**WorkforceGPS**

**Transcript of Webinar**

**Moving Forward Together: NFJP Eligibility and Enrollment, Program Services, and Performance**

**Thursday, August 11, 2016**

*Transcript by*

*Noble Transcription Services*

*Murrieta, CA*

BRIAN KEATING: All right. Well, without any further ado I'm going to turn things over to Laura Ibanez. Laura is the unit chief with the Specialty National Programs Unit for the Employment and Training Administration in the U.S. Department of Labor. Laura, take it away.

LAURA IBANEZ: Thanks, Brian. Good afternoon, everyone. Welcome to today's webinar. We're excited to see that so many of you have joined us today. My name is Laura Ibanez and I'm joined by my colleagues Noel Castro, Trevor Capon, and Krister Engdahl.

So for today's webinar we're excited to have our federal project officers from Regions 1, 4 and 6 go over the statutory and regulatory language for NFJP and provide guidance on program eligibility and enrollment, employment and training services, and housing assistance services. Again, our goal is to provide you with what we know today.

We realize that you are hitting the ground running to serve your communities with or without guidance, as you're expected to do so, so we do want you to know that we are working to get guidance drafted as fast as we can. So please keep in mind that what we share with you today is being proposed and cleared for program eligibility and program services.

In addition to issuing TEGLs we're also working to update the NFJP website to include a frequently asked questions webpage. So as Noel, Trevor and Krister are presenting please keep your questions and comments coming so we know how this information sits with you. For example, let us know if we need to provide more clarity on youth services or such-and-such. (Inaudible) -- workforce analyst will keep your input in mind as he is updating the FAQ.

Lastly we're going to cover our recommended approach for performance targets. So again, in order for us to know what we're missing and what you're thinking and what we need to address in the future, please use the chat box throughout today's webinar.

So as you all know I joined the NFJP family just about a year ago. I'm interested in learning how long you all have been with us. I know some of you are new and some of you have been here for many years, so I do look forward to learning with those that are new and learning from those who have been with us for many years. So if you haven't already, please take a moment to answer the polling question.

MR. KEATING: All right. We're just bringing that up now. I guess some of you may have already voted and voted earlier, but for those who didn't go ahead and let us know how long have you worked with your organization? Your choices are one to three years, four to seven years, eight to 15 years, 15 to 30 years, or lost count but you know it's more than 30 years.

And by the way, we did see the comments coming in about the audio, so thanks for that. Might have been a quick glitch there but I believe that's fixed now, so you hopefully should be hearing my voice through your computer speakers. However if you need to, go ahead and dial into the teleconference. We've got a teleconference number in case you have trouble. Again, that should be working now so hopefully you don't need to, as room on the teleconference is limited. But thanks, everyone. Good job letting us know if you need anything using the chat window. As I mentioned, technical issues is what I'm here for.

Looks like most people have had a chance to vote. I'm going to turn things over to Laura and see the comments on what you're seeing.

MS. IBANEZ: So let's see. Seems like we have at least -- almost 28 percent that have been with us for about one to three years. Seems like there's about 28 percent that been with us from 16 to 30 years. That's impressive but I'm not surprised. There's also about 11.3 percent that have been with us for four to seven years. And of course, there's folks that have lost count and been with us for more than 30 years -- at least six folks, so that's pretty exciting.

So I'm going to now turn this over to Noel Castro, our federal project officer from Region 4, who's going to be discussing the program eligibility section of this webinar. Noel?

NOEL CASTRO: Yes, ma'am.

MS. IBANEZ: All right.

MR. CASTRO: Thank you, Laura. Again, this is Noel Castro from Region 4 with the Office of Special Initiatives and Demonstration. I want to thank Laura for allowing me to be on this webinar and also my director, Greg Goodwin, and my chief, Pat Ellis. Of course, what we'll be discussing today is program eligibility and enrollment.

Eligibility requirements for NFJP participants.

An individual must meet, on the date of application for enrollment, meet the criteria under Section 1 or Section 2 as defined in (20 CFR Part) 685.110.

One, MSFW. First, to receive NFJP services an individual must be either an eligible seasonal farm worker; eligible migrant farm worker; or

eligible MSFW youth. Second, a NFJP participant must be a low-income individual who faces multiple barriers to economic self-sufficiency.

Dependent of a MSFW. To qualify for NFJP as a dependent an individual must be a dependent of an eligible MSFW. The eligible MSFW must meet the two requirements above. For housing grantees please remember that NFJP-funded permanent housing development activities that benefit eligible MSFWs do not require individual eligibility requirements.

And feel free to type in your questions over in the main chat room if you have any questions about our slides today. OK. We'll go over the next definition, the definition of a low-income individual.

A low-income individual means an individual who either receives or in the past 6 months has received or is a member of a family that is receiving or in the past 6 months has received assistance through the SNAP program -- or Supplemental Nutrition Assistance Program; two, is in a family with total family income that does not exceed the higher or the poverty line; or 70 percent of the lower living standard income. And keep in mind you don't need to rely on the LLSIL loan to determine that.

All right. And continuing, three, a homeless individual; four, receives or is eligible to receive a free or reduced price lunch under the Richard B. Russell National School Lunch; five, is a foster child on behalf of whom state or local government payments are made; six, an individual with a disability whose own income meets the income requirement of B above but who is a member of a family whose income does not meet this requirement.

All right. Moving on. The definition of an eligible seasonal farm worker. It 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. Again, 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.

Now let's breakdown a few terms in the eligible seasonal farm worker definition. "Primarily employed in agricultural or fish farming labor" means an individual earning at least 50 percent of his or her total income from farm work or by being employed at least 50 percent of his or her total employment time in farm work. The terms "chronic unemployment or underemployment" as used in WIOA Section 167 (i)(3)(A)(i) refers to the name of agriculture or fish farming labor force as a whole and whether it experiences either chronic unemployment or underemployment.

Note an NFJP applicant does not need to provide additional documents to demonstrate that they are either chronically unemployed or underemployed to be eligible for the program. Additionally an NFJP applicant does not need to provide documents to demonstrate that they face multiple barriers to economic self-sufficiency as used in WIOA Section 167, the following paragraphs.

OK. A few notes here. And for the purposed of determining eligibility grantees are not required to collect source documentation to demonstrate chronic unemployment or underemployment. Similarly, grantees are not required to collect source documentation to demonstrate that an individual faces multiple barriers to economic self-sufficiency. Rather, instead this information should be collected to assess participants' barriers to help inform their career planning approach, develop comprehensive programs, and to coordinate supportive services during program participation and offer job placement.

(Cross talk.)

Thank you. We'll move on to the definition of an eligible migrant farm worker. "Eligible migrant farm worker" means an eligible seasonal farm worker as defined in WIOA Section 167 whose agricultural labor requires travel to a job site such that the farm worker is unable to return to a permanent place of residence within the same day.

Move on to the definition of an eligible MSFW. "Eligible MSFW youth" means an eligible MSFW aged 14 to 24 who is individually eligible or a dependent of an eligible MSFW. Grantees may enroll participants aged 14 through 24 as either a MSFW adult or a MSFW youth participant as described in 685.320 but not in both categories. Note there, 685 adjusts the upper and lower ranges of eligible MSFW youth to conform to those established in WIA Section 129 for out-of-school youth and in-school youth.

It's a little hard to see so I'll try to read the entire slide here for you. Again, this is very inclusive of the family for dependent of a MSFW. It's defined as an individual who, one, was claimed as a dependent on the eligible MSFW's federal income tax return for the previous year or is the spouse of the eligible MSFW; or if not claimed as a dependent for federal income tax purposes, is able to establish a relationship as the eligible MSFW's 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 -- again, but not foster parent; foster child; stepfather or stepmother; uncle or aunt; niece or nephew; father-in-law, mother-in-law, son-in-law; or daughter-in-law, brother-in-law, or sister-in-law; and the receipt of over half of his or her total support from the eligible MSFW's family during the eligibility determination period.

Again, if you receive over half of his or her total support from the eligible MSFW's family during the eligibility determination period.

And we'll go into the definition of farm work. It's broader now than it was in WIA. Of couse, some of the new items we'll cover will covered in this slide.

Farm work means cultivation or tillage of 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.

Again, the new section that was added was processing of fish and farming of fish. And of course, the definition focused on the functions. It's meant to be a more inclusive definition of farm work under 685; supports strategic alignment across workforce development programs by allowing the definition of "farm work" found in this part that used in the employment services program authorized by Wagner-Peyser.

All right. So we've got questions coming in. That's great. Let's move on to farm work and North American Industry Classifications codes. These codes are the primary resource used to help define farm work. Of course, NFJP grantees are encouraged to draw upon multiple factors rather than refer only to what we call the NAICS codes. Everybody has their different way of pronouncing it -- N-A-I-C-S -- it's always very interesting to see.

We often get asked how do we define farm worker; and if it's not in the NAICS codes, is it still considered farm work? The definition of farm work is what we should start with. It's not necessary for you to rely on the NAICS codes alone. And here you're encouraged to, again, draw upon other resources to determine farm work. We've also provided here the census link so you can access that.

All right. Let's move on to eligibility determination period as noted in 685.110. The determination period means any consecutive 12-month period within the 24-month period immediately preceding the date of application for NFJP by the MSFW applicant. Later on, ETA will address source documentation for data validation requirements. That should come out in the form of a guidance letter here in the near future.

Other important considerations. Of course, now that we've covered the definitions, let's cover a few basics. Let's keep in mind it's only the program participant that needs to meet the Selective Service requirements. I jumped a little bit there, but let's go over the first one there.

NFJP-funded permanent housing development activities that benefit eligible MSFWs do not require individual eligibility determinations.

Male NFJP participants in any program or activity established under WIOA Title I or receiving any assistance or benefit under this title must not have violated Section 3 of the Military Selective Service Act.

So for NFJP Participants who are deferred action for childhood arrivals, participants may include individuals with employment authorization documents who have been granted relief under the Deferred Action for Childhood Arrivals, or better known as DACA.

So let's go back one slide here; just a few notes.

So an example for the second bullet would be if you're a male dependent and you're qualifying for NFJP under your father's farm work status, the male dependent is required to meet these requirements. Just a note there in case you had questions about that. All right. Moving on.

Of course, grantees are encouraged to assess participant's interests, strengths, and barriers to help inform their career planning approach.

Grantees are expected to actively work with their American Job Centers and other workforce system partners in identifying services and programs that are tailored to the applicants' needs and career pathway interests. Individuals who are determined ineligible for NFJP should be connected to other AJC services or alternative programs for which they qualify.

Of course, just a note on career planning. It's a client-centered approach designed to develop comprehensive programs and to coordinate supportive services during the program participation and offer job placement. Of course, this should effectively all NFJP participants.

And again, if you have any questions please feel free to type them into the chat box and we'll definitely get back to you with an answer. I believe that is the end of my portion of the presentation. I'd like to introduce Trevor Capon, a federal project officer.

TREVOR CAPON: Hello, all, Trevor Capon from Region 1, federal project officer.

Next we have a little polling question for you all. So how many of you have already established an MOU with your local workforce investment development board?

MR. KEATING: All right. So again, that question is up now. We'd like to know again how many of you have already established an MOU with your local workforce development board. Your choices are yes and I'm proud of it; it's in the works; or it's like moving mountains, help. So again, you'll just click the radio button that best reflects your response.

And in terms of the question that came in over the main chat, Lorena (sp), we are going to be providing a transcript of today's presentation so you'll be able to access that along with the actual audiovisual recording in about two business days. So definitely be on the lookout for that. Yep. We've got live closed captioning today; thank you to that person, but the transcript will be also be available.

And I'll turn it back to Trevor to go ahead and comment on what you're seeing.

MR. CAPON: OK. So it looks like about 70 percent of you do have MOUs in place, and about 21 percent are working on it. About 7 percent need some help.

One comment I'll just make is that with the transition from WIA to WIOA those MOUs should evolve from being just agreements for space-sharing or data-sharing to really aligning services to try to maximize resources. So MOUs should certainly be a living document, something that you revisit frequently, and something that they should definitely reassess as you're able to take a look at WIOA and understand the differences and the expectations from what they were under WIA.

I think when your federal project officers monitor you they're probably going to want to take a look more closely at your MOUs. Again, we're going to be using WIOA, that legislation as our guidance -- monitoring point rather than WIA. We're going to want to see programs closely aligned -- or service delivery, I should say.

So my section of the presentation is going to be on program services. All of you are expected to offer a customer-focused case management approach to providing career services, training, youth services, housing and other related assistance to eligible migrant seasonal farm workers.

And again, your program services must be aligned with the needs of the migrant seasonal farm worker population in your service area and then include the services that are necessary to meet each participant's employment and education or housing needs.

So career services. This is from Section 685.340. Career services may include workforce investment activities -- including youth -- and related assistance, and here are the citations for you from where they're described. You may provide other services that would be identified in your proposals other than just those provided in the citations provided.

And again, we encourage that the delivery of career services by you and by the One-Stop system be discussed and the alignment addressed in your memoradums of understanding.

So training services. You may provide training activities described in WIOA Section 167(d) and 134(c)(3)(D); and Part 680 -- this is the adult and dislocated worker activities under Title I of WIOA. These activities include, but are not limited to, occupational-skills training and on-the-job training. Eligible migrant seasonal farm workers are not required to receive career services prior to receiving training services.

So some of the training services are OJTs -- that's on-the-job training. When you provide OJT services you may reimburse employers for the extraordinary costs of training, up to 50 percent of the wage rate of the participant.

You may -- and this is new under WIOA -- you may also increase the OJT reimbursement rate up to 75 percent of the wage rate of a participant under certain conditions. Primarily it depends on if the local area has increased the reimbursement rates. You should not increase the rate unless the local area has done so prior. What we're looking for really is there to be parity between One-Stop OJT and our NFJP grantee OJTs so that there isn't an issue with competition.

So in your local areas you should be taking a look at what your local workforce investment board has set the rate at, and you're probably going to want to peg your reimbursement rate for OJTs to what it is that the workforce investment board has pegged their rate. Really, just looking for a level playing field; I believe this came about from a lot of you providing feedback during the comment period.

So training services -- and this is important -- must be directly linked to an in-demand industry sector or occupation in the service area or in another area to which an eligible migrant seasonal farm worker receiving such services is willing to relocate. And the training activities must encourage the attainment of recognized post-secondary credentials.

The important takeaway here is that there really needs to be an occupational component to consider it a training service. There are many things that we training that don't really meet the WIOA definition of training; for example, OSHA training, a job readiness training, pesticide training. Those are all great things to provide migrant seasonal farm workers as part of a larger training program or service flow; however, as standalone activities generally do not count as training.

We're really looking for, again, the training that has an occupational component and leads to the attainment of postsecondary credentials. If you ask what is the definition of a postsecondary credential, it is consisting of an industry-recognized certificate or certification, certificate of completion of an apprenticeship by the state involved or federal government, or an associate or baccalaureate degree.

Just a program completion certificate that is grantee-made or grantee-designed is generally not considered a recognized postsecondary credential. So if you have any questions speak to your FPO.

Youth services. WIOA -- there have been some changes around youth services. The citiation here for you is Section 685.360. And this section requires you to coordinate services as discussed previously, particularly outreach t migrant seasonal farm workers with your state workforce agency and also the state monitor advocate to facilitate youth co-enrollment in other WIOA Title I programs.

You may provide activities and services to eligible migrant seasonal farm worker youth regardless of the participant's eligibility for WIOA Title I youth activities as described in Section 129(a).

Some other youth program elements. So those youth workforce investment activities specified in WIOA Section 129, some of them are life skills activities, which may include self and interpersonal skills development, community service projects; other activities and services that conform to the use of funds for youth activities. And again you have this PowerPoint; this will be provided to you so you can use this as a reference -- I won't read every line here.

The youth workforce investment activities specified in this section, I'll just read a couple here. We have the adult mentoring for the period of participation and subsequent period for a total of not less than 12 months. You have follow-up services for not less than 12 months after the completion of participation; comprehensive guidance and counseling including drug and alcohol abuse counseling and referral; financial literacy and entrepreneurial skills training; career awareness, career counseling, and career exploration services including labor market and employment information; and then finally, activities that help youth prepare for and transition to postsecondary education and training.

Another program service provided which you all are should be very familiar with at this point is related assistance. The related assistance section of the act can be found at 685.110 and 685.380.

Related assistance may include short-term direct services and activities. Examples include emergency assistance, and then you have the activities identified in Section 167(d), such as English language and literacy instruction; pesticide and worker safety training; then we have housing, including permanent housing, and as provided in the approved program plan; and then also school dropout prevention and recovery activities. I believe some of those are definitely new to us in WIOA. As those that have provided related assistance traditionally, those are probably not services that you would provide under related assistance but now they're allowable.

Related assistance may be provided to eligible migrant seasonal farm workers not enrolled in career services, youth services, or training services, so it's not a supportive service. That's unchanged.

The eligible migrant seasonal farm workers may receive related assistance services when you identify and document the need, which may include a statement by the eligible migrant seasonal farm worker. You can find more information about that in Section 685.390.

So transitioning to the next section, Krister?

KRISTER ENGDAHL: Yeah. Good morning or good afternoon, wherever you are. Krister Engdahl here, Region 6 FPO lead and the regional monitor advocate. I'll take you through a few slides on housing services under the NFJP grant.

Housing, of course, can be found at 685.360 and here's a few of the points. Housing grantees must provide housing services to eligible MSFWs. Career services and training grantees may provide housing services to eligible MSFWs as described in their program plan.

And I would also urge you if you're in a service area that does have housing services, that you as a 167 job training provider connect with the housing grantee if you haven't and establish a relationship to make sure all eligible people are receiving services.

Housing services may include the following: 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 they returns at the end of the work or training day.

Also, temporary housing that is not owner-occupied and is used by MSFWs whose employment requires occasional travel outside their normal commuting area.

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, utilities, utility shutoff notices so they can stay in training or in the program.

Also, permanent housing developed with NFJP funds must be promoted and made widely available to eligible MSFWs but occupancy is not restricted to eligible MSFWs. That was one of the changes in the final rule. Many projects are developed USDA Rural Development funds, which require a certain amount of farm workers in a building. So from what I've seen from housing there are a lot of eligible MSFWs benefitting from this.

Temporary housing services must only be provided to eligible MSFWs. 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 -- that's the ETA housing for agricultural workers; that's primarily for housing before 1980, I can't remember the exact month -- or it's after that date, OSHA housing standards at 29 CFR 1910.10.

If you don't know your FLC person in your state or work with a state monitor advocate, they can tell you about that. They often do the housing inspections.

When an NFJP grantee 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 -- and notice the "not" -- required to ensure that such housing meets the federal housing standards we just described above.

Well, and now it's back to Laura, and thank you.

MS. IBANEZ: Thank you, Krister. So now we're going to cover the performance target piece of this webinar. I know we have many -- there's a lot of performance questions out there, but today what we're really looking at is wanting to let you know what our approach was for performance targets.

So here we go. Let's start with the housing grantees, which I think is a little bit more simpler. For the performance indicators for housing grantees, as you know there's two different ways that you can use housing grants, One is for permanent housing. We ask that our grantees report out on the total number of eligible MSFWs served; the total number of eligible MSFW families served; and the total number of individuals served; and total number of families served.

The reason why we're saying this is because, as you know, in (Section) 685, housing services that are focused on permanent development activities, although you have to promote and outreach for MSFWs to realize that eligible MSFWs may not be always be individuals who end up in the housing, we want to be able to track and monitor the four different sets of data there.

The second piece to this is temporary housing. Temporary housing is only focused on the total number of eligible MSFWs served and the total number of eligible MSFW families served. Again, what we're approaching here for our performance targets, it's a little bit more simpler. We're planning to just keep the goals that you proposed and that were approved in your grant award package.

Now, let's talk a little bit about our performance targets for employment and training grantees. Before I start, I just want to say that there's a group of us including Andrew from SPRA, Greg, myself, and leadership here just really thinking about what is the intent of WIOA and how can we provide excellent customer service to jobseekers and focus on continuous improvement to serve individuals who face multiple barriers to employment. So with that in mind we looked at three different options here.

For option one, although this option would give us a unique performance target for each grantee, this approach has large flaws because the regression models were developed for populations that are substantially different from farm workers.

So for option two, to develop a specific NFJP regression model, using the best data available as proxy for WIOA measures on which we don't yet have data, this option gives us the unique performance target and a NFJP-specific regression model. But because there is not previously captured data for many of the WIOA targets, this would need to be constructed using the best proxy data available. This is probably the best longer-term solution once we have more data, but it's not available for immediate use.

And so for our last option here is set a single, nationwide target for each measure as a starting point for negotiations. The targets under this option were set based on the targets that were set for WIOA core programs, taking a weighted average across the states to arrive at a national average. This option allows us to simplify the approach as we transition to using the new WIOA performance measures and uses data that is actually available.

Although this approach doesn't fully take into account each grantee's past performance, we believe this approach is the best option for WIOA implementation, especially as we're transitioning to using the WIOA performance measures.

So again, what we're proposing is -- and first of all I just want to say we all did an amazing job under WIA's performance measures. So we just wanted an opportunity to really think about what was the intent of WIOA, especially during this transition as we're adopting new performance measures. What can we do based on the data that we have available? So we're proposing that we use a single nationwide performance target for employment and training grantees.

To derive these figures we used the weighted average of states' predicted outcomes in adult programs and youth programs based on the new regression model developed for WIOA. One of the references -- and if you haven't already taken a look at it I encourage to look at it -- TEGL 26-15. In that TEGL you'll see that there's an attachment with a regression tool.

In other words, every state has predicted outcomes for these different measures. So again, we used a weighted average on those predicted outcomes to develop a national estimate for each outcome measure. This was then adopted as the NFJP measure for this year.

So as you see here, for adults, for entry into unsubsidized employment we're proposing that our target be 69.9 (percent). For the retention in unsubsidized employment we're proposing that we start at 66 percent.

I'm seeing lots of "wows" so I think this is great news. We're pretty excited about this approach as well, so we're hoping you're feeling the same excitement.

For median earnings we have 5,180 (dollars). For the credential rate we're proposing that we set at 53.2 percent.

So underneath these performance targets you're going to see comparable rates for dislocated workers and what it would be.

Now, for youth what we're proposing for the entry into unsubsidized employment or education is 68.9 percent; for retention in unsubsidized employment or education we're proposing 61.4 percent. For the median earnings there's no target set since we don't have data available. And for the credential rate we're proposing that we start at 65.5 percent.

As you've probably noticed, please note that these targets do not include the measureable skills gain measure for either youth or adults; nor does it include the youth earning measures and the effectiveness in serving employers, since there's no data on each of these specific measures.

So it seems like there's lots of smiles out here; this is great news. Just as we do, though, with every time that we award, or every year, there is an opportunity to negotiate. So again, we're asking you to look over these performance targets and let us know what you think about them, if you're interested in accepting them. If you're not then we can definitely follow up and have a conversation about negotiating around these as a starting point.

So I see one question here about, "So is this the (step ?) requirements and we're not going with what we proposed in our grant plan?" And again, that's up to you to decide. We are suggesting these, given on the basis of the data that we have and given the fact that these are new performance measures for all of us. We wanted to take that into account as we're transitioning.

So I'm going to move on to next steps. So again, as we mentioned last week, this is completely up for negotiation but we wanted to provide that recommendation. ETA will work with grantees to set performance goals by August 29. Please send an email to nfjp@dol.gov and let us know if you'd like to accept these adjusted performance targets or if you would like to negotiate by August 19th.

So because we want to set these goals in place by August 29th we definitely want to hear from all of you, and please make sure to copy your FPO when you send us an email, whether you accept our proposed targets for the employment and training grantees or if you would like to negotiate.

The second part to this is -- again, I think we talked about this last week -- there was a question about if there was any notifications once we submit these. So we realize that these performance targets may put you in a situation where you need to make modifications for your budget narrative, your SF-424, etc. So please send those to your FPOs by September 30th.

Lastly I just want to remind everyone we are hoping to continue the conversation and provide you guidance as we have it. So our upcoming tentative dates for monthly webinars, the first one is "Reporting Webinar Discussion" on September 8th. This is where we're going to have Andrew from SPRA come and talk about what we know about reporting, what to expect. We'll also go over details about source documentation and what's acceptable. And then on October 6 we're planning to cover -- "Collaboration and Partnerships Webinar Discussion."

So I don't have anything more to add at this point. Again, I just want to reiterate, though. Us proposing the performance targets has nothing to do with -- I mean, we definitely know, but you probably set higher performance targets in your proposals and we know you can definitely achieve them. You guys have always shown me -- you did 92 percent last year, you're going to do 96 next year, and that's great. But what we really want to think about is how can we improve our service delivery for -- (inaudible) -- that we serve in our community; and also just take into account that we are in transition.

So I believe that is it. Our next slide here is a polling question. So let us know how you feel about today's webinar. If we could do better please let us know how.

MR. KEATING: All right. Great. And that polling question's up now so go ahead and vote now. Your choices are let's do this; perhaps you might be a little overwhelmed but excited; and last but not least, you could say "huh."

And while you're voting, like Laura said, if you want to give us additional feedback -- we've already gotten several questions through the chat but we are continuing to take questions as well. So feel free to let us know. We'll be addressing those I'm sure right after we complete the poll. With that in mind, Laura, I'll turn things back to you to comment on what folks have voted on so far.

MS. IBANEZ: OK. So we have 66.6 percent on let's do this; 27 percent on a little overwhelmed but excited -- as we all are; then we have almost 7 percent about "huh." I think people are still processing what's going on.

OK. So if we can, it seems like we have some time here to take some questions. Again, we're probably going to -- we have a list of questions here; we're going to answer them to our best ability. But again, keep in mind that guidance is being cleared, and so we're going to share with you what we do know at this point.

So is this is a good time to move on, Brian?

MR. KEATING: Absolutely. So I think the next thing we're going to do is take questions, right? So again, those questions and comments have come in through the chat. We can take them in the order they're received or however we want to address them, Laura. We'll throw them up screen for folks and they're in the chat but they might be buried at this point. And folks are welcome to continue to ask questions; I do think we have some time. So if you have a question that you haven't asked yet we definitely want to hear from you.

So Laura I'll turn things over to you. We can start wherever you think is appropriate.

MS. IBANEZ: OK. Great. And I'm asking FPOs as well as Greg to please chime in here. I'm going to look through some of these questions to see where we can start. And if you have anything, please let me know.

So one of our questions here is, "What happened to the definition of applicants who were previously incarcerated, etc., during the past 24 months?" So this was not included in 685; however, it is our intention to include this in either our TEGL -- or both -- our frequently asked questions webpage that we're going to update. We are going to include some language around -- there are some exceptions. I know exceptions may be due to someone being previously incarcerated or hospitalized.

So I also have here, "If a person is not claimed on the personal income taxes on the dependent, what are you accepting as proof of dependency?" So I'm really looking to the FPOs on this person. I know that Noel and Krister had some suggestions. And again, just a reminder, we're planning to cover source documentation when we talk about reporting. But Krister and Noel, Trevor, Greg, please let us know your responses to number two.

MR. CASTRO: Yeah, definitely. This is Noel in Region 4.

If a person's not claimed on the income tax -- or if a dependent's not claimed on the income tax, definitely you want to seek out, for example, a birth certificate or a Social Security card.

MR. ENGDAHL: You could also use church records or baptismal records, something that establishes a relationship with that person.

MR. CAPON: Trevor in Region 1. When grantees often ask about supporting documentation for data validation, there is a data validation handbook. Is that something, Laura, that we can provide to the grantees? Because it provides kind of a list of generally accepted source documentation for all sorts of data elements.

MS. IBANEZ: Yeah. That's a great idea, and I know that's also being updated. But yeah, absolutely.

Is there anything else to add for this one?

MR. ENGDAHL: And then self-attestation --Krister here -- signed statement on the dependent's status, or a school record, too. That was probably on the validation list.

MS. IBANEZ: OK. All right.

MR. CAPON: Self-attestation has to be used as a last resort.

MS. IBANEZ: This is exactly why we have our FPOs on the phone with us, because they definitely know these answers. They can answer them quickly. So thank you so much for sharing that information with us.

I also see that -- let's see. Did we answer this? "What proof would someone present you to show that they provide more than 50 percent of the dependent's living expenses if they are not claimed on their income tax returns?"

MR. CAPON: Why -- if they are providing more than 50 percent of their living expenses, why aren't they claiming them? You know, not to say that that's the answer to the question, but -- something that as a grantee I would be asking.

MS. IBANEZ: OK. Krister and Noel, do you guys have any samples of what you guys have seen in the field and how people have approached this? Because I know there's a lot of reasons why individuals don't claim someone on their income tax returns.

MR. ENGDAHL: This is Krister. Like a rent receipt, utility bills; something showing another member of the household.

MR. CASTRO: Yeah. Definitely.

MS. IBANEZ: OK.

MR. CASTRO: I think I ran across a case where was a daughter-in-law that was attempting to get into the NFJP program through the father-in-law, and I think they used a bill with the daughter-in-law's name and paid with a check by the farm worker who was the father-in-law. And then of course they calculated what her bills were to determine that 50 percent of more eligibility.

And again, that's very rare, but again that's a last resort. Self-attestation would be -- that can be used.

MS. IBANEZ: OK. Great. So I have here -- let's see -- "We allow self-attestation witness signed by the parent whose signature documents that what is being stated by the dependent is true." Does anybody want to answer or is able to answer that at this moment?

So it seems like this is just a response that someone provided and it's not actually a question, but it seems like -- (inaudible) -- what they do. So thank you for sharing those examples with us. We're also interested in hearing from other grantees, different approaches and how you handle some of these questions.

So I also see, "Is right to work or employment verification still an eligibility requirement for NFJP?" And I believe, Noel, you have a response for this. And while you're looking I just want to say that under WIOA for all program participants that are participating in WIOA-funded programs, employment verification is an eligibility. Noel, do you want to talk about how this applies for NFJP?

MR. CASTRO: (Inaudible.)

MS. IBANEZ: It was in one of your slides or notes. Greg, if you want to chime in on this as well --

GREG GOODWIN: The gist of it is that yes, all WIOA participants including NFJP participants do have to have work authorization -- employment authorization to be part of the program.

But one of the things that happened in the last few years is that the department established that individuals that are DACA-eligible individuals have right-to-work status. So if you're dealing with folks that are DACA-eligible and have -- they can use that as proof that they have right to work and you can serve them. But you still, under any circumstance, need to show that the individual you're working with has right to work.

MS. IBANEZ: Thank you, Greg. Yes. So again, just -- program participants who are in NFJP do need to show employment verification or proof of it -- or it is required. However your organization handles that, that's fine.

The part that we want to stress is that for DACA participants there is more information available in TEGL 2-14 -- if you haven't seen that already -- that provides more guidance around DACA participants. So thanks, Greg.

MR. GOODWIN: Yeah. And that particular TEGL is already up on our DOL/ETA website for NFJP, if you haven't seen it already.

MS. IBANEZ: Yeah. OK. So another question that we have here is, "Pesticide training is required to work in harvesting. Is it considered a training if they receive an EPA card from the state?" So Trevor, is this something you can answer about pesticide training?

MR. CAPON: So the question is about whether pesticide training is considered a training?

MS. IBANEZ: Yes.

MR. CAPON: So in general, again, pesticide training is a good tool to be used for outreach. Pesticide training is a great part of any program (slew ?) of services. But as a standalone activity it does not have an occupational skill component to it.

Unless you have shown us that in your labor market someone -- that chemists are needed or want to work in the pesticide industry and that the pesticide training is part of -- you know, there's actually some occupational skill built-in to get a job in pesticide development or -- in general it does not have an occupational component and does not lead to an industry-recognized credential. So it's not considered a training.

MS. IBANEZ: Thank you, Trevor. Yeah. So also -- were you going to add something more?

MR. CAPON: I was going to say, it doesn't mean it's not a good thing to do. Just as far as when you're developing your service strategy, if you just get everybody into pesticide training we're not going to be happy that you're counting that as meeting your training numbers.

MS. IBANEZ: OK. And also, if you look at the regs, under 685.380 there's a section titled "What related assisted service may be provided to eligible migrant seasonal farm workers?" And there's also more information there around pesticide training.

MR. CAPON: Right. Right.

MS. IBANEZ: Let's see. Greg, could you please answer, "Did I just read that related assistance does not include support services?" Can you take that question?

MR. GOODWIN: Yeah. I'll just touch on that a little bit.

If you look at the WIOA definition of supportive services, supportive services are always in support of career or other workforce activities. So in other words, you've got somebody in an occupational course; you're providing them gas money to get to that course. That's considered a supportive service.

Related assistance is really only occurring when there's no workforce activities happening; in other words, they're not otherwise employed in a training program, they're not otherwise getting career services, anything like that. So that's why there's a distinction between the two.

So in other words, if you've got a participant, for example, who's just a related assistance only participant, at some point you determine that they are going to start taking a course or you enroll them in a course, help them get into a class -- they're essentially not any longer receiving related assistance. At that point they're receiving supportive services because those services are in support of the other activities they're taking part in.

MR. CAPON: And just to add because of the confusion on this -- this is Trevor -- the actual service that's provided by the identical -- like let's say temporary housing, that you provide under related assistance or as a supportive service.

However, as Greg mentioned, the distinction is, again, whether somebody is enrolled in other employment, (for instance ?).

MR. GOODWIN: That helps.

MS. IBANEZ: Great. Thank you, Trevor and Greg.

So seems like there's a question here on --"Working on a dairy milking cows is considered agriculture work; however, it is not seasonal and therefore would not quality for MSFW; correct?" I do want to say that we know that some industries like dairy farms may not be seasonal industries; for example, a dairy farm may have work year-round.

But what we're really looking at is when it comes to, as far as the seasonality, we're looking at the type of position the person is doing -- what type of work they're doing. Because even though they work on a dairy farm that work may change depending on what part of the season it is. So that is something that we do have in our FAQs because we know that question comes up often to us.

MR. GOODWIN: Yeah, just off of what Laura said. In other words, if the nature of the work is seasonal and even though the industry itself -- clearly, a dairy farm is a year-round operation, or a poultry farm -- but the way that they're hiring employees is seasonally and that people can't get full-time work there, that they could qualify.

On the other hand, someone who has a full-time job at the dairy farm is probably not a candidate for NFJP.

MR. CAPON: Would that be the same for horticultural or nursery operations as well, kind of -- (inaudible)?

MS. IBANEZ: So yeah. We can address this more, but we just wanted to touch on that a little bit.

So I do want to add -- let's see here. I have so many questions and this is great. So again, if we don't get to all of them today, this is really good for us to consider as we move forward with our guidance in ETA.

But there was -- "I assume we're talking about the employment rate under WIOA for second and fourth quarters rather than terminology of entered employment." So yes, you are correct. Let me read this again.

Adults targets are employment rate second quarter after exit, employment rate fourth quarter after exit, and then there's median earnings and then credential attainment four quarters after exit. So you're correct in that. That's something that we can make sure we correct on our side before it's archived.

MR. GOODWIN: I think there's a tendency to think about it in the old WIA terms, and so we see that second quarter and call it "entered employment" and see the fourth quarter and call it "retention." But they are, in fact, different measures.

And from what I understand also, it's no longer significant whether the person's unemployed or employed at the time that they are enrolled. So you'll get credit for someone in the employed second quarter and fourth quarter whether or not they were employed at the time they were enrolled in the program.

MS. IBANEZ: Yeah. So in regards to -- I see there's a question here; I don't believe we have an answer for it at this point but I am curious to know a little bit more information about it. So whoever submitted the question about, "How about same-sex relationships?" Can you just provide a little bit more background in the chat box so that we can have some context to what this question is referring to so we can keep that in mind?

I see that someone shared the data validation handbook, which is TEGL 22-15, section attachment D, so thank you for doing that.

I see that there's a lot of comments about this is great about performance but what does this mean; are we proposing that we accept something different than what was in our proposal? And again, we wanted to share our recommended approach and propose a single nationwide performance target across all the grants, especially as we're in transition and we collect more data to actually develop a NFJP regression tool that is based on data that's actually based on real data as it relates to our population and these new measures.

However, it's open for negotiation. So if you look at our performance targets that we're suggesting and then you're looking at what you propose and you're like, no, we still want to keep what we proposed, let us know. Send us an email.

By next week -- I believe I said on the next slide it said August 19th; I don't have it in front of me at this point -- but please send us an email at nfjp@dol.gov, copying your FPO, and let us know if you want to accept the performance targets for employment and training grants or if you'd like to negotiate. But if we're going to negotiate we do want to set up a conversation with you so that we can finalize them by August 29th.

Let's see. I think a lot of these questions are repeated, so I'm going to go through -- so it says here, "Did I understand correctly that the Selective Service System registration requirement no longer applies to housing assistance providers?"

So again, are you suggesting for the permanent or temporary? Greg or Krister, I wonder if you want to answer this.

MR. GOODWIN: Yeah. Let me take a stab at it.

In terms of talking about permanent housing, the regs make a statement that because of the nature of permanent housing development there's no expectation that the grantee's going to have to ensure that the individuals who finally reside in that housing are going to be eligible NFJP participants.

But if you are serving in individual temporary housing services there's still an expectation that they are an eligible person and you are documenting their eligibility. That would include the fact that they -- if they're male -- that they be enrolled in Selective Service, that type of thing.

So if you're still giving someone a housing voucher, something like that as a temporary housing service, you do in fact have to meet all -- those individuals do have to meet all the eligibility factors for participation.

MR. ENGDAHL: Thank you, Greg.

MS. IBANEZ: Krister, do you want to add anything to that?

MR. ENGDAHL: No. I'll go with Greg's knowledge. I know he got a little more deeply into that. And probably a lot of the temporary people might already be registered in the system, so I think a lot of that paperwork would be there.

But I see your point with permanent, that you're not going to know who's there.

MS. IBANEZ: OK. So I also see that there's a question about, "When can we expect an updated TEGL on NFJP eligibility?" And good news is that it has been drafted and we work closely with our FPOs to have them review our guidance to make sure we're all on the same page.

But as you can imagine, given that the regs are publicly available and everybody's just trying to get their guidance through and cleared, I would say since we're almost mid-August it most likely will probably not cleared until October of this year. This is part of the reason why we're committing to having these monthly webinars, because we want to give you some guidance out there while the stuff is being cleared.

In addition to the TEGL we're also going to be, as I mentioned earlier, updating the NFJP website to include an FAQ webpage with a lot of these questions.

Brian, did I hear that you just got a few more? Because I feel like we went through most of these and a lot of them were repeated.

MR. KEATING: Yeah. I saw a few coming in all at once but I'm not sure those were ones that you've addressed already.

MR. GOODWIN: There's one I was going to try to clarify; I think it's pretty straightforward, number 26, question 26.

The question is, "So if they -- the participant or potential participant -- are not looking for training and employment but need assistance with housing or utilities, we can't designate them as a related assistance only?" And I would say that is the definition of a related assistance only person, someone who is getting that type of assistance but is otherwise not getting any employment or training services.

MR. CAPON: Greg, so the grantees would have to document them separately; correct?

MR. GOODWIN: Right. In other words, they'd still have to make the person -- they'd still have to establish eligibility through the documentation and that type of thing. If it was emergency assistance, of course you can accept the self-certification (sic) for that.

But related assistance only typically just means folks that are getting some sort of short-term assistance -- a gas voucher to get to the next site, housing voucher, clothing, something like that. But they are not otherwise engaging in any of the other career services or training services that are described.

MR. CAPON: And as far as documentation, from my experience usually grantees organize their participant files by their employment and training files and then the related assistance only files.

MR. GOODWIN: Yeah.

MR. CASTRO: Same -- (inaudible).

MS. IBANEZ: Also, I see that there's a question about ideally what verification is best to prove agriculture work. I think there's different parts to this question that we can answer.

So Noel, I think if you can just help us go through, again, the definition of farm work and how we're defining it and maybe everybody can chime in on what they've seen used for verification. But again, this is something that we're going to provide additional guidance on this topic in September when we talk about reporting and source documentation.

So Noel or Trevor, Krister? OK.

MR. CASTRO: So it looks like there's two pieces to this. They're defined differently. Eligible seasonal farm worker means a low-income individual who's 12 consecutive months out of the 24 months prior to application for the program involved has being primarily employed in agriculture or fish farming labor. And it goes on about (unemployment ?) and underemployment.

An eligible migrant farm worker means an eligible seasonal farm worker whose agricultural labor requires travel to a job site such as the farm worker is unable to return to a permanent place of residence within the same day, including any dependents of the migrant farm workers as described in Section 167 -- (inaudible). So I think Greg might --

MR. GOODWIN: I was just going to add also that -- I mean, in other words it also goes back -- the "farm worker" definition that we're using for NFJP is aligned with the Wagner-Peyser definition and it's much broader than we've used in the past.

The NAICS codes, as we've talked about, are one place to look for to see if it falls under that particular classification. But there are going to be a lot of things under that definition just because it is so broad. And what we've been telling people prior to this as we're working under the operational guidance is also if you do have a question about is it agricultural work or not, go back to your FPO and have a conversation, bring it back to us, and go from there.

MS. IBANEZ: Yeah. And I just want to emphasize, underscore what Noel and Greg just mentioned because I'm seeing some questions like, "Why is it that chicken catchers are included and why is it that this is" -- so I believe with 685 our intent was to really expand the definition of farm work and really focus on different functions and make it more inclusive.

So if you start with that -- and that's truly what you need to go based off of is the farm work definition -- then there may be a way to include some of these other positions that the workers are doing at the time. So although we suggest that you a NAICS code it doesn't mean that you have to rely on that alone, although I know there's many grantees who have used the codes to help inform their decisions.

But in 685 it does stress that for the purposes of program eligibility we are encouraging to really rely on the definition of farm work and to use a NAICS code.

MR. GOODWIN: I'm curious, because who is telling you that chicken catchers and those who clean poultry houses are not eligible? That'd be my question, because I don't think we've put anything out that I know of, and certainly the definition of farm work --

MS. IBANEZ: So as you say that, Greg, I'm like, oh, no, it's probably one of us. But this is good. That's a great question. So in the chat box, if you could provide a little background on where this question came from and then we can consider it as we develop our FAQs.

MR. CASTRO: Wouldn't it include raising of livestock? It's poultry.

MS. IBANEZ: Yeah. Yes. I see what you're saying, Noel.

MR. CASTRO: I mean, it's something I've kind of looked at.

MS. IBANEZ: I know. And these are great questions because if you put all the -- (inaudible) -- we'll all have a different interpretation about what to do with workers on dairy farms. So this is why we're having this conversation; this is why we're asking to share with us what you're thinking and some of your experiences and how you've handled these situations so we can see what's out there.

MR. ENGDAHL: And it's great to have the W-2s as well; of course, you can do that for income verification. That'll have the name of the rancher or the FLC. And I know a lot of files I've seen will describe if it's a packing company, or it'll say on the application what kind of ag work it was if it isn't readily available from a W-2.

MR. GOODWIN: Good verification is always -- (inaudible) -- is going to tell us who --

MS. IBANEZ: (Chuckles.) Uh-oh.

MR. GOODWIN: "Described as a supportive service." Again, in what context?

MR. CAPON: (Inaudible) -- have a job description, maybe?

MS. IBANEZ: In regards -- just to go back to one of the questions -- I realize that person's probably still writing -- but on the question in regards to same-sex relationships, Katie Nelson from (ABE ?) pointed out that the TEGL that was issued June 18, 2014 -- there's a TEGL 26-13. In this TEGL it says that, "consistent with the policy of the Department of Labor, ETA's policy is to recognize all marriages including same-sex marriages, that are lawfully entered in a state of celebration."

So again, I'm just reading part of it; I just pulled it up. This is TEGL 26-13 that we encourage you to look at if you haven't already. This is something that we can keep in mind and make sure we reference as we answer this question or FAQ. So if that question was related to same-sex relations (sic) as it relates to NFJP eligibility we would probably follow the same approach that the department has set out there.

MR. CASTRO: That can be found on page 2 of the TEGL, item 4.

MS. IBANEZ: Thank you, Noel.

MR. CASTRO: Yeah. ETA policy -- I can read part of it if you like.

MS. IBANEZ: Great. This is another reason why we have these conversations because we're providing TA. Everybody's holding a piece of this TA effort here, but it seems like Frank Sandoval (ph) referenced a NAICS code for poultry catching. This is great; glad that we can leverage each other's knowledge out here.

I think we went through the majority of the questions and I don't know if we have any more at this point. So if we do end a little bit sooner than planned, feel free to continue chatting, I guess. Brian, is that what we usually say, just to make sure that we do hear all your questions and thoughts?

MR. KEATING: Yep. So we definitely can give another minute or two to see if other folks have questions before we wrap up for today. But once we do, we're going to actually invite folks to stay on, so don't log off just yet, and when we wrap up the webinar -- again, we might end early -- but whenever we end we'll go ahead and invite you to give us some feedback about the webinar itself as well.

So stay with us one way or another, but it looks like folks are still typing questions. We'll give them a few minutes in case they do.

MS. IBANEZ: So while folks are typing questions I do want to thank everyone again for participating on today's call. I greatly appreciate having Noel and Trevor and Krister and Greg and Katie a part of this conversation today and all of you out there listening to us and giving us your input.

So we look forward to continuing the conversation. And I don't know if our presenters want to take a moment to say anything before we wrap up.

MR. CASTRO: This is Noel in Region 4. Caught me off-guard there a few times. But thank you, everyone, for participating. It's definitely a good opportunity to see what your questions are, and of course we'll continue -- not only as a whole region, but the nation -- to continue to find the appropriate guidance and of course more specifically down to the grantee level.

MR. ENGDAHL: Yeah. This is Krister here. The level and the number of questions shows great interest, and we've got the beginning of our FAQs. We've got quite a large set, so I really appreciate everybody's attention and interest. The next time I go to Proteus, Frank and I will have to go out and catch a few chickens to see how --

MS. IBANEZ: (Chuckles.) OK. Trevor, any last words?

MR. CAPON: No. Just thank you, everyone, and if you feel that your question wasn't completely answered or you're still scratching your head about something, your FPOs are here to answer those questions and take them to their logical conclusion. If we can't answer them we'll get the program office's help. So we're here to answer your questions. Keep them coming.

MS. IBANEZ: Absolutely. And we realize that we didn't get to all the questions but we are taking note and we're probably going to go back and huddle and be, like, how do we want to answer this to our best ability? So thank you, everyone.

I think that's it at this point. I don't know if I see some more -- there is a question about whether the transcripts will be available and archived with the PowerPoint.

(END)