

## Section VI, Program –Specific Requirements Wagner-Peyser Act Program

**(e) Agricultural Outreach Plan (AOP).** Each State agency must develop an AOP every four years as part of the Unified or Combined State Plan required under sections 102 or 103 of WIOA. The AOP must include—

**(1) *Assessment of Need.*** Provide an assessment of the unique needs of farmworkers in the area based on past and projected agricultural and farmworker activity in the State. Such needs may include but are not limited to: employment, training, and housing.

Three areas of unique needs of farmworkers emerge as a prominent focus of Ohio's migrant and seasonal farmworker (MSFW) program:

*Employment:* Migrant farmworkers may need help obtaining employment that ensures an adequate income through the year. During peak activity periods, Ohio crop farming employs nearly 10,500 workers. But while growers often struggle to fill these demanding jobs, it can be equally hard for workers to find them. Heavy reliance is placed on farm labor contractors by both the MSFWs and the growers. The farm labor contractors, referred to as crewleaders, recruit workers for employers. MSFWs turn to crewleaders to help them find employment wherever they find themselves. The farm crewleaders may recruit MSFWs to work near the areas where they live or to migrate to other states to perform agricultural work. The hiring schedule is unpredictable, as it changes with the varying degrees of weather from year to year, county to county and state to state. And within the active months, farm work can be reduced by random events such as bad weather, pests, mold, etc. For example, 2015 saw above-average rainfall. Some crops were flooded, and others were not even planted because the ground was too wet. Hiring at the start of a local season, replacing a lost job, or finding supplemental employment in another sector is especially challenging for workers who migrate from other states and thus lack employer contacts within Ohio.

*Housing:* Migrant farmworkers often lack the time and resources to find housing for the limited periods when they are in Ohio. Each year, roughly 3,500 workers (about a third of the state's agricultural labor force) live in employer-provided temporary agricultural labor camps. As a result, they are dependent on employers for the quality of their shelter and the related plumbing, grounds and amenities. At the same time, it is to employers' advantage to meet those needs adequately. Differences in housing between areas with concurrent work seasons affect employers' ability to compete for the labor they need, when they need it, on a time-sensitive work calendar.

To protect the interests of both the farmworkers and the employers, the Ohio Department of Health (ODH) licenses the farm labor camps for health and safety. In Ohio, 98 camps were licensed to operate as temporary housing for MSFWs. Starting in 2013, ODH appointed a committee that represents employers, farmworkers and government staff to review the state rules governing the operation of temporary agricultural labor camps. These rules were last updated in 1985. The committee's goal is to ensure that licensing standards remain current with evolving medical knowledge, policy concerns and to avoid potentially losing MSFWs to other states with better quality housing.

Agricultural employers who operate licensed labor camps continued requesting state agencies to revive the matching housing grant program that would help them improve their camps or build new camps. The Ohio Department of Job and Family Services (ODJFS) responded to that request and created the Agricultural Labor Camp Improvement Program. The program provided matching housing grants available for two years until June 2015. Proposed projects were to comply with ODH rules and employers were to match dollar for dollar up to \$25,000.00 for each approved project. A total of 23

projects were approved over the two years, which supported the retention of nearly 1,500 jobs and may have created over 100 new jobs.

*Education and Training:* Migrant farmworkers encounter special barriers to education and training. These barriers threaten their long-term employment prospects. Migrant farmworkers are too busy working and stay in one place for such a brief period that it is often difficult to fully explore the learning options of a given location. The cycle of movement from one seasonal job to another in widely scattered locations makes it nearly impossible to complete an entire school year in one school district. It is even more difficult to complete a full course of study at a school or program that is based at one address.

This problem starts early in a worker's life. MSFWs tend to travel in family groups, including children, who at age 12 can legally start contributing to the family income. State laws require children to attend classes throughout the academic year, but children in migrant families leave their community and school in the early spring and late fall. As a result, half of MSFWs fail to complete high school. Many workers do not get beyond sixth grade. This results in career obstacles, including above-average levels of illiteracy. Limited English proficiency is also an obstacle, especially among farmworkers from Spanish-speaking countries.

(A) An assessment of the agricultural activity in the State means: 1) identifying the top five labor-intensive crops, the months of heavy activity, and the geographic area of prime activity; 2) Summarize the agricultural employers' needs in the State (i.e. are they predominantly hiring local or foreign workers, are they expressing that there is a scarcity in the agricultural workforce); and 3) Identifying any economic, natural, or other factors that are affecting agriculture in the State or any projected factors that will affect agriculture in the State.

The Ohio Department of Job and Family Services (ODJFS) recognizes the cyclical schedule of crop farming, with multiple but separate rounds of planting, crop maintenance and tending to the harvest, all start and end at different times in different climate zones. This calls for workers who can travel between states as employment becomes available. The work is taxing because there is significant heavy labor that includes bending, lifting and stooping performed for many hours, often in extreme heat. This requires individuals who can tackle the rigors of continuing migration, while continuing to bear the elements of ever-changing weather and environmental conditions. The top five labor-intensive crops in Ohio are tomatoes, peppers, cucumbers, nursery and orchard crops. The peak season varies between the crops as detailed in the chart below.

Figure xx Ohio's Top Crops and Seasons

Crop	Heavy activity months	Geographic area
Tomatoes	May – October	Northwest Ohio
Peppers	May – October	Northwest Ohio
Cucumbers	March – November	Northwest Ohio
Nurseries	March – November	Statewide
Orchard crops	March – November	Statewide

Geographic Area	Counties
Northwest	Sandusky, Huron, Ottawa, Seneca, Erie, Fulton, Henry

Ohio's agricultural employer relies heavily on the migrant worker to meet their labor needs. This workforce accepts the terms and conditions of employment which includes free housing, which is a strong incentive for the workforce to come to Ohio. Data has shown that the seasonal workforce is not willing to work in the agricultural industries for a variety of reasons, including being exempt from overtime and the irregular work hours. Ohio has documented a decrease in the number of migrant workers coming to Ohio. As a consequence, Ohio employers are sharing resources to ensure the work is completed.

Figure xx, representing 2014 data, illustrates the hiring needs related to some Ohio crops where MSFWs may be employed. The most labor-intensive functions are planting and harvesting.

Figure xx: Hiring Needs for MSFWs

Crops	Acreage	MSFWs needed for planting	MSFWs needed for harvesting
Cabbage	1,500	150	1,400
Processing tomatoes	5,200	520	5,200
Fresh market tomatoes	3,600	360	3,600
Peppers	2,800	280	2,600
Cucumbers	7,500	0	6,500
Apples	3,600	0	3,600
Pumpkins	6,700	0	6,300
Squash	1,800	0	1,600
Strawberries	620	0	480
Peaches	700	0	700
Grapes	1,600	0	1,600
Tobacco	2,000	0	2,000

Ohio data indicates a decrease in the numbers of migrant workers, particularly migrant families, coming to Ohio. Consequently, partner services for this specialized population are struggling to maintain funding and a statewide presence for services. Additionally, as the number of migrant workers decrease, the agricultural employers are looking for alternative options to fulfill their workforce needs. Ohio is seeing a rise in H2A applications that are being filled with foreign labor. This practice is adversely impacting the MSFW and causes a disincentive for the migrant worker to come to Ohio as it appears the number of opportunities are decreasing.

(B) An assessment of the unique needs of farmworkers means summarizing Migrant and Seasonal Farm Worker (MSFW) characteristics (including if they are predominantly from certain countries, what language(s) they speak, the approximate number of MSFWs in the State during peak season and during low season, and whether they tend to be migrant, seasonal, or year-round farmworkers). This information must take into account data supplied by WIOA Section 167 National Farmworker Jobs Program (NFJP) grantees, other MSFW organizations, employer organizations, and State and/or Federal agency data sources such as the U.S. Department of Agriculture and the U.S. Department of Labor (DOL) Employment and Training Administration.

Ohio Department of Job and Family Services (ODJFS) compiles data throughout the year, via outreach activity logs, related to the population of MSFW. This data is compared to the data collected by partners, including the WIOA Section 167 National Farmworker Jobs Program (NFJP) grantee Pathstone. During the 2015 peak seasons, for both field crops and nursery crops, it is estimated that 10,500 MSFW worked in Ohio. The bulk of this population are of Hispanic background with Spanish as their primary language with educational attainment as a primary barrier. Migrant farmworkers encounter special barriers to education and training. These barriers threaten their long-term

employment prospects. Migrant farmworkers are too busy working and stay in one place for such a brief period that it is often difficult to fully explore the learning options of a given location. The cycle of movement from one seasonal job to another in widely scattered locations makes it nearly impossible to complete an entire school year in one school district. It is even more difficult to complete a full course of study at a school or program that is based at one address.

This problem starts early in a worker's life. MSFWs tend to travel in family groups, including children, who at age 12 can legally start contributing to the family income. State laws require children to attend classes throughout the academic year, but children in migrant families leave their community and school in the early spring and late fall. As a result, half of MSFWs fail to complete high school. Many workers do not get beyond sixth grade. This results in career obstacles, including above-average levels of illiteracy coupled with limited English proficiency. The skill deficiency is exacerbated with self-service type of functions, consequently making the outreach activities imperative to deliver services.

The non-peak MSFW population is estimated to be less than ten percent of the peak numbers.

**(2) Outreach Activities. The local offices outreach activities must be designed to meet the needs of MSFWs in the State and to locate and contact MSFWs who are not being reached through normal intake activities. Describe the State agency's proposed strategies for:**

(A) Contacting farmworkers who are not being reached by the normal intake activities conducted by the employment service offices.

The Ohio Department of Job and Family Services (ODJFS) plans to dedicate four full-time, bilingual outreach staff to contact agricultural employers and to inform migrant farmworkers of available services. They will invite workers to OhioMeansJobs centers and help them find jobs. Where necessary, the training needed to meet the hiring criteria will be provided. Outreach staff will also develop jobs with employers that they contact. Additional intermittent staff will be hired to conduct targeted outreach during peak periods in certain agricultural areas and industries. Northeast Ohio has many plant nurseries with peak seasons starting in February and March through November. In the northwest and the west-central districts, farms are especially active from May through October.

(B) Providing technical assistance to outreach workers. Technical assistance must include trainings, conferences, additional resources, and increased collaboration with other organizations on topics such as one-stop center services (i.e. availability of referrals to training, supportive services, and career services, as well as specific employment opportunities), the employment service complaint system, information on the other organizations serving MSFWs in the area, and a basic summary of farmworker rights, including their rights with respect to the terms and conditions of employment.

The Ohio Department of Job and Family Services (ODJFS) plans to hire four full-time, bilingual outreach staff and intermittent staff, as needed, during peak season to contact agricultural employers and to inform migrant farmworkers of available services. The staff will be required to attend organizational training provided by the Office of Employee and Business Services and programmatic training provided by the Office of Workforce Development. The topics of the programmatic training included but are not limited to include:

Figure xxx Outreach Worker Programmatic Training

Labor Market Information	OhioMeanJobs Centers services
ES Complaint System and Apparent Violations	Human Trafficking
OhioMeansJobs.com (Ohio's Labor Exchange system)	Ohio Workforce Case Management System (OWCMS)
Advocates for Basic Legal Equality (ABLE)	Ohio Migrant Education Center (OMEC)
Pathstone	Teaching and Mentoring Communities (TMC)
Other advocacy groups	US DOL Wage and Hour
Occupational Safety and Health Administration (OSHA)	Wagner Peyser Act
Unemployment insurance and Online Unemployment Benefits Submission and Application Instructions	Foreign Labor Certification

The outreach staff are encouraged to participate in coalitions who provide services to the MSFW populations such as the Farmworker Agencies Liaison Communication and Outreach Network (FALCON) and Hartville Migrant Ministries. Furthermore the outreach staff are encouraged to participate in special projects such as the Farmworker Appreciation Day.

(C) Increasing outreach worker training and awareness across core programs including the Unemployment Insurance (UI) program and the training on identification of UI eligibility issues.

The Ohio Department of Job and Family Services (ODJFS) provides programmatic training for all of its employees. Additionally, the outreach staff work in concert with other state merit staff in the OhioMeansJob centers to assist in reporting potential UI eligibility issues to the assigned processing centers.

(D) Providing State merit staff outreach workers professional development activities to ensure they are able to provide high quality services to both jobseekers and employers.

The Ohio Department of Job and Family Services (ODJFS) is dedicated to the professional development of its employees. The Office of Employee and Business Services has a stand-alone unit to address the training and educational services needed to support the individual, team and organizational performance goals. Furthermore, the Office of Workforce Development has seven regional trainers to ensure the state merit staff are trained on all programs areas including but not limited to Wagner Peyser, Workforce Innovation and Opportunity Act, and Unemployment Compensation.

(E) Coordinating outreach efforts with NFJP grantees as well as with public and private community service agencies and MSFW groups.

The Ohio Department of Job and Family Services (ODJFS) plans outreach efforts to target concentrations of need while also maximizing its impact statewide. Agency outreach staff participate in activities such as the Community Legal Education Presentations of Farmworker Legal Services and the parental advisory committee meetings sponsored by other partners. Other important venues include church gatherings, entertainment events, clinics, laundromats, grocery stores, specialty shops, and taquerias. Staff will also regularly review the Ohio Department of Health (ODH) list of licensed agricultural labor camps to identify those that have not been visited.

Outreach staff will be located strategically to reach the maximum number of farmworkers. Two full-time staff will be stationed in the northwest area (Sandusky and Huron Counties OhioMeansJobs centers), a third in the northeast (Stark County OhioMeansJobs center), and a fourth in west-central

Ohio (Clark County OhioMeansJobs center). In addition, two intermittent staff are located at the Genoa trailer in Ottawa County. The intermittent staff work from May through October when crops are planted and harvested in all these areas. All outreach staff receive training at the beginning of the year to review and update information from the previous year.

The Ohio Department of Job and Family Services (ODJFS) signed a Memorandum of Understanding (MOU) with the WIA 167 grantee to jointly provide migrant farmworker services. Teaching and Mentoring Communities/Texas Migrant Council (TMC) is in the process of signing an MOU with ODJFS to coordinate the provision of day-care services for migrant workers' pre-school children. The state monitor advocate coordinated a series of visits around Ohio that included the 167 grantee, outreach staff and the ODJFS workforce specialists who work with employers. The outreach staff helps coordinate such efforts. For example, staff identified and informed the migrant and seasonal farmworker partners about the problems Ohio faced, including work reductions, down-time and income impacts stemming from excess rainfall in 2015. Partner agencies then provided much-needed food and supplies for farmworkers. Staff was able to deliver those goods directly to the recipients.

**(3) Services provided to farmworkers and agricultural employers through the one-stop delivery system. Describe the State agency's proposed strategies for:**

(A) Providing the full range of employment and training services to the agricultural community, both farmworkers and agricultural employers, through the one-stop delivery system. This includes:

- i. How career and training services required under WIOA Title I will be provided to MSFWs through the one-stop centers;

The Ohio department of Job and Family Services (ODJFS), outreach staff is bilingual and can capably inform farmworkers through written material and oral presentations about the services the Ohio Department of Job and Family Services (ODJFS) offers in the OhioMeansJobs centers. During these contacts, outreach staff will register farmworkers for agency services; will refer them to jobs and other needed resources; and will make appointments for them and arrange transportation.

Outreach staff will inform customers about services available at OhioMeansJobs centers through activities, oral presentations, printed materials in English and Spanish, and customer visits to service sites. Other topics of discussion will include:

- Resources and tools available on OhioMeansJobs.com;
- Services available by referral, including agriculture/non-agricultural employment, training, supportive services, assessments, and other job development activities;
- Farmworker rights, including federal and state laws and employment-related protections;
- The OhioMeansJobs center complaint system;
- Workforce Innovation and Opportunity Act Title I employment and training services;
- Other entities and programs that serve MSFWs, including: the WIOA 167 grantee, the Ohio Department of Health, Advocates for Basic Legal Services, migrant health clinics, food assistance, K-12 education through the Ohio Migrant Education Center (OMEC), Teaching and Mentoring Communities (a provider of care for children from infancy through age five), the Ohio

Department of Agriculture (for pesticide issues), and medical assistance from hospitals or urgent care;

- Unemployment insurance and Online Unemployment Benefits Submission and Application Instructions (online at <http://unemployment.ohio.gov> or by phone at 1-877-644-6562 or TTY 1-888-642-8203); and
- Federal wage/hour laws.

Other activities will include joint outreach visits with partners who serve migrant and seasonal farmworkers (MSFWs). The outreach staff and the state monitor advocate will identify and work with local entities that provide MSFW services, especially in areas where our statewide partners have limited presence.

ii. How the State serves agricultural employers and how it intends to improve such services.

The Ohio Department of Job and Family Services (ODJFS) outreach staff have been the primary point of contact with agricultural employers. The plans to hire four full time, bilingual staff will ensure a consistent point of contact for the employer. Furthermore, the Wagner Peyser staff have been trained in the MSFW program and are prepared to outreach and assist the employer with their workforce needs.

(B) Marketing the employment service complaint system to farmworkers and other farmworker advocacy groups.

Outreach staff will inform farmworkers and agencies about the complaint system individually and in group settings with verbal and written material in an appropriate language. Staff meets regularly with the partners during agency visits and in coalition meetings to solve problems and offer the complaint system as means to resolve problems.

(C) Marketing the Agricultural Recruitment System to agricultural employers and how it intends to improve such publicity.

The Ohio Department of Job and Family Services (ODJFS) MSFW program and outreach staff encourage the use of the Agricultural Recruitment System (ARS) through every outreach to the employers and groups such the beginning of season, end of season, partner and employer meetings. Ohio further provided technical assistance to those employers through the entire process of ARS and creating an interstate clearance order. Additionally, Ohio has developed a cooperative agreement with Texas and Florida for interstate clearance orders, to ensure that Ohio's employers are receiving the labor force that is required.

**(4) Other Requirements.**

(A) Collaboration. Describe any collaborative agreements the state workforce agency (SWA) has with other MSFW service providers including NFJP grantees and other service providers. Describe how the SWA intends to build upon/increase collaboration with existing partners and in establishing new partners over the next four years (including any approximate timelines for establishing agreements or building upon existing agreements).

The Ohio Department of Job and Family Services (ODJFS) signed an MOU with the WIA 167 grantee to jointly provide migrant farmworker services. Teaching and Mentoring Communities/Texas Migrant Council (TMC) is in the process of signing an MOU with ODJFS to coordinate the provision of day-care services for migrant workers' pre-school children. The state monitor advocate coordinated a series of visits around Ohio that included the 167 grantee, outreach staff and the ODJFS workforce specialists who work with employers. The outreach staff helps coordinate such efforts. For example, staff identified and informed the migrant and seasonal farmworker partners about the problems Ohio faced, including work reductions, down-time and income impacts stemming from excess rainfall in 2015. Partner agencies then provided much-needed food and supplies for farmworkers. Staff was able to deliver those goods directly to the recipients.

(B) Review and Public Comment. In developing the AOP, the SWA must solicit information and suggestions from NFJP grantees, other appropriate MSFW groups, public agencies, agricultural employer organizations, and other interested organizations. In addition, at least 45 calendar days before submitting its final AOP, the SWA must provide a proposed plan to NFJP grantees, public agencies, agricultural employer organizations, and other organizations expressing an interest and allow at least 30 days for review and comment. The SWA must: 1) Consider any comments received in formulating its final proposed AOP; 2) Inform all commenting parties in writing whether their comments have been incorporated and, if not, the reasons therefore; and 3) Transmit the comments and recommendations received and its responses with the submission of the AOP.

i. The AOP must include a statement confirming NFJP grantees, other appropriate MSFW groups, public agencies, agricultural employer organizations and other interested employer organizations have been given an opportunity to comment on the AOP. Include the list of organizations from which information and suggestions were solicited, any comments received, and responses to those comments.

The following agencies and organizations listed below have been given an opportunity to comment on the state AOP:

1. Adelante – Dayton;
2. Teaching and Mentoring Communities (TMC);
3. Ohio Migrant Education Center (OMEC);
4. Migrant Health Clinics;
5. Advocates for Basic Legal Equality;
6. Hartville Migrant Ministries;
7. Latino Coalition of Clark & Champaign;
8. Ohio Department of Health (ODH);
9. USDOL-ESA-Wage & Hour;
10. Occupational Safety and Health Administration (OSHA);
11. Equal Employment Opportunity Commission (EEOC);
12. Ohio Civil Rights Commission (OCRC);
13. Bureau of Workers' Compensation (BWC);

14. Attorney General;
15. Ohio Producers, Growers and Marketing Association (OPGMA);
16. Nursery Growers of Lake County Ohio (NGLCO);
17. Ohio Nursery and Landscape Association;
18. Ohio Farm Bureau (OFB);
19. Ohio Commission on Hispanic and Latino Affairs (OCHLA); and
20. Pathstone.

(C) Data Assessment. Review the previous four years Wagner-Peyser data reports on performance. Note whether the State has been meeting its goals to provide MSFWs quantitatively proportionate services as compared to non-MSFWs. If it has not met these goals, explain why the State believes such goals were not met and how the State intends to improve its provision of services in order to meet such goals.

The previous four years of the Wagner-Peyser 9002A reports were reviewed for the years ending June 2015, June 2014, June 2013 and June 2012. The state was found in compliance with providing MSFWs quantitatively proportionate services as compared to the MSFW. The Ohio Department of Job and Family Services (ODJFS) reviews each quarterly submission of the Labor Exchange Agricultural Reporting System (LERS) 9002A report as part of continuous improvement and develops a strategy of course correction if deficiencies are found.

(D) Assessment of progress. The plan must include an explanation of what was achieved based on the previous AOP, what was not achieved and an explanation as to why the State believes the goals were not achieved, and how the State intends to remedy the gaps of achievement in the coming year.

Figures xx and xx show the previous year's history and the goals for the upcoming year.

Figure xx: Previous Year's History (Based on Program Year 2014 Data)

Number of agricultural job orders received	95
Number of agricultural job orders filled	95
Percent to be filled	100%
Number of interstate clearance orders initiated	1
Number of interstate clearance orders received (including H-2A)	57

Figure xx: Plan for Upcoming Year (Based on Estimated Data)

Number of agricultural job orders expected to be received	125
Number of agricultural job orders projected to be filled	125
Percent to be filled	100%
Estimated number of interstate clearance orders initiated	2
Estimated number of interstate clearance orders received	57

(E) State Monitor Advocate. The plan must contain a statement confirming the State Monitor Advocate has reviewed and approved the AOP.

The state monitor advocate provided input into developing this Agricultural Outreach Plan and had the opportunity to review the plan prior to submission. The advocate will also ensure that all interested agencies and individuals have an opportunity to view this plan and make comments.

DRAFT