment, etc.

3.6.3 NFJP and Career Pathways

NFJP is an integral part of many state and local career pathways networks. Grant recipients can review the “Career Pathways 6 Key Elements” below and use it to demonstrate how they fit in with and complement others’ efforts.



1. **Build cross-agency partnerships & clarify roles:** NFJP builds partnerships with entities like the SMA, the state’s outreach workers, employers, the LWDBs, community colleges, and other federal programs like HEP (High School Equivalency Program) and CAMP (College Assistance Migrant Program) in the Department of Education’s Office of Migrant Education. Roles of each partner are often clarified through Memoranda of Understanding (MOUs).
2. **Identify sector or industry & engage employers:** Using LMI and participants’ interests/strengths, NFJP identifies appropriate industries, e.g., engineering or healthcare, for which to develop training. NFJP then engages employers to help provide training, apprenticeships, or job openings for graduates of the NFJP training program.
3. **Design education & training programs:** NFJP designs education and training programs based on the population it serves and the occupations, including agricultural and other career pathways, which are in-demand in its area.
4. **Identify funding needs & sources:** NFJP uses the funding from DOL to provide training, related assistance, and supportive services to participants.
5. **Align policies & programs:** NFJP establishes standard operating procedures that are in alignment with state and federal policy, as well as consistent within its own program.
6. **Measure system change and performance:** This is a broader goal meant to measure the entire system’s responsiveness to the labor market. To do this, there is a 20–question assessment in the toolkit to help local and regional workforce organizations (and current sector partnerships) determine how well they are implementing full-scale sector strategies today and where they should prioritize future enhancements.

Note: since no one organization can realize all the CP elements (nor should they be expected to), NFJP grant recipients are strongly encouraged to partner with others in this effort.

3.6.4 Career Pathways Resources

The Career Pathways Community has an extensive catalogue of resources on career pathways, found here:

https://careerpathways.workforcegps.org/resources/2016/05/09/11/16/Federal_Career_Pathways_Resources_and_Tools.

Additionally, the following websites can be consulted:

- **Competency Models:** A competency model is a collection of competencies that, taken together, define successful performance in a particular work setting. Competency models serve as a starting point for the design and implementation of workforce and talent development programs. To learn about the industry-validated models visit the Competency Model Clearinghouse (CMC) at [Competency Model Clearinghouse - Industry Competency Models](#). The CMC site also provides tools to build or customize industry models, as well as tools to build career ladders and career lattices for specific regional economies.
- **MyNextMove.org** is a website designed to help people launch a career search. Individuals can browse careers by keyword, industry, or their own interests.
 - <https://www.miproximopaso.org/>, “Mi Proximo Paso,” is the same website translated into Spanish.

- <https://www.mynextmove.org/vets/>, “My Next Move for Veterans,” is custom-built for people who have done military service and are looking for a career that builds on skills and experience they already have from their military job.
- [Onetonline.org](https://www.onetonline.org/) is the nation’s primary source for occupational information, describing hundreds of jobs and the tasks, skills, credentials, salaries, etc., that are associated with them. It is used by job seekers, employers, human resources, career counselors, etc., to help identify the skills or workers they need.

4 – How is Eligibility for NFJP Determined?

Section 4 reviews the criteria grant recipients must use in determining whether an individual is eligible for services under NFJP. The section first provides a high-level overview of the eligibility criteria, and then reviews the individual components of these criteria to see how they are defined and implemented. The last part of this section covers NFJP grant recipient responsibilities for eligibility determination. Eligibility requirements are fully outlined in the NFJP eligibility guidance, [TEGL No. 18-16 Change 1](#). Requirements in WIOA and in program regulations are cited throughout this chapter where applicable.

4.1 What are the Eligibility Criteria for NFJP Services?

[WIOA Sections 3\(36\)](#) and [167\(i\)](#) changed the definition of eligible participants in NFJP. Previously, the definition of an eligible seasonal farmworker was to be “disadvantaged” according to national poverty levels. Now that definition has been broadened to include foster children, the homeless, and low-income persons with disabilities, as well as anyone receiving, or having received, or been in a family that is receiving or has received public assistance. Furthermore, the definition of “farmwork” has been changed to include processing tasks and fish-farming.

To qualify for services from NFJP (other than self-service, informational activities, and eligibility determination services), on the date of application, an individual must be:

- A. Either a(n):
- Eligible seasonal farmworker adult;
 - Eligible migrant farmworker adult;
 - Eligible MSFW youth;
 - Dependent Adult of an MSFW; OR
 - Dependent Youth of an eligible MSFW.

AND

- B. A low-income individual who faces multiple barriers to economic self-sufficiency (see [TEGL No. 18-16 Change 1](#) and [Section 4.5](#) of this guide below for more information).

Additionally:

- Individuals who are determined ineligible for NFJP should be referred to other AJC services or alternative programs for which they may qualify.
- Participation in programs and activities receiving WIOA funds “shall be available to citizens or nationals of the United States, lawfully admitted permanent resident aliens, refugees, asylees, and parolees, and other immigrants authorized by the Attorney General to work in the United States” [[WIOA Sec. 188\(a\)\(5\)](#)]. [TEGL No. 2-14](#) establishes that Deferred Action for Childhood Arrivals (DACA) individuals also have the right to work in the United States.
- Male participants in NFJP must have presented and submitted to registration as required by Section 3 of the Military Selective Service Act (50 U.S.C. App. 453) (see [WIOA Section 189\(h\)](#)).

[TEGL 11-11, Change 1 and 2](#) provide Selective Service registration requirements for ETA programs authorized by WIOA.

For the purpose of determining eligibility for individuals receiving housing services, the same eligibility requirements (farmworker status and low-income status) apply as described in [TEGL 18-16, Change 1](#). For an MSFW's family member who does not meet the definition of dependent at [20 CFR 685.110](#), grant recipients must serve them as an eligible MSFW individual or Other Individual, as appropriate. NFJP-funded permanent housing developed with NFJP funds must be promoted and made widely available to eligible MSFWs, but occupancy is not restricted to eligible MSFWs.

4.2 What is the Eligibility Determination Period for NFJP?

Eligibility Determination Period for Farmworker Status: To determine an applicant's farmworker status, grant recipients must use any consecutive 12-month period within the 24-month period immediately preceding the date of application for NFJP by the MSFW applicant.

- An applicant's eligibility determination shall be valid for 60 days from the date of the initial application. After the initial 60-day period has elapsed, if the individual is not an enrolled participant, the grantee will update the information to re-certify the applicant.
- When an applicant was unavailable for work in the period immediately preceding the date of application because he/she had been in the armed forces, institutionally confined by incarceration or other legal detainment, hospitalized, or otherwise unavailable due to a documented disability, grantees may establish an eligibility determination period during the 24 months immediately preceding the date of such unavailability, provided, however, that such period may not begin more than 48 months prior to the date of application.

Eligibility Determination for Low-income Status: To determine an applicant's low-income status, grant recipients must calculate income at the time of application to understand their current financial circumstance.

- **Methods for Calculating Income.** MSFWs experience earnings fluctuations throughout the year due to the nature of working in the agriculture industry. Determining whether an individual meets the low-income requirement by gathering source documentation for the past 12 months may be challenging and may distort an individual's financial circumstance at the time of application. NFJP grantees have the discretion to develop policies, outline methodologies, and select a method that annualizes an individual's income in a way that reflects the financial circumstances of an individual at the time of application. Grant recipients should document any changes in wages and salaries and document the reason they chose a specific method to annualize an individual's income. All methods must be aligned with the grant recipient organization's policies and procedures.

See [TEGL No. 18-16 Change 1](#) for additional information on program eligibility.

TIP! Depending on the data used, this eligibility determination period will not necessarily match the eligibility period for the low-income provision. For more information, see [Section 4.5 How does NFJP Determine Low-income Status?](#)

4.3 How does NFJP define Farmworker Status?

The following definitions are used to define farmworker for purposes of eligibility [[WIOA sec. 167\(i\)](#)]:

- An **eligible seasonal farmworker** is a low-income individual who
 - during the 12-consecutive month eligibility determination period, has been primarily employed in agricultural or fish farming labor that is characterized by chronic unemployment or underemployment; or
 - faces multiple barriers to economic self-sufficiency.
 - Dependents of seasonal farmworkers are also eligible.
- An **eligible migrant farmworker** is a seasonal farmworker or his/her dependent whose agricultural labor requires travel to a job site such that the farmworker is unable to return to a permanent place of residence within the same day.
- **Eligible MSFW youth** means an eligible MSFW aged 14-24 who is individually eligible.
- **Dependent Adult** or **Dependent Youth** (aged 14-24) means an individual who is a dependent of an eligible MSFW.

See [Section 6](#) for more information on MSFW youth eligibility criteria.

4.3.1 Definition of “Primarily Employed in Agricultural Labor,” etc.

[TEGL No. 18-16 Change 1](#) on NFJP “Program Eligibility and Enrollment Guidance,” clarifies several things regarding the definitions of farmworker. Firstly, “primarily employed in agricultural or fish farming labor” means an individual earns at least 50 percent of his/her total income from farm work or is employed at least 50 percent of his/her total employment time in farm work.

Secondly, the terms “chronic unemployment or underemployment” used in the definition of eligible seasonal farmworker refer to the nature of the agriculture or fish farming labor force as a whole and not whether an applicant is either chronically unemployed or underemployed. For the purposes of determining eligibility, grant recipients do not need to demonstrate that an individual is either chronically unemployed or underemployed.

Finally, grant recipients are not required to document that an individual faces multiple barriers to economic self-sufficiency. (For additional information on individuals with multiple barriers to employment see WIOA Section 3(24).) To effectively serve all NFJP participants, grant recipients are encouraged to assess participants’ interests, strengths, and barriers to help inform their career planning approach.

4.3.2 What is “Qualifying Farmwork?”

TEGL No. 18-16 Change 1 states that “NFJP participants must have performed labor for wages in occupations and industries within agricultural production and agricultural services for 12 consecutive months out of the 24 months prior to application for the program involved.”

“Farmwork” means cultivation and tillage of the soil, dairying, production, cultivation, growing, and harvesting of any agricultural or horticultural commodities. This includes the raising of livestock, bees, fur-bearing animals, or poultry, 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. It also includes the handling, planting, drying, packing, packaging, processing, freezing, or grading prior to delivery for storage of any agricultural or horticultural commodity in its unmanufactured state. (See WIOA Final Rule <https://www.ecfr.gov/current/title-20/chapter-V/part-685>.) Per 20 CFR 685.110, Farmwork means work while employed in the occupations described in 20 CFR [§ 651.10 of this chapter](#).

Fish-farming is defined in the NAICS codes as “establishments primarily engaged in farm raising shellfish (e.g., crayfish, shrimp, oysters, clams, mollusks)” and “establishments primarily engaged in farm raising finfish (e.g., catfish, trout, goldfish, tropical fish, minnows) and/or hatching fish of any kind.”⁹

Although the NAICS codes are the primary resource used to help define farmwork, NFJP grant recipients are encouraged to draw upon multiple factors rather than refer only to the NAICS codes. For information on industry sectors, see NAICS codes available on the census website at: <https://www.census.gov/naics/> [**TEGL No. 18-16 Change 1**].

Agricultural Commodities:

All consumable products produced on a farm that are taken to market to be sold.

4.4 What is the Priority for Service for Veterans?

The Jobs for Veterans Act (38 U.S.C. §4215) requires grant recipients to provide priority of service for veterans and spouses of certain veterans for the receipt of any employment, training, and placement services directly funded, in whole or in part, by the USDOL, including NFJP. In circumstances where a grant recipient must choose between two qualified candidates for a service, one of whom is a veteran or eligible spouse, the veteran’s priority of service provisions require *that the grant recipient give the*

⁹ <https://www.naics.com/naics-code-description/?code=112511> and <https://www.naics.com/naics-code-description/?code=112512>

veteran or eligible spouse priority of service by first providing him or her that service. To obtain priority of service, a veteran or spouse must meet the program’s eligibility requirements.

For more information, see “How the Jobs for Veterans Act applies to the National Farmworker Jobs Program: <https://www.doleta.gov/programs/VETs/NFWJ.cfm>. The guidance was released under WIA but is still relevant to NFJP under WIOA.

4.5 How does NFJP Determine Low-Income Status?

A low-income individual is defined in [WIOA sec. 3\(36\)\(A\)](#) as an individual who¹⁰

- i. Receives, or in the past six months has received, or is a member of a family that is receiving or in the past 6 months has received, assistance through the supplemental nutrition assistance program (SNAP), the program of block grants to states for temporary assistance for needy families program (TANF), the supplemental security income program (SSI), or state or local income-based public assistance;
- ii. Is in a family with total family income that does not exceed the higher of:
 - a. 150 percent of the poverty guideline (Note this provision of the low-income definition takes effect July 1, 2021; ETA will subsequently revise its guidance regarding of “low-income individual” as needed, if the same provision is not included in subsequent appropriations;
 - b. 70 percent of the lower living standard income level (LLSIL);
- iii. Is a homeless individual or a homeless child or youth;
- iv. Receives or is eligible to receive a free or reduced-price lunch under the Richard B. Russell National School Lunch Act;
- v. Is a foster child on behalf of whom state or local government payments are made; **or**
- vi. Is an individual with a disability whose own income meets the income requirement above, but who is a member of a family whose income does not meet this requirement?

What qualifies as “State or local income-based public assistance” can vary from area to area. When a grant recipient is developing its organization’s policy on what is considered state or local income-based public assistance, grant recipients should consult with their FPO.

Tip! Remember, NFJP participants must meet **one** of these low-income definitions. Additionally, when using public assistance to qualify an individual as low-income (option i. above), keep in mind that this means they need to have received it anytime during the six months prior to the intake date.

¹⁰ See Section III.F. Family Income and Low-Income Eligibility guidance in [TRAINING AND EMPLOYMENT GUIDANCE LETTER No. 18-16, Change 1 | U.S. Department of Labor \(dol.gov\)](#)

What Counts as Income under WIOA?

To learn about what could be considered included income and possible methods to use to calculate income, see [TEGL 18-16, Change 1 Attachment I](#).

The Poverty Guideline and LLSIL.¹¹ The poverty guideline is calculated by taking the Census Bureau's poverty thresholds and adjusting them for subsequent price changes using the Consumer Price Index. The 2017 poverty guidelines can be found here:

<https://www.federalregister.gov/documents/2017/01/31/2017-02076/annual-update-of-the-hhs-poverty-guidelines>.

TIP! Oftentimes farmworkers have other qualities that would make them a good fit for other WIOA programs. When someone is determined eligible for NFJP, case managers can explore co-enrollment options with other programs, like the WIOA Adult or Youth programs (see co-enrollment in [Sections 5.5](#) and [6.4](#)). If a farmworker is determined ineligible, a case manager should still refer him or her to various partners.

4.6 Who is Considered a Dependent of Eligible Farmworkers?

Dependents of eligible migrant and seasonal farmworkers are eligible for NFJP. A dependent is an individual who:

- 1) Was claimed as a dependent on the qualifying farmworker's federal income tax return for the previous year;
OR
- 2) Is the spouse of the qualifying farmworker;
OR
- 3) If not claimed as a dependent for federal income tax purposes, is able to establish a relationship as the farmworkers:
 - Child, grandchild, great-grandchild, including legally adopted children;
 - Stepchild;
 - Brother, sister, half-brother, half-sister, stepbrother, or stepsister;
 - Parent, grandparent, or other direct ancestor (but not foster parent);
 - Foster child;
 - Stepfather or stepmother;
 - Uncle or aunt;
 - Niece or nephew; or
 - Father-in-law, mother-in-law, son-in-law; daughter-in-law, brother-in-law, or sister-in-law;

AND

The individual receives more than half of his/her total support from the eligible farmworker's family during the eligibility determination period [20 CFR §685.110]. This

¹¹ [TEGL No. 18-16 Change 1](#)

eligibility determination period refers to the 12-month period in which the farmworker (and not the dependent) performed agricultural labor at least 50 percent of the time or for 50 percent 50 percent of his/her wages.

4.7 What Are the Selective Service Registration Requirements for NFJP?

All male applicants for NFJP must meet Selective Service registration requirements. While this section provides basic information, the Selective Service requirements and grantee responsibilities are fully explained in [TEGL No. 11-11, Change 2](#).

4.7.1 What Are the Basic Requirements for Selective Service?

Men born on or after January 1, 1960, are required to register with Selective Service within 30 days of their 18th birthday (i.e., 30 days before or 30 days after their birthday.) This includes males who are:

- Citizens of the US;
- Non-citizens, including undocumented immigrants, legal permanent residents, seasonal agricultural workers, and refugees, who take up residency in the US before their 26th birthday; and/or
- Dual nationals of the US and another country regardless of whether they live in the US.

For US citizens, Selective Service registration is not required if the man falls within one of the following categories:

- Men who are serving in the military on full-time active duty;
- Men attending the service academies (however, if they turn 18 before actually attending the academy or leave the Academy and active military duty prior to their 26th birthday, they are required to register at that time);
- Disabled men who are continually confined to a residence, hospital, or institution; and/or
- Men who are hospitalized, institutionalized, or incarcerated are not required to register during their confinement; however, they must register within 30 days after being released if they have not yet reached their 26th birthday.

For non-US citizens, Selective Service registration is not required if the man falls within one of the following categories:

- Non-US male who came into this country for the first time after his 26th birthday. Acceptable forms of supporting documentation include:
 1. Date of entry stamp in his passport;
 2. I-94 with date of entry stamp on it; or
 3. Letter from the US Citizenship and Immigration Services (USCIS) indicating the date the man entered the United States presented in conjunction with documentation establishing the individual's age.
- Non-US male who entered the US illegally after his 26th birthday. He must provide proof that he was not living in the U.S. from age 18 through 25.
- Non-US male on a valid non-immigrant visa.

This list is not intended to be exhaustive. Please visit the Selective Service website for more information about the registration requirements at <https://www.sss.gov/>. The Selective Service System also

provides a quick reference chart showing who must register located at <https://www.sss.gov/wp-content/uploads/2020/11/WhoMustRegisterChart.pdf>.

4.7.2 How Do Grantees and Participants Verify That Selective Service Requirements Are Met?

In order to participate in NFJP, all males born on or after January 1, 1960, must present documentation showing compliance with the Selective Service registration requirement. Acceptable documentation to determine a person's Selective Service registration status includes:

- Selective Service Acknowledgement letter;
- Form DD-214 "Report of Separation" showing the person was on active duty the entire time between ages 18-26;
- Screen printout of the Selective Service Verification site:
 - [Verify Registration | Selective Service System: Selective Service System \(sss.gov\)](https://www.sss.gov) for males who have already registered, this website can be used to confirm their Selective Service number as well as the date of registration by entering a last name, social security number, and date of birth);
- Selective Service Registration Card;
- Selective Service Verification Form (Form 3A); and/or
- Stamped Post Office Receipt of Registration.

Tip! If an individual is not coming up in the online system, staff have the option of calling the Selective Service office directly to check their records: **(847) 688-6888**. After speaking with a representative to confirm the applicant is in their system, the NFJP grant recipient will send in the applicant's completed Selective Service registration form via fax with "Attn: ____" and write in the name of the representative from the phone call. This will prompt a faxed letter from Selective Service within 24-48 hours with confirmation of the individual's SS registration, after which he will be eligible to enroll with NFJP.

Registration Requirements for Males Under 26. Before being enrolled in NFJP, all males who are not registered with the Selective Service and have not reached their 26th birthday must register through the Selective Service website at <https://www.sss.gov/>. If a male turns 18 while participating in any applicable services, registration with Selective Service must be completed no later than 30 days after he becomes 18 in order to continue to receive WIOA Title I-funded services. If a man under the age of 26 refuses to register with the Selective Service, NFJP services must be suspended until he registers.

Registration Requirements for Males 26 Years and Over. Before enrolling in NFJP, all males who are 26 years of age or older, must provide (1) documentation of compliance with the Selective Service registration requirement; (2) documentation showing they were not required to register; or (3) if they were required to but did not register, documentation establishing that their failure to register was not knowing and willful.

The grant recipient may require that males 26 years and over who failed to comply with the Selective Service registration requirement request a Status Information Letter before making a determination that the failure to register was knowing and willful. Alternatively, an entity may initiate its process to

determine if the failure to register was knowing and willful without first having the applicant request the Status Information Letter. Further information on requesting Status Information Letters and determining that failure of the individual to register was not “knowing and willful” can be found in [TEGL No. 11-11 Change 2](#). This guidance provides a series of questions for grantees to determine if there is a knowing and willful failure to register. Individuals may be eligible for services if they are able to provide, and the grantee determines, that there was not a knowing and willful failure to register according to the definitions provided in [TEGL No. 11-11 Change 1](#) and [TEGL No. 11-11 Change 2](#).

NFJP grant recipients should set a policy for potential participants who are males 26 years old or older who failed to register with the Selective Service. The policy may either (1) request a Status Information Letter from a potential participant before making a determination of knowing and willful failure to register; or (2) initiate the process to determine if the potential participant’s failure to register was knowing and willful without the first requesting a Status Information Letter.

4.8 Intake, Eligibility Determination Systems, and Enrollment

Tip! *Informal assessment* is not the same as a formal *career assessment* (see [Section 5.1](#) of this guide). When conducting an *informal* assessment, questions can be structured to draw out more information than what is needed to fill in the blanks or check the boxes on an application. This information can help staff identify a need for referrals, other family members who may benefit from participation in the program, and hidden barriers.

4.8.3 Eligibility Determination Systems

To qualify as eligible for NFJP, an individual must meet eligibility requirements on the date of application for enrollment. Grantee staff must make a determination of eligibility that is based on all the available information. An applicant’s eligibility determination shall be valid for 60 days from the date of initial application. After that initial 60-day period has elapsed, if the individual is not an enrolled participant, the grantee must update information to re-certify the applicant. [[TEGL No. 18-16, Change 1](#)]

NFJP grant recipients are required to have an eligibility determination system that enables the generation of a record supporting eligibility determinations and enrollment decisions, including program participant status, low-income status, etc. [TEGL No. 23-19, Change 2, Attachment II](#) contains examples of acceptable forms of source documentation.

4.9 NFJP Enrollment

NFJP Eligibility [TEGL No. 18-16, Change 1](#) clearly states that, to be a program participant, an individual must complete the following requirements:

1. An eligibility determination; and
2. A career assessment (see [Section 5.1](#)).
3. They also must receive at least 1 of the following 5 NFJP program elements:
 - a. career services
 - b. training services
 - c. housing assistance services

- d. youth services, and/or
- e. certain staff-assisted related assistance services (see [Section 4.9.1](#) below).

These individuals will be included in either adult or youth performance calculations as appropriate. See [TEGL No. 18-16 Change 1](#) and [TEGL 14-18 Attachment 7](#) for more details.

4.9.1 Reportable Individual vs. Participant

Participant. [TEGL No. 18-16 Change 1](#) clarifies that “individuals who are enrolled in *certain* related assistance activities that require significant involvement of grantee staff are also considered participants,” in addition to those enrolling in career and training services (program elements a,b,c, and d, above) [20 CFR 685.400(b)]. Specifically, “‘certain related assistance’ activities are those that require an eligibility determination and a career assessment, as described above, and are directly related to education, training, career, and/or employment outcomes. These activities may include, but are not limited to:

- School dropout prevention and recovery activities;
- Self-employment and related business or micro-enterprise development or education; and
- Occupational career and technical education.

Reportable Individual. [TEGL No. 18-16 Change 1](#) also says that “an individual who receives only related assistance services that 1) do not require significant involvement of grantee staff time; and 2) do not require a career assessment by grantee staff of an individual’s skills, education, or career objectives (including all emergency assistance services) will be considered a “reportable individual,” as defined in [20 CFR §677.150\(b\)](#). *Such individuals are not included in performance calculations as program participants.* For example, the Labor Department does not consider pesticide and worker safety training (which neither requires a significant involvement of grantee staff time, nor career assessments) to be the kind of related assistance that requires the individual to be included in the performance calculations.”

For information on the various types of career and training services and whether or not each service triggers an individual’s inclusion in performance reporting as a participant, as well as the applicable PIRL data element numbers, please see [TEGL 14-18 Attachment 7](#).

What is Self-Attestation, Self-Certification, and Staff Determination?

Self-attestation occurs when a participant states his or her status for a particular data element and then signs and dates a form acknowledging this status. The key steps for self-attestation are: (a) the participant identifying his or her status for permitted elements and (b) the signing and dating of a form attesting to this self-identification. The form and signature can be on paper, electronic/digital declaration or in the grant recipient management information system, with an electronic signature such as email, text, or unique online survey response traceable to the participant.

Self-certification relates to a required statement that all applicants signed attestation certifying that the information provided to the grant recipient, for purposes of determining an applicant's NFJP eligibility to receive services, is true and accurate to the best of his/her knowledge. The statement should include language advising the applicant that intentionally providing false information, in order to be determined eligible, is grounds for immediate termination from the program.

Staff Determination is a signed statement made *by staff*, which documents applicant eligibility. Grant recipient staff who interview applicants for the purpose of determining eligibility must make these determinations based on all available information. Grant recipients must apply the standards that are in effect on the NFJP participants' application date. Those staff should sign a statement of eligibility determination on every completed application. This certification serves to document eligibility, and, absent such a certification, the grant recipient does not have a documented record of the applicant's eligibility.

4.10 What Are the Verification Requirements for Emergency Assistance?

Emergency assistance is a type of related assistance that addresses the immediate needs of farm workers and their families. In providing emergency assistance, NFJP grant recipients may use an abbreviated eligibility determination process. According to [TEGL No. 18-16 Change 1](#), “when an individual receives emergency assistance only (and no other NFJP services), an applicant’s self-certification is accepted as sufficient documentation of eligibility.”

Individuals who receive only emergency assistance services are considered reportable individuals and are not included in performance calculations.

4.10.1 Serving H-2A Workers

[TEGL 18-16 Change 1](#) states that, under certain circumstances, NFJP grant recipients may provide emergency assistance to H-2A Temporary Agricultural Workers (H-2A workers) to address an immediate and short-term need. Providing other types of direct services to H-2A workers is not allowable.

NFJP grant recipients are expected to leverage available alternative resources and coordinate continuously with [State Monitor Advocates](#), Farm Labor Specialists, and other community-based partners whenever possible, to raise awareness with respect to any underlying issues preventing the H-2A workers from receiving similar benefits or assistance, as required by the agricultural employer’s certified job order or work contract with the H-2A workers.

TIP! The SMA-NFJP MOU might include a process for sharing services needed by or provided to H-2A workers. For more information, see [Section 3.5.4](#).

5 – What are the Adult Service Components of NFJP?

NFJP services are provided through a case-management approach emphasizing customer choice and may include appropriate career services and training; related assistance, which includes emergency assistance; and supportive services which include allowance payments. Housing grant recipients are responsible for providing housing assistance to eligible MSFWs. [[20 CFR §685.310](#) and [330](#)].

Each grant recipient is responsible for meeting these requirements and for providing services in accordance with the service delivery strategy described in its approved grant plan. These services must reflect the needs of the MSFW population in the service area and include the services and training necessary to achieve each participant’s employment goals or housing needs [[20 CFR §685.300](#)].

Grant recipients are also responsible for fulfilling the responsibilities of One-stop partners listed at [20 CFR §678.420](#). These include providing applicable career services, further described below.

TIP! *Eligible MSFWs are not required to receive career services prior to receiving training services.* [[20 CFR §685.350](#)]

5.1 Career Services

The applicable career services to be delivered by required One-stop partners, including NFJP, are those services listed below that are authorized under each partner's program [[20 CFR §678.425-430](#)].

Basic Career Services:

1. Eligibility determinations;
2. Outreach, intake, and orientation to the information and services available through the AJC system;
3. Initial assessment of skill levels, aptitudes, abilities, and supportive service needs;
4. Labor exchange services, including:
 - (a) Job search and placement assistance and career counseling; and
 - (b) Appropriate recruitment and other business services on behalf of employers;
5. Provision of referrals to and coordination of activities with other programs and services;
6. Labor market information, including listings of job vacancies and the skills needed to obtain these jobs, and the occupations that are in demand in the local area and the earnings and skill requirements for such occupations;
7. Information about the performance and cost of eligible training providers;
8. Information about how the local workforce investment area is performing on performance measures;
9. Information about supportive services available in the area and referral to these services;
10. Information about applying for unemployment compensation; and
11. Assistance with establishing eligibility for non-WIOA programs of financial aid for training and education programs.

Individualized career services are to be provided by local areas as appropriate to help individuals to obtain or retain employment, and may include:

- 1) Comprehensive and specialized assessments of skill levels and service needs, which may include use of diagnostic testing and other assessment tools, in-depth interviewing, and evaluation to identify employment barriers and appropriate employment goals;¹²
- 2) Developing an individual employment plan (IEP);
- 3) Group counseling;
- 4) Individual counseling;
- 5) Career planning;
- 6) Short-term pre-vocational services, including the development of learning skills, communication skills, interviewing skills, punctuality, personal maintenance skills, and professional conduct;
- 7) Internships and work experiences that are linked to careers;
- 8) Workforce preparation activities;
- 9) Financial literacy services: educating participants on how to create budgets; set up bank accounts; manage spending, credit, and debt; make informed financial decisions; understand identity theft and the significance of credit reports and scores; etc.;
- 10) Out-of-area job search and relocation assistance; and
- 11) English language acquisition and integrated education and training programs.

What is an individual employment plan?

An IEP is a document that identifies the participant's employment goals, the appropriate achievement objectives, and the appropriate combination of services for the participant to achieve the employment goals, including providing information on eligible providers of training services and career pathways to attain career objectives.

Follow-up services must be provided, as appropriate, including counseling regarding the workplace, for participants in adult or dislocated worker workforce investment activities who are placed in unsubsidized employment, for up to 12 months after the first day of employment [[20 CFR 678.430\(c\)](#)].

5.1.1 Work Experience

An internship or work experience is a planned, structured learning experience that takes place in a workplace for a limited period of time. Work experience can be conducted in the private, non-profit, and public sectors. Work experience may be paid or unpaid, as appropriate, and consistent with other laws,

¹² NFJP does not prescribe one assessment tool. Organizations should choose or develop the tool best suited to their needs and participants. Some examples might include CASAS, TABE, MyNextMove, etc. Further resources are available at <https://www.onetcenter.org/guides.html>.

such as the Fair Labor Standards Act [20 CFR §680.180]. Labor standards apply in any work experience setting where an employee/employer relationship, as defined by the Fair Labor Standards Act, exists.

What is a Work Experience?

A planned, structured learning experience that takes place in a workplace for a limited period of time. It can help NFJP participants build on skills developed in agriculture and apply those in a different environment.

5.2 Training Services

Training services might include the following (this is not an exhaustive list) [[WIOA sec. 134\(C\)\(3\)\(D\)](#) and [167\(D\)](#) and [20 CFR §680.200](#)]:

1. Occupational skills training, including training for nontraditional employment;
2. On-the-job training (OJT);
3. Incumbent worker training;
4. Programs that combine workplace training with related instruction, which may include cooperative education programs;
5. Training programs operated by the private sector;
6. Skills upgrading and retraining;
7. Entrepreneurial training;
8. Transitional jobs;
9. Job readiness training provided in combination with services listed above;
10. Adult education and literacy activities, including activities of English language acquisition and integrated education and training programs, provided concurrently or in combination with training services; and
11. Customized training conducted with a commitment by an employer or group of employers to employ an individual upon successful completion of the training.

5.2.1 On-the-Job Training

NFJP grant recipients may utilize on-the-job training (OJT) as a training strategy to increase participant skills and to incentivize hiring of participants. OJT is provided under a contract between the grant recipient with an employer in the public, non-profit, or private sectors. Through the OJT contract, occupational training is provided for the WIOA participant in exchange for the reimbursement, typically up to 50 percent of the wage rate of the participant, for the extraordinary costs of providing the training and supervision related to the training. In limited circumstances, the reimbursement may be up to 75 percent of the wage rate of the participant [[WIOA sec. 134\(c\)\(3\)\(h\)](#) and [20 CFR §680.700](#)].

The OJT contract must be limited to the period of time required for the participant to become proficient in the occupation for which the training is being provided. In determining the appropriate length of the

contract, NFJP grant recipients should take into consideration the skill requirements of the occupation, the academic and occupational skill level of the participant, prior work experience, and the participant's individual employment plan [[WIOA sec. 3\(44\)](#) and [20 CFR §680.700](#)].

What is On-the-Job Training?

Training by an employer that is provided to a paid participant while engaged in productive work that provides knowledge or skills essential to the full and adequate performance of the job.

NFJP grant recipients must not contract with an employer who has exhibited a pattern of failing to provide OJT participants with continued long-term employment with wages, benefits, and working conditions equal to those provided to regular employees who have worked a similar length of time and are doing the same type of work [[WIOA sec. 194\(4\)](#) and [20 CFR §680.700](#)].

5.2.2 Incumbent Worker Training

Incumbent worker training must increase an employer's competitiveness and be conducted with the employer's commitment to retain or avert the layoffs of the incumbent worker(s) trained. There are specific guidelines, requirements, and limitations that state and local workforce development boards need to follow. See the [IWT resources](#) on WorkforceGPS.

What is Incumbent Worker Training?

Incumbent worker training is training designed to meet an employer's special requirements to retain a skilled workforce or avert the need to lay off employees by assisting the workers in obtaining the skills necessary to retain employment.

5.2.3 Transitional Jobs

Transitional jobs are designed to [[WIOA sec. 134\(d\)\(5\)](#) and [§§680.190 and 195](#)]:

- 1) Enable an individual to establish a work history,
- 2) Demonstrate work success in an employee-employer relationship, and
- 3) Develop the skills that lead to unsubsidized employment.

What are Transitional Jobs?

Transitional Jobs provide a time-limited work experience, are wage-paid and subsidized, and are in the public, private, or non-profit sectors for those individuals with barriers to employment who are chronically unemployed or have an inconsistent work history.

5.2.4 Customized Training

Customized training is training designed to meet the special requirements of an employer or group of employers. The employer commits to employing the trainees upon successful completion of the training and pays for a significant cost of the training [[WIOA sec. 3\(14\)](#) and [20 CFR §§680.760 and 770](#)].

5.3 Supportive Services

Supportive services are any services provided to an individual also enrolled in career or training services. Examples of supportive services can include [[WIOA sec. 3\(59\)](#)]:

- Transportation
- Childcare
- Dependent care
- Housing
- Needs-related payments

What are Supportive Services?

Supportive Services are those necessary to enable an individual to participate in the activities authorized under NFJP.

5.4 Related Assistance

Related assistance can include, but is not limited to, the following activities [[WIOA sec. 167\(d\)](#) and [20 CFR §§685.110 and 380](#)]:

1. Emergency assistance;
2. English language and literacy instruction;
3. Pesticide and worker safety training;
4. Work clothing;
5. Transportation assistance;
6. Housing (including permanent housing); and
7. School dropout prevention and recovery activities.

What is Emergency Assistance?

Emergency Assistance is a form of related assistance that addresses the immediate needs of the MSFWs and their dependents.

NFJP grant recipients may provide related assistance such as emergency assistance, worker safety training, etc., to eligible MSFWs who are not otherwise participating in activities authorized under WIOA. The grant recipient must first identify and document the need for the related assistance, which may include a statement by the eligible MSFW (see [Section 4.10](#)).

Emergency assistance may include, but is not limited to, the provision of necessary items like work clothing, food, and transportation vouchers.

5.5 Adult Co-Enrollment

NFJP grant recipients should design their assessments to determine whether participants might qualify for and benefit from other WIOA programs. Some of the programs likely to intersect with the unique needs and barriers of MSFWs are:

- [WIOA Adult](#) and [Dislocated Worker programs](#) – for adult or dislocated workers
- [Indian and Native American programs](#) – for Indian or Native American farmworkers
- [Vocational Rehabilitation programs](#) – for people with disabilities
- [Head Start](#) – for low-income parents of young children
- [Jobs for Veterans State Grants](#) – for those who have served in the armed forces

Adult Co-Enrollment Example. Jeremiah is a 25-year-old farmworker enrolling with NFJP in the hopes of getting a higher-paying job. He has worked in the fields since he was 16 and meets the WIOA definition of low-income. He quit school in 8th grade and never got his GED. Jeremiah has also struggled off-and-on with substance abuse.

In which programs could NFJP co-enroll Jeremiah?

Jeremiah can be referred to Rehabilitative Services for substance abuse, since that is one of the first challenges he'll need to overcome. He can also be co-enrolled with a Title II Adult Basic Education provider, to obtain his GED.

Benefits of Co-Enrollment. Participating in multiple core WIOA programs concurrently can facilitate effective partnerships and cost-sharing across programs. Integrated services can also help put an individual on a smoother, more satisfying career pathway. Key to the success of these partnerships is: a clear and robust data-sharing agreement; good communication between respective case managers; and a good financial tracking system, in order to avoid duplication of costs and services.

Tip! While resources across programs should be leveraged to best serve the participant, NFJP should *not* communicate that they are a “program of last resort.” This could discourage a qualified participant from applying who could be well-served in that program.

Memorandum of Understanding. The framework for NFJP-WIOA co-enrollments should be built into each program’s MOU with the LWDB, as previously described in [Section 3.3.3](#).

6 – What are the NFJP Youth Services and Eligibility Requirements?

Under WIOA, NFJP grant recipients may provide youth services to MSFWs aged 14-24. Not all NFJP grant recipients propose to incorporate youth services into their program, but rather would fold all NFJP youth ages 18-24 into the adult program (see [Section 5](#)).

MSFW youth may face many of the same barriers to employment that adult MSFWs do, such as lack of transportation, lack of diploma or high school equivalency, and farmworker status. In addition to these barriers, many youth participants face additional barriers, such as lack of basic life or employability skills, challenging family situations or homelessness, a history of substance abuse, or justice involvement. Because of this potential combination of barriers, many participants can best be served by programs and services that are designed specifically for youth participants.

6.1 Eligibility

A migrant and seasonal farmworker (MSFW) youth is an individual between the ages of 14-24 who is:

<ul style="list-style-type: none">• Is an individually eligible MSFW who meets these criteria:• Low-income at the time of application (see Section 4.2) <p>AND</p> <ul style="list-style-type: none">• Primarily employed in agricultural or fish farming labor that is characterized by chronic unemployment or underemployment for 12 consecutive months out of the 24 months prior to application for the program involved.
<p><u>OR</u></p>
<ul style="list-style-type: none">• Is a dependent of an eligible MSFW (see Section 4.6). A dependent is an individual who:• Was claimed as a dependent on the qualifying farmworker's federal income tax return for the previous year;• Is the spouse of the qualifying farmworker; OR• If not claimed as a dependent for federal income tax purposes, is able to establish a qualifying relationship with the farmworker (see Section 4.6); <p>AND</p> <ul style="list-style-type: none">• The individual receives half of his/her total support from the eligible farmworker's family during the eligibility determination period (see Section 4.2).

6.2 Enrollment

When enrolling an NFJP youth participant, NFJP grant recipients should follow these steps (see for comparison adult enrollment in [Section 4.9](#)):

1. Make an eligibility determination;
2. Provide for an assessment;
3. Develop an individual service strategy, including which adult or youth program would be appropriate for the individual; and
4. Provide various services or activities to the youth ([See Section 6.4](#)).

Depending on the applicant's age, a participant ages 14-24 could fall into one of the following categories:

- Age 14-24 youth
- Age 18 and over adult

NFJP participants cannot be designated as both NFJP youth and adult. They must be categorized as one or the other upon enrollment, and their outcomes reported accordingly.

Participants between the ages of 14-17 automatically fall into the “youth” category, while those participants aged 18 and older should be evaluated to determine which services, adult, or youth, will enable them to achieve the goals set forth in their IEPs. Assessments of skills, career-readiness, literacy, and supportive service needs should be taken into consideration when determining the appropriate services for all participants, including youth [[TEGL No. 21-16, Change 1](#)].

6.3 Objective Assessment

To determine whether the youth or adult program would best meet the needs of MSFW youth, NFJP grant recipients can conduct an assessment of the youth's occupational skills, prior work experience, employability, and needs [20 CFR §681.440]. This can be compared to the career assessment and individual employment plan provided to NFJP adults (see “Individualized Career Services” under [Section 5.1](#)).

What is an Objective Assessment?

An objective assessment is a procedure designed to comprehensively assess the skills, abilities, prior work experience, employability, interests, aptitudes, and needs of each career and training participant, for the purpose of identifying appropriate services and career pathways for participants.

The methods used by the grant recipient to conduct an objective assessment could include [\[WIOA sec. 127\(C\)\(1\)\(A\)\]](#) and [\[20 CFR §681.420\(a\)\(1\)\]](#):

- Structured in-depth interviews;
- Skills and aptitude assessments;
- Performance assessments (for example, skills or work samples, including those that measure interest and capability to train in nontraditional employment);
- Interest or attitude inventories;
- Career guidance instruments;
- Aptitude tests; and
- Basic skills tests.

The objective assessment is an ongoing process that requires the grant recipient staff to remain in close consultation with each participant to continuously obtain current information about the participant's progress that may be relevant to his/her individual employment plan (see “What is an IEP?” in [Section 5.1](#)).

6.4 NFJP Youth Co-Enrollment

Individuals who meet the respective program eligibility requirements may participate in NFJP and youth programs (e.g., WIOA Youth) concurrently. Co-enrollment can facilitate effective partnerships and cost-sharing across programs and can also provide the youth with access to further resources and services. NFJP should leverage these partnerships whenever possible, while also identifying and tracking the funding streams to ensure no duplication of services [\[20 CFR §681.430\]](#).

The WIOA regulations adjusted the upper (24) and lower (14) age ranges of eligible NFJP youth to facilitate co-enrollment across programs. Participating individuals must be eligible under the youth or adult eligibility criteria applicable to the services received.

6.4.1 Opportunities for Partnership

Many organizations in the workforce system are also serving youth. To find possible partners for referral or co-enrollment of an MSFW youth participant, go to your LWDB to determine whether a Standing Youth Committee has been designated (see [Section 3.2.2](#)). Standing Youth Committee members will be familiar with the local organizations who are serving youth, including those who provide services under other [ETA programs](#) such as WIOA Youth Formula Program, YouthBuild, Reentry Employment Opportunities, and Job Corps.

6.5 NFJP Youth Eligibility vs. WIOA Youth Eligibility

WIOA Youth formula grantees are encouraged to “partner with existing local, state, or national entities, that can provide program element(s) at no cost to the local youth program” [\[20 CFR §681.460\]](#). NFJP is one of those potential partners, and there is a lot of potential eligibility overlap between WIOA Youth and NFJP.

Grant recipients may provide services to any NFJP-eligible MSFW youth, regardless of the participant's eligibility for WIOA Title I Youth activities [[20 CFR §685.370](#)]. Furthermore, a participant who does not meet NFJP eligibility criteria, but who meets WIOA Title I Youth eligibility criteria should be referred to WIOA youth services or other programs and *cannot* be enrolled in NFJP. However, participants who qualify under both can be co-enrolled. To learn more program eligibility for WIOA Title I Youth Services see [TEGL 21-16, Change 1](#). Please refer to [Section 6.1](#) of this program guide and WIOA sec. 129(a) for a full description of each program's eligibility requirements.

6.6 NFJP Youth Program Elements

Grant recipients may provide activities and services to NFJP youth that include but are not limited to [[20 CFR §685.370](#)]:

- Adult career services and training (as described in [Section 5.1-2](#) for eligible MSFWs);
- Youth workforce investment activities specified in WIOA sec. 129;
- Life skills activities, which may include self- and interpersonal-skills development;
- Community service projects; and
- Other activities and services that conform to the use of funds for youth activities described in [20 CFR §681](#) (see the following section, WIOA Youth Program Elements).

6.7 WIOA Youth Program Elements

Under the WIOA Youth Program, local programs are required to offer the following 14 program elements to each participant [[20 CFR §681.460](#)]. NFJP youth participants should also have access to these 14 elements through the One-stop System, of which NFJP is a required partner. Based on each NFJP youth's IEP, referrals, and co-enrollments to various desired WIOA Youth program elements not provided by NFJP can be pursued through local One-stop partners or other partner programs.

For more resources under each element such as promising practices, program models, guides, toolkits, and much more, please see [WIOA Youth Program Element Resources](#) on the Department of Youth Services' (DYS) WGPS community.

6.7.1 Tutoring, Study Skills Training, Instruction, and Dropout Prevention

Tutoring, study skills training, and instruction lead to a high school diploma includes services such as providing academic support, helping a youth identify areas of academic concern, assisting with overcoming learning obstacles, or providing tools and resources to develop learning strategies. Tutoring, study skills training, and instruction can be provided one-on-one, in a group setting, or through developed resources and workshops. School retention strategies intended to lead to a high school diploma include activities that keep a young person in-school and engaged in a formal learning and/or training setting. Strategies include, but are not limited to, tutoring, literacy development, active learning experiences, after-school opportunities, and individualized instruction.

6.7.2 Alternative Secondary School and Dropout Recovery Services

Alternative secondary school services are services that assist youth who have struggled in traditional secondary education. Dropout recovery services are those that assist youth who have dropped out of school. Both types of services help youth to re-engage in education that leads to the completion of a recognized high school equivalent.

Examples of activities under this program element include:

- Basic education skills training
- Individualized academic instruction
- English as a Second Language training
- Credit recovery
- Counseling and educational plan development

6.7.3 Paid and Unpaid Work Experience

A WIOA Youth work experience is a planned, structured learning experience that takes place in a workplace for a limited period of time, and may take place in the private for-profit sector, the non-profit sector, or the public sector. Work experiences provide the youth participant with opportunities for career exploration and skill development [[20 CFR §681.600](#)].

A key difference for WIOA youth work experiences (as compared to work experiences for adults and dislocated workers [as discussed in Section 5.1.1](#)), is that they include academic and occupational education. The educational component may occur concurrently or sequentially with the work experience. This means that workforce preparation activities, basic academic skills, and hands-on occupational skills training are to be taught within the same time frame and connected to training in a specific occupation, occupational cluster, or career pathway.

Some types of work experiences might include:

- Summer employment;
- Pre-apprenticeship programs;
- Internships and job-shadowing;
- OJT opportunities.

6.7.4 Occupational Skills Training

Occupational Skills Training is an organized program of study that provides specific vocational skills that lead to proficiency in performing actual tasks and technical functions required by certain occupational fields at entry, intermediate, or advanced levels [[20 CFR §681.540](#) and [WIOA sec. 123](#)]. Such training must:

- (1) Be outcome-oriented and focused on an occupational goal specified in the individual service strategy;
- (2) Be of sufficient duration to impart the skills needed to meet the occupational goal; and
- (3) Lead to the attainment of a recognized postsecondary credential.

6.7.5 Education Offered Concurrently with Workforce Preparation

Educational opportunities offered to WIOA youth must be offered concurrently with and in the same context as workforce preparation activities and training for a specific occupation or occupational cluster. This should reflect an integrated education and training (IET) model where basic skills and occupational training are taught within the same time frame and connected to a specific occupation, occupational cluster, or career pathway [[20 CFR §681.630](#)].

6.7.6 Leadership Development Opportunities

Leadership development opportunities are opportunities that encourage responsibility, confidence, employability, self-determination, and other positive social behaviors through [[20 CFR §681.520](#)]:

- Exposure to postsecondary educational possibilities;
- Community and service-learning projects;
- Peer-centered activities, including peer mentoring and tutoring;
- Organizational and teamwork training;
- Training in decision-making;
- Citizenship training, including life skills like parenting and work behavior;
- Civic engagement activities that promote the quality of life in a community; and
- Other leadership activities that place youth in leadership roles, such as serving on a [Standing Youth Committee](#).

What is a Standing Youth Committee?

Under WIOA, standing youth committees can be established by Local WDBs to provide information and to assist with planning, operational, oversight, and other issues relating to the provision of services to youth. See “Standing Committees” under [Section 3.2.2](#).

6.7.7 Youth Supportive Services

Supportive Services for WIOA youth are services that enable an individual to participate in WIOA activities. These include, but are not limited to [[20 CFR §681.570](#), [WIOA sec. 3\(59\)](#)]:

- Linkages to community services;
- Assistance with transportation;
- Assistance with childcare and dependent care;
- Assistance with housing;
- Needs-related payments;
- Assistance with educational testing;
- Reasonable accommodations for youth with disabilities;
- Legal aid services;
- Referrals to health care;

- Assistance with uniforms or other appropriate work attire and work-related tools, including such items as eyeglasses and protective eye gear;
- Assistance with books, fees, school supplies, and other necessary items for students enrolled in postsecondary education classes; and
- Payments and fees for career and training-related applications, tests, and certifications.

6.7.8 Adult Mentoring

Adult mentoring for WIOA youth must last at least 12 months and may take place both during the program and following exit from the program. It must be a formal relationship between a youth participant and an adult mentor that includes structured activities through which the mentor offers guidance, support, and encouragement to develop the competence and character of the mentee. It may also be offered in the workplace where the youth is matched with an employer or employee of a company.

Group mentoring and mentoring remotely are acceptable, provided the youth is additionally matched with an individual mentor with whom he/she interacts face-to-face [[20 CFR §681.490](#)].

6.7.9 Follow-up Services

Follow-up services are critical services provided after a WIOA youth exits the program to help ensure the youth is successful in employment and/or postsecondary education and training. Exit is recorded for a youth when 90 consecutive days of no services are received, retroactive to the last date of service. Follow-up services may include regular contact with a youth participant's employer, including assistance in addressing work-related problems that arise [[20 CFR §681.580](#)]. Follow-up services do not extend exit, and for WIOA youth may also include:

- Supportive services;
- Adult mentoring;
- Financial literacy education;
- Services that provide labor market and employment information about in-demand industry sectors or occupations available in the local area, such as career awareness, career counseling, and career exploration services; and
- Activities that help youth prepare for and transition to postsecondary education and training.

All WIOA youth participants must be offered an opportunity to receive follow-up services that align with their individual service strategies. Furthermore, follow-up services must be provided to all participants for a minimum of 12 months, unless the participant declines to receive follow-up services or the participant cannot be located or contacted. Follow-up services may be provided beyond 12 months at the state or local WDB's discretion, even if the participant by then is older than 24. The types of services provided, and the duration of services must be determined based on the needs of the individual; therefore, the type and intensity of follow-up services may differ for each participant. Follow-up services must include more than only a contact attempted or made for securing documentation in order to report a performance outcome.

Comparatively, follow-up services for participants in adult or dislocated worker programs who are placed in unsubsidized employment must be provided for up to 12 months after the first day of employment. See follow-up services under [Section 5.1](#).

6.7.10 Comprehensive Guidance and Counseling

Comprehensive guidance and counseling provide individualized counseling to participants. This includes drug and alcohol abuse counseling, mental health counseling, and referral to partner programs, as appropriate. When referring participants to necessary counseling that cannot be provided by the local WIOA Youth program or its service providers, the grant recipient must coordinate with the organization it refers to in order to ensure continuity of service [\[20 CFR §681.510\]](#).

6.7.11 Financial Literacy Education

Financial literacy education refers to activities that provide WIOA youth with the knowledge and skills they need to achieve long-term financial stability. This education encompasses information and activities on a range of topics, such as creating budgets; setting up checking and saving accounts; managing spending, credit, and debt; understanding credit reports and credit scores; and protecting against identify theft.

The financial literacy education program element may include activities that [\[20 CFR §681.500\]](#):

- Support the ability of participants to create budgets, initiate checking, and savings accounts at banks, and make informed financial decisions;
- Support participants in learning how to effectively manage spending, credit, and debt, including student loans, consumer credit, and credit cards;
- Teach participants about the significance of credit reports and credit scores; what their rights are regarding their credit and financial information; how to determine the accuracy of a credit report and how to correct inaccuracies; and how to improve or maintain good credit;
- Support a participant's ability to understand, evaluate, and compare financial products, services, and opportunities and to make informed financial decisions;
- Educate participants about identity theft, ways to protect themselves from identify theft, and how to resolve cases of identity theft, and in other ways understand their rights and protections related to personal identity and financial data;
- Support activities that address the particular financial literacy needs of non-English speakers, including providing support through the development and distribution of multilingual financial literacy and education materials;
- Support activities that address the particular financial literacy needs of youth with disabilities, including connecting them to benefits-planning and work-incentives counseling;
- Provide financial education that is age appropriate, timely, and provides opportunities to put lessons into practice, such as providing access to safe and affordable financial products that enable money management and savings; and
- Implement other approaches to help participants gain the knowledge, skills, and confidence to make informed financial decisions that enable them to attain greater financial health and stability by using high-quality, age-appropriate, and relevant strategies and channels, including, where possible, timely and customized information, guidance, tools, and instruction.

6.7.12 Entrepreneurial Skills Training

Entrepreneurial skills training provides the basics of starting and operating a small business, and develops the skills associated with entrepreneurship. Such skills may include, but are not limited to, the ability to [\[20 CFR §681.560\]](#):

1. Take initiative;
2. Creatively seek out and identify business opportunities;
3. Develop budgets and forecast resource needs;
4. Understand various options for acquiring capital and the trade-offs associated with each option; and
5. Communicate effectively and market oneself and one's ideas.

Approaches to teaching youth entrepreneurial skills include, but are not limited to, the following:

1. Entrepreneurship education introduces the values and basics of starting and running a business. Entrepreneurship education programs often guide youth through the development of a business plan and also may include simulations of business start-up and operation.
2. Enterprise development that provides support and services that incubate and help youth develop their own businesses. Enterprise development programs go beyond entrepreneurship education by helping youth access small loans or grants needed to begin business operation, and by providing more individualized attention to the development of viable business ideas.
3. Experiential programs that provide youth with experience in the day-to-day operation of a business. These programs may involve the development of a youth-run business that young people participating in the program work in and manage; or they may facilitate placement in apprentice or internship positions with adult entrepreneurs in the community.

6.7.13 Services that Provide Labor Market Information

Labor market information refers to services that provide labor market and employment information about in-demand industry sectors or occupations available in the local area and includes career awareness, career counseling, and career exploration services.

Labor market information also identifies employment opportunities, and provides knowledge of job market expectations, including education and skill requirements and potential earnings.

Numerous tools and applications are available that are user-friendly and can be used to provide labor market and career information to youth. These tools can be used to help youth make appropriate decisions about education and careers.

6.7.14 Postsecondary Preparation and Transition Activities

These services include helping youth explore postsecondary education options, including technical training schools, community colleges, four-year colleges and universities, and Registered Apprenticeship programs.

Examples of other postsecondary preparation and transition activities include:

- Assisting youth to prepare for SAT/ACT testing;
- Assisting with college admission applications;
- Searching and applying for scholarships and grants;
- Filling out the proper financial aid applications and adhering to changing guidelines; and
- Connecting youth to postsecondary education programs.

7 – What are NFJP Grantee Obligations and Regulatory Requirements?

As with any federal grant, there are several statutory and regulatory requirements with which NFJP grant recipients need to be familiar and ensure compliance. This section provides a brief overview of these requirements.

7.1 What is the Statute Authorizing NFJP?

The authorizing statute is the Workforce Innovation and Opportunity Act (WIOA), Section 167. This section of the law authorizes the Secretary of Labor to issue grants every four years on a competitive basis to qualifying entities to assist migrant and seasonal farmworkers. Among other things, WIOA Section 167 describes the types of services that may be provided and who is eligible for the program, outlines NFJP's role in the public workforce system, authorizes the Secretary to issue regulations to carry out this section of the law, and establishes key definitions.

7.2 What are the WIOA Regulations that Pertain to NFJP Grant Recipients?

The Department of Labor issued regulations to carry out NFJP as authorized by the WIOA statute. These regulations are published in the Code of Federal Regulations (CFR).

7.2.1 WIOA NFJP Regulations

The primary set of regulations that govern NFJP can be found in [20 CFR §685](#). In general, these regulations detail the requirements for NFJP and how the program will operate. They cover specific areas of the program including: the purpose of NFJP, key definitions, entities eligible to receive NFJP grants, role of NFJP in the AJC network, participant eligibility, use of funds, services, performance accountability, and requirements for grant plans.

7.2.2 Other WIOA Regulations Pertaining to NFJP

In addition to the regulations specifically pertaining to NFJP, there are additional regulations under WIOA that apply to NFJP grant recipients [[20 CFR §685.140](#)]. These include:

General Administrative Provisions. Regulations at [20 CFR §683](#) cover the administrative requirements of all entities funded under Title I of WIOA, including NFJP grant recipients. These regulations include subsections on: funding and close-out; administrative rules, costs, and limitations; reporting requirements; oversight and resolution of findings; grievance procedures, complaints, and state appeals processes; and administrative adjudication and judicial law.

Partnership Responsibilities for the Public Workforce System. The WIOA regulations [[20 CFR §678](#) and [20 CFR §679](#)] pertaining to responsibilities of American Job Center partners apply to NFJP grant recipients. Regulations at [20 CFR §679](#) outline the state and local aspects of the workforce system the grantee will operate within, including sections on state and local governance provisions. Regulations at [20 CFR §678](#) describe the workforce system within which the grantee operates and includes general

descriptions of the delivery system, American Job Center partners and their responsibilities, memoranda of understanding (MOU), and American Job Center operators.

Nondiscrimination Provisions. The nondiscrimination provisions of **WIOA Section 188** apply to NFJP grant recipients. The regulations implementing these provisions are found at **29 CFR §38**. In general, **WIOA Section 188** outlines the prohibition against discrimination on the basis of age, disability, sex, race, color, national origin, religion, and certain non-citizens.

7.3 What are the Applicable Cost Principles and Uniform Administrative Requirements?

UNIFORM GUIDANCE

US DEPARTMENT OF LABOR - ETA GRANT RECIPIENTS

IMPLEMENTATION

AFTER December 26, 2014

[Administrative Requirements](#)
[Audit Requirements](#)
[Cost Principles](#)

Governmental Organizations
 Indian Tribes
 Nonprofit Organizations
 Institutions of Higher Educations
 Commercial For-Profit Organizations **
 Foreign Public Entities and Foreign Organizations **

2 CFR Part 200 and 2 CFR Part 2900*

* Technical amendments contained in the Federal Register dated September 10, 2015 allows a grace period of two fiscal years from the effective date (December 26, 2014) of the Uniform Guidance to implement the procurement standards at 2 CFR 200.317 to 326.
 ** 2 CFR 2900.2 expands the definition of 'non-Federal entity' to include commercial 'for-profit' entities and foreign entities. Thus commercial 'for-profit' entities and foreign entities that are recipients or subrecipients of a DOL award must adhere to the Uniform Guidance.

BEFORE December 26, 2014

[Administrative Requirements](#)
[Audit Requirements](#)
[Cost Principles](#)

	Administrative Requirements	Audit Requirements	Cost Principles
Governmental Organizations	29 CFR Part 97	29 CFR Part 96	2 CFR 225
Nonprofit Organizations	29 CFR Part 95	29 CFR Part 96	2 CFR 230
Institutions of Higher Educations	29 CFR Part 95	29 CFR Part 96	2 CFR 220
Commercial For-Profit Organizations **	29 CFR Part 95	29 CFR Part 96	48 CFR 31.2

Tip: Due to the length of the below hyperlinks, copy and paste the link directly into your internet address bar.

USEFUL LINKS

USDOL-ETA website	http://www.doleta.gov/grants/resources.cfm
2 CFR Part 200 Final Rule with technical amendments ***	http://www.ecfr.gov/cgi-bin/etdoc/etdoc.pl?g=1&SID=0e16fa1d64bc3ba5402f6c3e32671eb&rs=HTM1&h=&l=&mc=true&e=PART.1.200-1330
2 CFR Part 2900 DOL Exceptions with technical amendments ***	http://www.ecfr.gov/cgi-bin/etdoc/etdoc.pl?g=1&SID=1db853189ec15d1a07d7f6cd853d4&rs=HTM1&h=&l=&mc=true&e=PART.1.2900
Final Rule published on December 26, 2013	http://www.gpo.gov/fdsys/pkg/FR-2013-12-26/pdf/2013-30465.pdf
TEGL 15-14 dated December 19, 2014	http://dwr.doleta.gov/directives/attach/TEGL/TEGL_15-14_Acc.pdf
TEN 20-13 dated February 10, 2014	http://dwr.doleta.gov/directives/attach/TEN/TEN_20_13.pdf
Frequently asked questions and answers	CFO.gov/efafar
Resources for understanding the Uniform Guidance	CFO.gov/efafar

2 CFR Part 200 Final Rule was published on December 26, 2013 and subsequent technical amendments were published on December 19, 2014, September 10, 2015, and November 9, 2015. ***
 2 CFR Part 2900 DOL's adoption of the Uniform Guidance was published on December 19, 2014 and subsequent technical amendments were published on December 30, 2015. ***

http://www.doleta.gov/grants/efafar_reference_sheet.pdf
USDOL-ETA 022016

Cost principles are a set of government-wide rules – codified in **2 CFR §200** – that define the conditions under which educational institutions, non-profit organizations and government agencies may charge costs within federally-funded grants. These principles provide guidance to help grant recipients determine whether specific planned expenditures are allowable, unallowable, or allowable with conditions.

Uniform Administrative Requirements – codified by ETA regulations at [2 CFR §2900](#) – set forth standards for obtaining consistency and uniformity across federal agencies in the administration of grants and agreements with state and local governments, hospitals, higher educational institutions, and other non-profit organizations. Provisions are applied by federal agencies to grant recipients, who in turn apply the provisions to subcontractors performing substantive work under their grants and agreements. Financial management, cost sharing, procurement, and records retention are among the topics covered under the Uniform Administrative Requirements.

The Council on Financial Assistance Reform (COFAR) has published many helpful resources to aid in better understanding the Uniform Guidance, and they are located at <https://www.cfo.gov/knowledge-sharing/grants-resources>

Implementation of the Uniform Guidance will require recipients and subrecipients to review and update **all** financial and administrative policies, procedures, and systems for compliance with the new regulations. However, some provisions, such as the procurement standards, have a delayed effective date to allow grant recipients and subrecipients enough time to make the necessary changes to their policies and systems. Additional information on the grace period can be found at [2 CFR 200.100](#).

Go to:

https://www.dol.gov/sites/dolgov/files/ETA/grants/pdfs/1_UG%20Circulars%20DOL%20Applicability%20Chart_2021%201-3-2022.pdf. for a printable, interactive Uniform Guidance Quick Reference Sheet.

Please refer to [TEGL No. 15-14 Implementation of the New Uniform Guidance Regulations](#) and the [ETA Grantee Handbook](#) for more information on OMB Circulars, cost principles, and uniform administrative requirements.

The Core Monitoring Guide & NFJP Supplement are available at:

<https://farmworker.workforcegps.org/resources/2019/09/26/18/06/~/link.aspx? id=E631828DA0A44B9E92A63D82D08A35CA& z=z>.

7.4 What Other Requirements Pertain to NFJP Grant Recipients?

In addition to the statutory and regulatory requirements, there are several other requirements relevant to an NFJP grant recipient. This section highlights some of these. Grant recipients are encouraged to reference ETA's [Grantee Handbook](#) for further explanation about grant requirements.

7.4.1 Grant Award Package

When a grant recipient is notified of a grant award, it receives a grant award package from ETA's Office of Grants Management sent to the Authorized Representative on the grant application. The grant award package includes several parts that outline requirements for the grant:

- **Grantee’s Statement of Work (SOW)**, which includes a project description, timelines, deliverables, and outcomes. The SOW comes from either the proposal or from the grant plan created in non-competition years.
- **Budget Information**, which includes a completed version of Form SF-424 (Application for Federal Assistance), along with a copy of the budget narrative submitted in the original grant proposal.
- **Assurances and Certifications**, which contains signed assurance and certification forms required of all ETA grant recipients.
- **Special Clauses and Conditions**, which includes information on budget line-item flexibility and the grant’s indirect cost rate (ICR) or cost allocation plan (CAP). There is also information on equipment purchases, program income, intellectual property rights, financial and performance reporting requirements, evaluation, line-item budget flexibility, and procurement.
- **Notification of Obligation (NOO)**, which is the first page of the grant agreement and contains basic information about the parameters of the grant such as the grant program name, recipient information, ETA information, grant amount, period of performance, relevant regulations, and cost principles, and required signatures.
- **Administrative Cost Information**, including the specific administrative costs limitation that applies to the grant recipient. The cap on administrative costs for NFJP grants is 15 percent.
- **Funding Opportunity Announcement (FOA)**, which provides a framework for the grant program and should be used by the grant recipient to confirm the requirements of the grant. The requirements outlined in the FOA are considered an integral part of a grant’s requirements. Elements of the FOA include information about industry focus and occupational targets, award amount range, period of performance, allowable activities and eligible participants, partnership requirements, standard federal grantee obligations, monitoring and audits, and public announcements.

7.4.2 ETA Advisories/Training and Employment Guidance Letters (TEGLs)

ETA maintains an advisory system to disseminate the agency’s interpretations of federal laws, program policy, administrative requirements, and other relevant technical information to grantees. All ETA advisories may be viewed and downloaded from <http://wdr.doleta.gov/directives/>. Of particular importance to grantees are the following types:

- **Training and Employment Guidance Letters (TEGLs)** transmit policy and operational guidance. These have the force of regulation and must be followed.
- **Training and Employment Notices (TENS)** communicate announcements of meetings, publications, or general information. These are informational in nature.

Most TEGLs relevant to NFJP grant recipients are posted on the DOLETA’s website at [ETA Advisories | U.S. Department of Labor \(dol.gov\)](#). For a listing of current TEGLs and TENS relevant to the National Farmworker Jobs Program, please see [Appendix H](#).

Appendix A – Glossary of Acronyms

AEFLA – Adult Education and Family Literacy Act

AFOP – Association of Farmworker Opportunity Programs

AJC – American Job Center

AOP – Agricultural Outreach Plan

CAP – Cost Allocation Plan

CEO – Chief Elected Official

CFR – Code of Federal Regulations

CMC – Competency Model Clearinghouse

CNA – Certified Nurse Assistant

COFAR – Council on Financial Assistance Reform

DACA – Deferred Action for Childhood Arrivals

DYS – Division of Youth Services

E&T – Employment and Training

ELL – English Language Learner

ES – Employment Services

ESL – English as a Second Language

ETA – Employment and Training Administration

FAQ – Frequently Asked Question

FLSA – Fair Labor Standards Act

FOA – Funding Opportunity Announcement

FPO – Federal Project Officer

HHS – Health and Human Services

ICR – Indirect Cost Rate

IEP – Individual Employment Plan

IFA – Infrastructure Funding Agreement

IRS – Internal Revenue Service

ISY – In-school youth

LFM – Local funding mechanism

LLSIL – Lower Living Standard Income Level

LMI – Labor Market Information

LPN – Licensed Practical Nurse

LWDB – Local Workforce Development Board

MA – Monitor Advocate

MOU – Memorandum of Understanding

MSFW – Migrant and/or Seasonal Farmworker

NAACP – National Association for the Advancement of Colored People

NAWS – National Agricultural Workers Survey (a DOL source of farmworker demographic data)

NFJP – National Farmworker Jobs Program

NMA – National Monitor Advocate

NOO – Notice of Obligation
OJT – On-the-Job Training
OMB – Office of Management and Budget
OSHA – Occupational Health and Safety Act
OSY – Out-of-school Youth
PIN – Personal Identification Number
PIRL – Participant Individual Record Layout
POC – Point of Contact
POP – Period of Performance
PY – Program Year
QNR – Quarterly Narrative Report
QPR – Quarterly Progress Report
RA – Registered Apprenticeship
REO – Reentry Employment Opportunities
ReXO – Reintegration of Ex-Offenders
RMA – Regional Monitor Advocate
RN – Registered Nurse
SCSEP – Senior Community Service Employment Program
SF – Standard Form
SFM – State Funding Mechanism
SMA – State Monitor Advocate
SOW – Statement of Work
SS – Selective Service
SSN – Social Security Number
SWA – State Workforce Agency
SWDB – State Workforce Development Board
TAA – Trade Adjustment Assistance
TANF – Temporary Assistance for Needy Families
TEGL – Training and Employment Guidance Letter
TEN – Training Employment Notice
UI – Unemployment Insurance
USC – United States Code
USCIS – United States Customs and Immigration Services
USDOL – United States Department of Labor
VR – Vocational Rehabilitation
WDB – Workforce Development Board
WIA – Workforce Investment Act (predecessor to WIOA)
WIASPR – Workforce Investment Act Standardized Participant Record
WIOA – Workforce and Innovation Opportunity Act
WIPS – Workforce Integrated Performance System



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Part VI

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Employment and Training Administration

20 CFR Parts 603, 651, 652, et al.

Workforce Innovation and Opportunity Act; Final Rule

PART 685—NATIONAL FARMWORKER JOBS PROGRAM UNDER TITLE I OF THE WORKFORCE INNOVATION AND OPPORTUNITY ACT

Authority: Secs. 167, 189, 503, Public Law 113–128, 128 Stat. 1425 (Jul. 22, 2014).

Subpart A—Purpose and Definitions

§685.100 What is the purpose of the National Farmworker Jobs Program and the other services and activities established under the Workforce Innovation and Opportunity Act?

The purpose of the NFJP and the other services and activities established under WIOA sec. 167 is to strengthen the ability of eligible migrant and seasonal farmworkers (MSFWs) and their dependents to obtain or retain unsubsidized employment, stabilize their unsubsidized employment, and achieve economic self-sufficiency, including upgraded employment in agriculture. This part provides the regulatory requirements applicable to the expenditure of WIOA secs. 167 and 127(a)(1) funds for such programs, services, and activities.

§685.110 What definitions apply to this program?

In addition to the definitions found in §675.300 of this chapter, the following definitions apply to programs under this part:

Allowances means direct payments made to participants during their enrollment to enable them to participate in the career services described in WIOA sec. 134(c)(2)(A)(xii) or training services as appropriate.

Dependent means an individual who:

- (1) Was claimed as a dependent on the eligible MSFW's Federal income tax return for the previous year; or
- (2) Is the spouse of the eligible

MSFW; or

- (3) If not claimed as a dependent for Federal income tax purposes, is able to establish:
 - (i) A relationship as the eligible

MSFW's;

- (A) Child, grandchild, great grandchild, including legally adopted children;
- (B) Stepchild;
- (C) Brother, sister, half-brother, half-sister, stepbrother, or stepsister;
- (D) Parent, grandparent, or other direct ancestor but not foster parent;
- (E) Foster child;
- (F) Stepfather or stepmother;
- (G) Uncle or aunt;
- (H) Niece or nephew;
- (I) Father-in-law, mother-in-law, son-in-law; or
- (J) Daughter-in-law, brother-in-law, or sister-in-law; and

(ii) The receipt of over half of his/her total support from the eligible MSFW's family during the eligibility determination period.

Eligibility determination period means any consecutive 12-month period within the 24-month period immediately preceding the date of application for the MSFW program by the applicant MSFW.

Eligible migrant farmworker means an eligible seasonal farmworker as defined in WIOA sec. 167(i)(3) whose agricultural labor requires travel to a job site such that the farmworker is unable to return to a permanent place of residence within the same day; and dependents of the migrant farmworker, as described in WIOA sec. 167(i)(2).

Eligible migrant and seasonal farmworker means an eligible migrant farmworker or an eligible seasonal farmworker, also referred to in this regulation as an “*eligible MSFW*,” as defined in WIOA sec. 167(i).

Eligible MSFW youth means an eligible MSFW aged 14–24 who is individually eligible or is a dependent of an eligible MSFW. The term *eligible MSFW youth* is a subset of the term *eligible MSFW* defined in this section.

Eligible seasonal farmworker means a low-income individual who, for 12 consecutive months out of the 24 months prior to application for the program involved, has been primarily employed in agricultural or fish farming labor that is characterized by chronic unemployment or underemployment; and faces multiple barriers to economic self-sufficiency; and dependents of the seasonal farmworker as described in WIOA sec. 167(i)(3).

Emergency assistance is a form of “related assistance” and means assistance provided by grantees that addresses immediate needs of eligible MSFWs and their dependents. An applicant's self-certification is accepted as sufficient documentation of eligibility for emergency assistance.

Family, for the purpose of reporting housing assistance grantee indicators of performance as described in §685.400, means the eligible MSFW(s) and all the individuals identified under the definition of *dependent* in this section who are living together in one physical residence.

Farmwork means work while employed in the occupations described in §651.10 of this chapter.

Grantee means an entity to which the Department directly awards a WIOA grant to carry out programs to serve eligible MSFWs in a service area, with funds made available under WIOA sec. 167 or 127(a)(1).

Housing assistance means housing services which contribute to safe and sanitary temporary and permanent housing constructed, supplied, or maintained with NFJP funding.

Lower living standard income level means the income level as defined in WIOA sec. 3(36)(B).

Low-income individual means an individual as defined in WIOA sec. 3(36)(A).

MOU means Memorandum of Understanding.

National Farmworker Jobs Program (NFJP) is the Department of Labor- administered workforce investment program for eligible MSFWs established by WIOA sec. 167 as a required partner of the One-stop delivery system and includes both career services and training grants, and housing grants.

Recognized postsecondary credential means a credential as defined in WIOA sec. 3(52).

Related assistance means short-term forms of direct assistance designed to assist eligible MSFWs retain or stabilize their agricultural employment. Examples of related assistance may include, but are not limited to, services such as transportation assistance or providing work clothing.

Self-certification means an eligible MSFW's signed attestation that the information he/she submits to demonstrate eligibility for the NFJP is true and accurate.

Service area means the geographical jurisdiction, which may be comprised of one or more designated State or sub-State areas, in which a WIOA sec. 167 grantee is designated to operate.

Supportive services mean the services defined in WIOA sec. 3(59). *Technical assistance* means the guidance provided to grantees and grantee staff by the Department to improve the quality of the program and the delivery of program services to eligible MSFWs.

§685.120 How does the Department administer the National Farmworker Jobs Program?

The Department's Employment and Training Administration (ETA) administers NFJP activities required under WIOA sec. 167 for eligible MSFWs. As described in §685.210, the Department designates grantees using procedures consistent with standard Federal government competitive procedures.

§685.130 How does the Department assist grantees to serve eligible migrant and seasonal farmworkers?

The Department provides guidance, administrative support, technical assistance, and training to grantees for the purposes of program implementation, and program performance management to enhance services and promote continuous improvement in the employment outcomes of eligible MSFWs.

§685.140 What Workforce Innovation and Opportunity Act (WIOA) regulations apply to the programs authorized under WIOA?

The regulations that apply to programs authorized under WIOA sec. 167 include but are not limited to:

- (a) The regulations found in this part;
- (b) The general administrative requirements found in part 683 of this chapter, including the regulations concerning Complaints, Investigations and Hearings found at part 683, subparts D through H, of this chapter, which cover programs under WIOA sec. 167; (c) Uniform Guidance at 2 CFR part 200 and the Department's exceptions at 2 CFR part 2900 pursuant to the effective dates in 2 CFR parts 200 and 2900;
- (d) The regulations on partnership responsibilities contained in parts 679 (Statewide and Local Governance) and 678 (the One-stop System) of this chapter; and
- (e) The Department's regulations at 29 CFR part 38, which implement the nondiscrimination provisions of WIOA sec. 188.

Subpart B—The Service Delivery System for the National Farmworker Jobs Program

§685.200 Who is eligible to receive a National Farmworker Jobs Program grant?

To be eligible to receive a grant under this section, an entity must have:

- (a) An understanding of the problems of eligible MSFWs;
- (b) A familiarity with the agricultural industries and the labor market needs of the proposed service area; and
- (c) The ability to demonstrate a capacity to administer and deliver effectively a diversified program of workforce investment activities, including youth workforce investment activities, and related assistance for eligible MSFWs.

§685.210 How does an eligible entity become a grantee?

To become a grantee and receive a grant under this subpart, an applicant must respond to a Funding Opportunity Announcement (FOA). Under the FOA, grantees will be selected using standard Federal government competitive procedures. The entity's proposal must include a program plan, which is a 4- year strategy for meeting the needs of eligible MSFWs in the proposed service area, and a description of the entities' experience working with the broader workforce delivery system. Unless specified otherwise in the FOA, grantees may serve eligible MSFWs, including eligible MSFW youth, under the grant. An applicant whose application for funding as a grantee under this section is denied in whole or in part may request an administrative review under §683.800 of this chapter.

§685.220 What is the role of the grantee in the One-stop delivery system?

In those local areas where the grantee operates its NFJP as described in its grant agreement, the grantee is a required One-stop partner, and is subject to the provisions relating to such partners described in part 678 of this chapter. Consistent with those provisions, the grantee, and Local Workforce Development Board (WDB) must develop and enter into an MOU which meets the requirements of §678.500 of this chapter, and which sets forth their respective responsibilities for providing access to the full range of NFJP services through the One-stop delivery system to eligible MSFWs.

§685.230 Can a grantee's designation be terminated?

Yes, a grantee's designation may be terminated by the Department for cause:

- (a) In emergency circumstances when such action is necessary to protect the integrity of Federal funds or to ensure the proper operation of the program. Any grantee so terminated will be provided with written notice and an opportunity for a hearing within 30 days after the termination; or
- (b) By the Department's Grant Officer, if the recipient materially fails to comply with the terms and conditions of the award. In such a case, the Grant Officer will follow the administrative regulations at §683.440 of this chapter.

§685.240 How does the Department use funds appropriated under the Workforce Innovation and Opportunity Act for the National Farmworker Jobs Program?

At least 99 percent of the funds appropriated each year for WIOA sec. 167 activities must be allocated to service areas, based on the distribution of the eligible MSFW population determined under a formula established by the Secretary. The Department will award grants pursuant to §685.210 for the provision of services to eligible MSFWs within each service area. The Department will use a percentage of the funds allocated for State service areas for housing grants, specified in a FOA issued by the Department. The Department will use up to one percent of the appropriated funds for discretionary purposes, such as technical assistance to eligible entities and other activities prescribed by the Secretary.

Subpart C—The National Farmworker Jobs Program Services to Eligible Migrant and Seasonal Farmworkers

§685.300 What are the general responsibilities of grantees?

- (a) The Department awards career services and training grants and housing grants through the FOA process described in §685.210. Career services and training grantees are responsible for providing appropriate career services, training, and related assistance to eligible MSFWs. Housing grantees are responsible for providing housing assistance to eligible MSFWs.
- (b) Grantees will provide these services in accordance with the service delivery strategy meeting the requirements of §685.310 and as described in their approved program plan described in §685.420. These services must reflect the needs of the MSFW population in the service area and include the services that are necessary to achieve each participant's employment goals or housing needs.
- (c) Grantees are responsible for coordinating services, particularly outreach to MSFWs, with the State Workforce Agency as defined in §651.10 of this chapter and the State's Monitor Advocate.
- (d) Grantees are responsible for fulfilling the responsibilities of One-stop partners described in §678.420 of this chapter.

§685.310 What are the basic components of a National Farmworker Jobs Program service delivery strategy?

The NFJP service delivery strategy must include:

- (a) A customer-focused case management approach;

- (b) The provision of workforce investment activities to eligible MSFWs which include career services and training, as described in WIOA secs. 167(d) and 134, and part 680 of this chapter;
- (c) The provision of youth workforce investment activities described in WIOA sec. 129 and part 681 of this chapter may be provided to eligible MSFW youth;
- (d) The arrangements under the MOUs with the applicable Local WDBs for the delivery of the services available through the One-stop delivery system to MSFWs; and
- (e) Related assistance services.

§685.320 Who is eligible to receive services under the National Farmworker Jobs Program?

Eligible migrant farmworkers (including eligible MSFW youth) and eligible seasonal farmworkers (including eligible MSFW youth) as defined in §685.110 are eligible for services funded by the NFJP.

§685.330 How are services delivered to eligible migrant and seasonal farmworkers?

To ensure that all services are focused on the customer’s needs, services are provided through a case-management approach emphasizing customer choice and may include: Appropriate career services and training; related assistance, which includes emergency assistance; and supportive services, which includes allowance payments. The basic services and delivery of case-management activities are further described in §§685.340 through 685.390.

§685.340 What career services may grantees provide to eligible migrant and seasonal farmworkers?

- (a) Grantees may provide the career services described in WIOA secs. 167(d) and 134(c)(2), and part 680 of this chapter to eligible MSFWs.
- (b) Grantees may provide other services identified in the approved program plan.
- (c) The delivery of career services to eligible MSFWs by the grantee and through the One-stop delivery system must be discussed in the required MOU between the Local WDB and the grantee.

§685.350 What training services may grantees provide to eligible migrant and seasonal farmworkers?

- (a) Grantees may provide the training activities described in WIOA secs. 167(d) and 134(c)(3)(D), and part 680 of this chapter to eligible MSFWs. These activities include, but are not limited to, occupational skills training and on-the-job training (OJT). Eligible MSFWs are not required to receive career services prior to receiving training services.
 - (1) When providing OJT services NFJP grantees may reimburse employers for the extraordinary costs of training by up to 50 percent of the wage rate of the participant for OJT.
 - (2) Grantees also may increase the OJT reimbursement rate up to 75 percent of the wage rate of a participant under certain conditions, provided that such reimbursement is being provided consistent with the reimbursement rates used under WIOA sec. 134(c)(3)(H)(i) for the local area(s) in which the grantee operates its program.
- (b) Training services must be directly linked to an in-demand industry sector or occupation in the service area, or in another area to which an eligible MSFW receiving such services is willing to relocate.
- (c) Training activities must encourage the attainment of recognized postsecondary credentials as defined in §685.110 when appropriate for an eligible MSFW.

§685.360 What housing services may grantees provide to eligible migrant and seasonal farmworkers?

- (a) Housing grantees must provide housing services to eligible MSFWs.
- (b) Career services and training grantees may provide housing services to eligible MSFWs as described in their program plan.
- (c) Housing services may include the following:
 - (1) Permanent housing that is owner-occupied, or occupied on a permanent, year-round basis (notwithstanding ownership) as the eligible MSFW’s primary residence to which he/she returns at the end of the work or training day.
 - (i) Types of permanent housing may include rental units, single family homes, duplexes, and other multi-family structures, dormitories, group homes, and other housing types that provide short-term, seasonal, or year-round housing opportunities in permanent structures. Modular structures, manufactured housing, or mobile units placed on permanent foundations and supplied with appropriate utilities, and other infrastructure also are considered permanent housing.
 - (ii) Permanent housing services include but are not limited to: Investments in development services, project management, and resource development to secure acquisition, construction/renovation and operating funds, property management services, and program management. New construction, purchase of existing structures, and rehabilitation of existing structures, as well as the infrastructure, utilities, and other improvements necessary to complete or maintain those structures also may be considered part of managing permanent housing.

(2) Temporary housing that is not owner-occupied and is used by MSFWs whose employment requires occasional travel outside their normal commuting area.

(i) Types of temporary housing may include: Housing units intended for temporary occupancy located in permanent structures, such as rental units in an apartment complex or in mobile structures that provide short-term, seasonal housing opportunities; temporary structures that may be moved from site to site, dismantled and re-erected when needed for farmworker occupancy, closed during the off-season, or handled through other similar arrangements; off-farm housing operated independently of employer interest in, or control of, the housing; or on-farm housing located on property owned by an agricultural employer and operated by an entity such as an agricultural employer or a nonprofit organization; and other housing types that provide short-term, seasonal, or temporary housing opportunities in temporary structures.

(ii) Temporary housing services include but are not limited to: Managing temporary housing which may involve property management of temporary housing facilities, case management, and referral services, and emergency housing payments, including vouchers and cash payments for rent/lease and utilities.

(d) Permanent housing developed with NFJP funds must be promoted and made widely available to eligible MSFWs, but occupancy is not restricted to eligible MSFWs. Temporary housing services must only be provided to eligible MSFWs.

(e) Except as provided in paragraph (f) of this section, NFJP funds used for housing assistance must ensure the provision of safe and sanitary temporary and permanent housing that meets the Federal housing standards at part 654 of this chapter (ETA housing for farmworkers) or 29 CFR 1910.10 (OSHA housing standards).

(f) When NFJP grantees provide temporary housing assistance that allows the participant to select the housing, including vouchers and cash payments for rent, lease, and utilities, NFJP grantees are not required to ensure that such housing meets the Federal housing standards at part 654 of this chapter or 29 CFR 1910.10.

§685.370 What services may grantees provide to eligible migrant and seasonal farmworkers youth participants aged 14– 24?

(a) Based on an evaluation and assessment of the needs of eligible MSFW youth, grantees may provide activities and services that include but are not limited to:

- (1) Career services and training as described in §§685.340 and 685.350;
- (2) Youth workforce investment activities specified in WIOA sec. 129;
- (3) Life skills activities which may include self- and interpersonal skills development;
- (4) Community service projects; and (5) Other activities and services that conform to the use of funds for youth activities described in part 681 of this chapter.

(b) Grantees may provide these services to any eligible MSFW youth, regardless of the participant's eligibility for WIOA title I youth activities as described in WIOA sec. 129(a).

§685.380 What related assistance services may be provided to eligible migrant and seasonal farmworkers?

Related assistance may include short-term direct services and activities. Examples include emergency assistance, as defined in §685.110, and those activities identified in WIOA sec. 167(d), such as: English language and literacy instruction; pesticide and worker safety training; housing (including permanent housing), as described in §685.360 and as provided in the approved program plan; and school dropout prevention and recovery activities. Related assistance may be provided to eligible MSFWs not enrolled in career services, youth services, or training services.

§685.390 When may eligible migrant and seasonal farmworkers receive related assistance?

Eligible MSFWs may receive related assistance services when the grantee identifies and documents the need for the related assistance, which may include a statement by the eligible MSFW.

Subpart D—Performance Accountability, Planning, and Waiver Provisions

§685.400 What are the indicators of performance that apply to the National Farmworker Jobs Program?

(a) For grantees providing career services and training, the Department will use the indicators of performance common to the adult and youth programs, described in WIOA sec. 116(b)(2)(A).

(b) For grantees providing career services and training, the Department will reach agreement with individual grantees on the levels of performance for each of the primary indicators of performance, taking into account economic conditions, characteristics of the individuals served, and other appropriate factors, and using, to the extent practicable, the statistical adjustment model under WIOA sec. 116(b)(3)(A)(viii). Once agreement on the levels of

performance for each of the primary indicators of performance is reached with individual grantees, the Department will incorporate the adjusted levels of performance in the grant plan. For the purposes of performance reporting, eligible MSFWs who receive any career services, youth services, training, or certain related assistance are considered participants as defined in §677.150 of this chapter and must be included in performance calculations for the indicators of performance. Eligible MSFWs who receive only those services identified in §677.150(a)(3)(ii) or (iii) of this chapter are not included in performance calculations for the indicators of performance described in WIOA sec. 116(b)(2)(A).

(c) For grantees providing housing services only, grantees will use the total number of eligible MSFWs served and the total number of eligible MSFW families served as indicators of performance. Additionally, grantees providing permanent housing development activities will use the total number of individuals served and the total number of families served as indicators of performance.

(d) The Department may develop additional performance indicators with appropriate levels of performance for evaluating programs that serve eligible MSFWs and which reflect the State service area economy, local demographics of eligible MSFWs, and other appropriate factors. If additional performance indicators are developed, the levels of performance for these additional indicators must be negotiated with the grantee and included in the approved program plan.

(e) Grantees may develop additional performance indicators and include them in the program plan or in periodic performance reports.

§685.410 What planning documents must a grantee submit?

Each grantee receiving WIOA sec. 167 program funds must submit to the Department a comprehensive program plan and a projection of participant services and expenditures in accordance with instructions issued by the Secretary.

§685.420 What information is required in the grantee program plan?

A grantee's 4-year program plan must describe:

- (a) The service area that the applicant proposes to serve;
- (b) The population to be served and the education and employment needs of the MSFW population to be served;
- (c) The manner in which proposed services to eligible MSFWs will strengthen their ability to obtain or retain unsubsidized employment or stabilize their unsubsidized employment, including upgraded employment in agriculture;
- (d) The related assistance and supportive services to be provided and the manner in which such assistance and services are to be integrated and coordinated with other appropriate services;
- (e) The performance accountability measures that will be used to assess the performance of the entity in carrying out the NFJP program activities, including the expected levels of performance for the primary indicators of performance described in §685.400;
- (f) The availability and accessibility of local resources, such as supportive services, services provided through one-stop delivery systems, and education and training activities, and how the resources can be made available to the population to be served;
- (g) The plan for providing services including strategies and systems for outreach, career planning, assessment, and delivery through One-stop delivery systems;
- (h) The methods the grantee will use to target its services on specific segments of the eligible population, as appropriate; and
- (i) Such other information as required by the Secretary in instructions issued under §685.410.

§685.430 Under what circumstances are the terms of the grantee's program plan modified by the grantee or the Department?

(a) Plans must be modified to reflect the funding level for each year of the grant. The Department will provide instructions annually on when to submit modifications for each year of funding, which will generally be no later than June 1 prior to the start of the subsequent year of the grant cycle.

(b) The grantee must submit a request to the Department for any proposed modifications to its plan to add, delete, expand, or reduce any part of the program plan or allowable activities. The Department will consider the cost principles, uniform administrative requirements, and terms and conditions of award when reviewing modifications to program plans.

(c) If the grantee is approved for a regulatory waiver under §§685.460 and 685.470, the grantee must submit a modification of its grant plan to reflect the effect of the waiver.

§685.440 How are costs classified under the National Farmworker Jobs Program?

- (a) Costs are classified as follows:
 - (1) Administrative costs, as defined in §683.215 of this chapter; and
 - (2) Program costs, which are all other costs, not defined as administrative.
- (b) Program costs must be classified and reported in the following categories:
 - (1) Related assistance (including emergency assistance);
 - (2) Supportive services; and (3) All other program services.

§685.450 What is the Workforce Innovation and Opportunity Act administrative cost limit for National Farmworker Jobs Program grants?

Under §683.205(b) of this chapter, limits on administrative costs for programs operated under subtitle D of WIOA title I will be identified in the grant or contract award document. Administrative costs will not exceed 15 percent of total grantee funding.

§685.460 Are there regulatory and/or statutory waiver provisions that apply to the National Farmworker Jobs Program?

- (a) The statutory waiver provision at WIOA sec. 189(i) and discussed in §679.600 of this chapter does not apply to any NFJP grant under WIOA sec. 167.
 - (b) Grantees may request waiver of any regulatory provisions only when such regulatory provisions are:
 - (1) Not required by WIOA;
 - (2) Not related to wage and labor standards, non-displacement protection, worker rights, participation and protection of workers and participants, and eligibility of participants, grievance procedures, judicial review, nondiscrimination, allocation of funds, procedures for review and approval of plans; and
 - (3) Not related to the basic purposes of WIOA, described in §675.100 of this chapter.

§685.470 How can grantees request a waiver?

To request a waiver, a grantee must submit to the Department a waiver plan that:

- (a) Describes the goals of the waiver, the expected programmatic outcomes, and how the waiver will improve the provision of program activities;
- (b) Is consistent with any guidelines the Department establishes;
- (c) Describes the data that will be collected to track the impact of the waiver; and
- (d) Includes a modified program plan reflecting the effect of the requested waiver.

Subpart E—Supplemental Youth Workforce Investment Activity Funding Under the Workforce Innovation and Opportunity Act

§685.500 What is supplemental youth workforce investment activity funding?

Pursuant to WIOA sec. 127(a)(1), if Congress appropriates more than \$925 million for WIOA youth workforce investment activities in a fiscal year, 4 percent of the excess amount must be used by the Department to provide workforce investment activities for eligible MSFW youth under WIOA sec. 167.

§685.510 What requirements apply to grants funded by the Workforce Innovation and Opportunity Act?

The requirements in subparts A through D of this part apply to grants funded by WIOA sec. 127(a)(1), except that grants described in this subpart must be used only for workforce investment activities for eligible MSFW youth, as described in §685.370 and WIOA sec. 167(d) (including related assistance and supportive services).

§685.520 What is the application process for obtaining a grant funded by the Workforce Innovation and Opportunity Act?

The Department will issue a separate FOA for grants funded by WIOA sec. 127(a)(1). The selection will be made in accordance with the procedures described in §685.210, except that the Department reserves the right to provide priority to applicants that are WIOA sec. 167 grantees.

§685.530 What planning documents are required for grants funded by the Workforce Innovation and Opportunity Act?

The required planning documents will be described in the FOA.

§685.540 How are funds allocated to grants funded by the Workforce Innovation and Opportunity Act?

The allocation of funds will be based on the comparative merits of the applications, in accordance with criteria set forth in the FOA.

§685.550 Who is eligible to receive services through grants funded by the Workforce Innovation and Opportunity Act?

Eligible MSFW youth as defined in §685.110 are eligible to receive services through grants funded by WIOA sec. 127(a)(1).

WIOA § 167

Migrant and Seasonal Farmworker Programs

(a) IN GENERAL.—Every 4 years, the Secretary shall, on a competitive basis, make grants to, or enter into contracts with, eligible entities to carry out the activities described in subsection (d).

(b) ELIGIBLE ENTITIES.—To be eligible to receive a grant or enter into a contract under this section, an entity shall have an understanding of the problems of eligible migrant and seasonal farmworkers (including dependents), a familiarity with the area to be served, and the ability to demonstrate a capacity to administer and deliver effectively a diversified program of workforce investment activities (including youth workforce investment activities) and related assistance for eligible migrant and seasonal farmworkers.

(c) PROGRAM PLAN.—

(1) IN GENERAL.—To be eligible to receive a grant or enter into a contract under this section, an entity described in subsection (b) shall submit to the Secretary a plan that describes a 4-year strategy for meeting the needs of eligible migrant and seasonal farmworkers in the area to be served by such entity.

(2) CONTENTS.—Such plan shall—

(A) describe the population to be served and identify the education and employment needs of the population to be served and the manner in which the services to be provided will strengthen the ability of the eligible migrant and seasonal farmworkers and dependents to obtain or retain unsubsidized employment, or stabilize their unsubsidized employment, including upgraded employment in agriculture

(B) describe the related assistance and supportive services to be provided and the manner in which such assistance and services are to be integrated and coordinated with other appropriate services;

(C) describe the performance accountability measures to be used to assess the performance of such entity in carrying out the activities assisted under this section, which shall include the expected levels of performance for the primary indicators of performance described in section 116(b)(2)(A);

(D) describe the availability and accessibility of local resources, such as supportive services, services provided through One-stop delivery systems, and education and training services, and how the resources can be made available to the population to be served; and

(E) describe the plan for providing services under this section, including strategies and systems for outreach, career planning, assessment, and delivery through onestop delivery systems.

(3) AGREEMENT ON ADJUSTED LEVELS OF PERFORMANCE.— The Secretary and the entity described in subsection (b) shall reach agreement on the levels of performance for each of the primary indicators of performance described in section 116(b)(2)(A), taking into account economic conditions, characteristics of the individuals served, and other appropriate factors,

and using, to the extent practicable, the statistical adjustment model under section 116(b)(3)(A)(viii). The levels agreed to shall be the adjusted levels of performance and shall be incorporated in the program plan.

(4) ADMINISTRATION.—Grants and contracts awarded under this section shall be centrally administered by the Department of Labor and competitively awarded by the Secretary using procedures consistent with standard Federal Government competitive procurement policies.

(d) AUTHORIZED ACTIVITIES.—Funds made available under this section and section 127(a)(1) shall be used to carry out workforce investment activities (including youth workforce investment activities) and provide related assistance for eligible migrant and seasonal farmworkers, which may include—

(1) outreach, employment, training, educational assistance, literacy assistance, English language and literacy instruction, pesticide and worker safety training, housing (including permanent housing), supportive services, and school dropout prevention and recovery activities;

(2) follow-up services for those individuals placed in employment;

(3) self-employment and related business or micro-enterprise development or education as needed by eligible individuals as identified pursuant to the plan required by subsection (c);

(4) customized career and technical education in occupations that will lead to higher wages, enhanced benefits, and long-term employment in agriculture or another area; and

(5) technical assistance to improve coordination of services and implement best practices relating to service delivery through One-stop delivery systems.

(e) CONSULTATION WITH GOVERNORS AND LOCAL BOARDS.—In making grants and entering into contracts under this section, the Secretary shall consult with the Governors and local boards of the States in which the eligible entities will carry out the activities described in subsection (d).

(f) REGULATIONS.—The Secretary shall consult with eligible migrant and seasonal farmworkers groups and States in establishing regulations to carry out this section, including regulations relating to how economic and demographic barriers to employment of eligible migrant and seasonal farmworkers should be considered and included in the negotiations leading to the adjusted levels of performance described in subsection (c)(3).

(g) COMPLIANCE WITH SINGLE AUDIT REQUIREMENTS; RELATED REQUIREMENT.—Grants made and contracts entered into under this section shall be subject to the requirements of chapter 75 of subtitle V of title 31, United States Code and charging of costs under this section shall be subject to appropriate circulars issued by the Office of Management and Budget.

(h) FUNDING ALLOCATION.—From the funds appropriated and made available to carry out this section, the Secretary shall reserve not more than 1 percent for discretionary purposes, such as providing technical assistance to eligible entities.

(i) DEFINITIONS.—In this section:

(1) ELIGIBLE MIGRANT AND SEASONAL FARMWORKERS.—The term “eligible migrant and seasonal farmworkers” means individuals who are eligible migrant farmworkers or are eligible seasonal farmworkers.

(2) ELIGIBLE MIGRANT FARMWORKER.—The term “eligible migrant farmworker” means—

(A) an eligible seasonal farmworker described in paragraph (3)(A) whose agricultural labor requires travel to a job site such that the farmworker is unable to return to a permanent place of residence within the same day; and

(B) a dependent of the farmworker described in subparagraph (A).

(3) ELIGIBLE SEASONAL FARMWORKER.—The term “eligible seasonal farmworker” means—

(A) a low-income individual who—

(i) for 12 consecutive months out of the 24 months prior to application for the program involved, has been primarily employed in agricultural or fish farming labor that is characterized by chronic unemployment or underemployment; and

(ii) faces multiple barriers to economic self-sufficiency; and

(B) a dependent of the person described in subparagraph (A).

Appendix D – Innovation in Action

This is just one example of “Innovation in Action”: a unique idea by one NFJP grant recipient, in this case PathStone Corporation, to help their participants maintain a support network after exiting the program.

PathStone Alumni Association

Mission: The mission of the Alumni Association is to connect alumni (former participants/clients/customers) to PathStone and to each other, to provide valued services to members, and to support PathStone’s mission of empowering people to achieve independence.

Purpose: The Alumni Association will provide positive support for former participants following graduation and for current participants while in training.

Alumni Member Role:

1. Partner: Alumni will partner with staff in planning events to showcase alumni success stories and serve the Association, the agency, and the community.
2. Advocate: Alumni will tell their stories to participants, employers, trade organizations, civic clubs, and elected representatives.
3. Mentor: Alumni will attend Job Readiness Training sessions, tell their stories to participants and act as mentors when possible.
4. Peer Coach: Alumni will support each other by networking, sharing local/regional information, peer coaching and celebrating successes. Monthly alumni activities will foster continued engagement and success.
5. Leader: Alumni will work with PAAC members to further the PathStone mission and benefit their communities whenever possible.

Eligibility: Alumni will include all of the following:

1. Participants who are on the job for 12 months after participating in the Training and Employment program.
2. Self-employed Participants who are operating their enterprise for 12 months after participating in the Self-Employment Training program.
3. Participants who have resolved their IRS controversy through the Low-Income Taxpayers Clinic.
4. Individuals who complete and occupy their home through the Home Ownership Self-Help program.
5. Individuals who successfully purchase and occupy their home through the First Time Homeowners program.

Development Plan: Participants who meet the criteria above will be contacted and encouraged to participate in a specific, outlined program that culminates with a first-ever alumni recognition dinner

and graduation. It is anticipated that the founding members of the alumni association will meet prior to program launch to help plan the program activities and the association.

Vision: The Alumni Association is an empowered group making inspiring presentations to local businesses, Civic Clubs, Mayors and elected representatives, government officials, and Funders in conjunction with PathStone staff. Alumni are present at every JRT/PX2 training to tell their story to participants and serve as mentors. The Alumni Association is actively building PathStone pride across the Island.

AGREEMENT BETWEEN THE
WORKFORCE DEVELOPMENT AGENCY,
MICHIGAN DEPARTMENT OF HEALTH AND HUMAN SERVICES -
MIGRANT SERVICES DIVISION AND TELAMON CORPORATION

This Agreement will be in effect as of July 1, 2016 and shall remain in effect unless otherwise terminated by mutual agreement of all parties. This MOU may be modified at any time by written agreement of the parties. Such amendments will require the signature of all parties affected by such amendment. Assignment of responsibilities under this MOU by any of the parties shall be effective upon written notice to the other parties. Any assignee shall also commit in writing to the terms of this MOU.

I. PURPOSE

Establish protocol between the Workforce Development Agency (WDA), the Michigan Department of Health and Human Services (MDHHS)- Migrant Services Division and Telamon Corporation. These three entities agree to share information and conduct joint outreach whenever possible in order to better serve Migrant and Seasonal Farm Workers (MSFWs) who are located in Michigan.

II. SCOPE OF WORK

- A. WDA, the MDHHS-Migrant Services Division, and Telamon NFJP agree to refer MSFWs from their respective programs to each other. Referral will be made after initial contact with the MSFW.
- B. WDA agrees to share the following information regarding the MSFW:
1. Name of MSFW & Date of Birth
 2. Camp location
 3. Current employment (are they working)
 4. Specific needs (i.e. training, cash assistance, Medicaid, etc.)
 5. Family size
 6. Primary language
- C. Telamon agrees to share the following information regarding the MSFW:
1. Name of MSFW & Date of Birth
 2. Camp location
 3. Current employment (are they working)
 4. Specific needs (i.e. training, cash assistance, Medicaid, etc.)
 5. Family size
 6. Primary language
- D. The MDHHS-Migrant Services Division agrees to share the following information regarding the MSFW:

1. Name of MSFW & Date of Birth
2. Camp location
3. Current employment (are they working)
4. Specific needs (i.e. training, cash assistance, Medicaid, etc.)
5. Family size
6. Primary language

- E. Referrals will be done via email
- F. Each Agency is responsible for conducting their own follow-up to referrals made to the other agencies.
- G. Each Agency will determine internal follow-up procedures for referrals made.
- H. WDA, MDHHS-Migrant Services Division and Telamon agree to conduct outreach as a team, whenever possible, to areas where MSFWs live and gather. All three entities will make a concerted effort to use the team approach, especially when outreach is conducted at large camps, and/or after the normal business day hours.
- I. WDA, MDHHS-Migrant Services Division and Telamon agree to collaborate on mailings to employers in an effort to reduce the number of correspondence received by the employer. All three entities will appoint a representative to develop and coordinate an "Explanation of Services" document that highlights each entity's services and contains local contact information for each entity.
- J. WDA, MDHHS-Migrant Services Division and Telamon agree to conduct at least one joint staff meeting each program year. Each entity will host one of these meetings, and all managers and staff from all three entities will attend.
- K. WDA, MDHHS-Migrant Services Division and Telamon agree to collaborate on special projects.

III. BUDGET

Each entity is responsible for their own costs associated with their respective program. Each entity will share in the cost of producing and attending special events or projects.

IV. INDEMNIFICATION CLAUSE


Each party to this Agreement must seek its own legal representation and bear its own costs, including judgments, in any litigation that may arise from the performance of this Agreement. It is specifically understood and agreed that neither party will indemnify the other in such litigation.

V. CANCELLATION/MODIFICATION CLAUSE

WDA, MDHHS-Migrant Services Division and Telamon agree that any party has the right to cancel or modify this Agreement by giving thirty (30) days written notice to the other party. All modifications to this Agreement shall be in writing and signed by all parties. Changes will be contingent upon state and federal mandates and state policy considerations.

VI. SIGNATURES

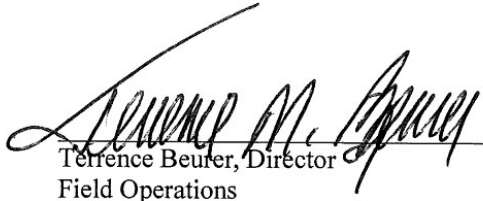
The signatories warrant that they are empowered to enter into this Agreement and that it is hereby accepted.



Joe Billig, Director
Office of Talent Policy and Planning
Workforce Development Agency
07/13/2016
Date

Don Kuchnicki
Digitally signed by Don Kuchnicki
DN: cn=Don Kuchnicki, o=Telamon,
ou, email=dkuchnicki@telamon.org,
c=US
Date: 2016.07.14 08:01:35 -04'00'

Donald Kuchnicki, State Director
Telamon, NFJP Program
07/14/2016
Date



Terrence Beurer, Director
Field Operations
Department of Health and Human Services
7-18-16
Date

Appendix F – Sample SWDB-NFJP MOU

MEMORANDUM OF UNDERSTANDING BETWEEN
TELAMON CORPORATION
AND
NORTH CAROLINA DEPARTMENT OF COMMERCE,
DIVISION OF WORKFORCE SOLUTIONS

PARTIES

This Memorandum of Understanding (MOU) is made and entered into by and between Telamon Corporation-North Carolina, Employment and Training (Telamon) and North Carolina Department of Commerce, Division of Workforce Solutions (DWS).

TERM

This MOU is in effect from July 1, 2016 through June 30, 2017. This MOU may be terminated, without cause, by either party upon thirty (30) days written notice.

PURPOSE

The purpose of this MOU is to establish protocols for cooperatively serving Migrant and Seasonal Farmworkers (MSFW) in North Carolina.

RESPONSIBILITIES

A. Telamon shall have the following responsibilities under this agreement:

1. Refer eligible MSFWs and Non-MSFWs who may be eligible, to NC-DWS. This may include information sharing on a need-to-know basis to help expedite services, to verify customer needs (as available and appropriate), and to reduce duplication of effort. Information will be shared in accordance with Telamon and NC-DWS policies and procedures. Confidentiality and safe-guarding of information will be maintained at all times.
2. Accept referrals from NC-DWS and provide services to eligible MSFWs as appropriate and as funding availability permits.
3. Provide input to DWS' Monitor Advocate for Quarterly ETA/LEARS Reports, Annual Monitor Advocate Services Reports, and planning process, upon request.
4. Pursue joint cross systems training opportunities to improve and enhance the knowledge and skills of both parties.
5. Participate in the planning and coordination of a joint "annual kick-off meeting/training" at the beginning of the program year.

B. NC-DWS shall have the following responsibilities under this agreement:

1. Refer eligible MSFWs and Non-MSFWs who may be eligible, to Telamon. This may include information sharing on a need-to-know basis to help expedite services, to verify customer needs (as available and appropriate), and to reduce duplication of effort. Information will be shared in accordance with NC-DWS and Telamon policies and procedures. Confidentiality and safe-guarding of information will be maintained at all times.

2. Accept referrals from Telamon and provide services to eligible MSFWs as appropriate and as funding availability permits.
3. Provide statistics and other requested information for inclusion in Telamon funding proposals and reports.
4. Pursue joint cross systems training opportunities to improve and enhance the knowledge and skills of both parties.
5. Participate in the planning and coordination of a joint "annual kick-off meeting/training" at the beginning of the program year.

V. BUDGET

Each entity is responsible for costs associated with their respective program. Each entity will share in the costs of producing/attending special events or projects.

VI. INDEMNIFICATION CLAUSE

Each party to this Agreement must seek its own legal representation and bear its own costs, including judgements, in any litigation that may arise from the performance of this MOU. It is specifically understood and agreed that neither party will indemnify the other in such litigation.

VII. CANCELLATION/MODIFICATION CLAUSE

Both parties have the right to cancel or modify this MOU by giving thirty (30) days written notice to the other party. All modifications to this MOU shall be in writing and signed by all parties. Changes will be contingent upon state and federal mandates and state policy considerations.

VIII. SIGNATURES

The signatories warrant that they are empowered to enter into this MOU and that it is hereby accepted.

Jennifer McEntire

Digitally signed by Jennifer McEntire
DN: cn=Jennifer McEntire, o=Telamon Corporation,
ou=Employment and Training, email=jmcentire@telamon.org,
c=US
Date: 2016.06.27 14:18:33 -04'00'

Jennifer McEntire, State Director
Telamon Corporation—North Carolina
Employment and Training

Date



Will Collins, Assistant Secretary
North Carolina Division of Workforce Solutions
North Carolina Department of Commerce

June 28, 2016

Date

Appendix G – Guidance (TENs and TEGs) Relevant to NFJP

Workforce Innovation and Opportunity Act (WIOA)

TEGL Number Release Date	Title/Link
TEGL No. 04-15 August 13, 2015	Vision for the One-stop Delivery System under the Workforce Innovation and Opportunity Act (WIOA)
TEGL No. 9-17 Feb 16, 2018	Negotiating Performance Goals for the Workforce Innovation and Opportunity Act (WIOA) Title I Programs, and the Wagner-Peyser Act Employment Service as amended by Title III of WIOA, for Program Years (PYs) 2018 and PY 2019
TEGL No. 16-16, Change 1 June 16, 2017	One-stop Operations Guidance for the American Job Center Network
TEGL No. 17-16 Jan 18, 2017	Infrastructure Funding of the One-stop Delivery System
TEGL No. 19-14 February 19, 2015	Vision for the Workforce System and Initial Implementation of the Workforce Innovation and Opportunity Act
TEGL No. 19-16 March 1, 2017	Guidance on Services provided through the Adult and Dislocated Worker Programs under the Workforce Innovation and Opportunity Act (WIOA) and the Wagner-Peyser Act Employment Service (ES), as amended by title III of WIOA, and for Implementation of the WIOA Final Rules
	Grant Plans
TEGL No. 23-20, Change 1 September 8, 2021	Program Year 2021 Planning Guidance for National Farmworker Jobs Program Career Services and Training and Housing Grantees
	Performance and Reporting
TEGL No. 16-22 May 12, 2023	Revised ETA-9130 Financial Report Instructions and Additional Guidance
TEN No. 08-16 August 24, 2016	Implementation of an Integrated Performance Reporting System for Multiple Employment and Training Administration (ETA) and Veterans' Employment and Training Service (VETS) Administered Programs
TEGL No. 10-16 Change 2 September 15, 2022	Performance Accountability Guidance for Workforce Innovation and Opportunity Act (WIOA) Core Programs
TEGL No. 14-18	Aligning Performance Accountability Reporting, Definitions, and Policies Across Workforce Employment and Training Programs Administered by the U.S. Department of Labor (DOL)
TEGL No. 14-18, Attachment 7	This attachment describes the program specific details of the performance accountability guidance for the National Farmworker Jobs Program (NFJP).

TEGL Number Release Date	Title/Link
TEGL Number Release Date	Title / Link
TEN 18-17 May 11, 2018	System of Award Management (SAM)
TEGL No. 23-19, Change 1 October 25, 2022	Guidance for Validating Required Performance Data Submitted by Grant Recipients of U.S. Department of Labor (DOL) Workforce Programs
TEGL No. 23-19, Change 2 May 12, 2023	Revisions to Training and Employment Guidance Letter (TEGL) 23-19, Change 1, Guidance for Validating Required Performance Data Submitted by Grant Recipients of U.S. Department of Labor (DOL) Workforce Programs
TEGL No. 26-16 June 1, 2017	Guidance on the use of Supplemental Wage Information to implement the Performance Accountability Requirements under WIOA
TEGL No. 28-10 May 27, 2011	Federal Financial Management and Reporting Definitions
TEN No. 40-16 April 11, 2017	Workforce Integrated Performance System (WIPS) User Resource Library Information Page
TEN No. 42-15 Change 1 August 19, 2016	Announcing the Release of the Workforce Innovation and Opportunity Act (WIOA) Final Rules and Information Collections for WIOA and Additional DOL Administered Programs
TEGL No. 02-14 July 14, 2014	<i><u>Eligibility and Services</u></i> Eligibility of Deferred Action for Childhood Arrivals Participants for Workforce Investment Act and Wagner-Peyser Act Programs
TEGL No. 08-17 Feb 14, 2018	Guidance on the Requirement for a Memorandum of Understanding (MOU) Between State Monitor Advocates (SMA) and National Farmworker Jobs Program (NFJP) Grantees
TEGL No. 10-09 November 10, 2009	Implementing Priority of Service for Veterans and Eligible Spouses in all Qualified Job Training Programs Funded in whole or in part by the U.S. Department of Labor
TEGL No. 11-11 Change 2 May 16, 2012	Selective Service Registration Requirements for Employment and Training Administration Funded Programs
TEGL No. 18-16 Change 1 July 12, 2021	Program Eligibility and Enrollment Guidance for the National Farmworker Jobs Program
TEGL No. 26-13 June 18, 2014	Impact of the U.S. Supreme Court's Decision in United States v. Windsor on Eligibility and Services Provided Under Workforce Grants Administered by the Employment and Training Administration

TEGL Number Release Date	Title/Link
TEN No. 01-17 July 10, 2017	<u>Other Guidance</u> Updated ETA 8429 – Complaint/Apparent Violation Form
TEGL No. 02-12 July 12, 2012	Employment and Training Administration (ETA) Grant Recipient Responsibilities for Reporting Instances of Suspected Fraud, Program Abuse and Criminal Conduct
TEN No. 12-17 January 22, 2018	Impact of a Temporary Suspension of Federal Government Services on Department of Labor's Employment and Training Administration (ETA) Funded Programs and Activities
TEGL No. 13-16, Change 1 May 17, 2021	Guidance on Registered Apprenticeship Provisions and Opportunities in the Workforce Innovation and Opportunity Act (WIOA)
TEGL No. 15-14 December 19, 2014	Implementation of the New Uniform Guidance Regulations
TEN No. 20-13 February 10, 2014	Notification of Publication and Webinar for the Uniform Administrative Requirements, Cost Principles, and Audit Requirements for Federal Awards; Final Rule
TEGL No. 20-17 June 22, 2018	Program Year (PY) 2018 Workforce and Labor Market Information Grants to States (WIGS): Program Guidance and Deliverables
TEN No. 20-17 June 22, 2018	Communication Plan for Designation of Significant Migrant and Seasonal Farm Worker (MSFW) States
TEGL No. 21-16, Change 1 July 30, 2021	Change 1 to Training and Employment Guidance Letter (TEGL) 21-16 Third Workforce Innovation and Opportunity Act (WIOA) Title I Youth Formula Program Guidance
TEN No. 32-16 January 17, 2017	Release and Availability of Employment and Training Administration (ETA) National Agricultural Workers Survey Public Access Data and Reports
TEGL No. 39-11 June 28, 2012	Guidance on the Handling and Protection of Personally Identifiable Information

Appendix H – Sample NFJP Desk Quick Contact Guide

NFJP At-A-Glance

<i>Item</i>		
Agricultural Connection	The Agricultural Connection Community provides a collection of workforce information and technical assistance resources that support career services and training for MSFW.	https://farmworker.workforcegps.org/
DOL Grants Management Resources	The Grants Application and Management Community is your one-stop source for tools, training, and resources to ensure effective management of your ETA grant.	https://grantsapplicationandmanagement.workforcegps.org/
Participant Eligibility Guidance	<u>TEGL No. 18-16 Change 1</u> is the guidance that the Labor Department has written to provide clarification and instructions related to participant enrollment in NFJP.	https://www.dol.gov/agencies/eta/advisories/training-and-employment-guidance-letter-no-18-16-change-1
Program Regulations	<p>The program regulations (or regs) are the rules and guidance that the U.S. Department of Labor write in order to implement Congress’s law.</p> <p>(See Especially PART 685—NATIONAL FARMWORKER JOBS PROGRAM UNDER TITLE I OF THE WORKFORCE INNOVATION AND OPPORTUNITY ACT)</p>	<p>General Information about the Regs:</p> <p>https://www.dol.gov/agencies/eta/wioa/guidance</p> <p>DOL-only Regs with sections on NFJP:</p> <p>https://www.ecfr.gov/current/title-20/part-685</p>
Program Statute	<p>The law that governs the NFJP is called the Workforce Innovation and Opportunity Act (WIOA). NFJP can be found in Section 167.</p> <p>(See Especially page 140 for SEC. 167. MIGRANT AND SEASONAL FARMWORKER PROGRAMS)</p>	https://www.govinfo.gov/content/pkg/PLAW-113publ128/pdf/PLAW-113publ128.pdf#page=140

<i>Item</i>	<i>Description</i>	<i>Link</i>
Reporting and Accountability Information	TEGL 14-18 is the guidance that the Labor Department has written aligning reporting and performance accountability across WIOA programs. See especially attachment 7 for NFJP-specific information.	https://wdr.doleta.gov/directives/corr_doc.cfm?DOCN=7611
Spending Guidelines	The Uniform Administrative Requirements, Cost Principles, and Audit Requirements for Federal Awards (Uniform Guidance) at 2 CFR Part 200 is a consolidation of grant management requirements.	https://www.doleta.gov/grants/UniformGuidance.cfm
The Core Monitoring Guide & NFJP Supplement	<p>The Core Monitoring Guide (CMG) is a tool for Federal staff to review grant recipients' core activities. The CMG provides a consistent framework that allows Federal staff to assess the compliance of a grant recipient in meeting the requirements outlined in the grant agreement.</p> <p>The NFJP Supplement complements the Core Monitoring Guide (CMG) and is a tool for Federal staff to evaluate NFJP grants. This supplemental guide identifies compliance requirements that are specific to NFJP.</p>	https://farmworker.workforcegps.org/resources/2019/09/26/18/06/~/link.aspx?id=E631828DA0A44B9E92A63D82D08A35CA&z=z

Important WIOA/NFJP Partners

<i>Item</i>	<i>About</i>	<i>My Contact</i>
American Jobs Center or One-Stop Center	Locator: https://www.careeronestop.org/LocalHelp/AmericanJobCenters/find-american-job-centers.aspx	<<customize this field>>
Federal Project Officer	NFJP Directory	<<customize this field>>
Returning Citizen or Justice Involved Individual Contact for Co-Enrollment		<<customize this field>>

<i>Item</i>	<i>About</i>	<i>My Contact</i>
State/Regional Monitor Advocate	https://www.dol.gov/agencies/eta/agriculture/monitor-advocate-system	SMA: <<customize this field>> RMA: <<customize this field>>
Veterans Program Contact for Co-Enrollment		<<customize this field>>
<i>Office of Migrant Education</i>	Office of Migrant Education - Office of Elementary and Secondary Education	
<<Customize with Other One Stop Partner>>		<<customize this field>>
<<Customize with Other One Stop Partner>>		<<customize this field>>

Common Emergency Referral Partners

<i>Item</i>	<i>About</i>	<i>My Contact</i>
Childcare Assistance	<<customize organization description>>	<<customize with my contact>>
Food Insecurity	<<customize organization description>>	<<customize with my contact>>
Health Care	<<customize organization description>>	<<customize with my contact>>
Housing Insecurity	<<customize organization description>>	<<customize with my contact>>
Transportation Assistance	<<customize organization description>>	<<customize with my contact>>