

# ETA

U.S. Department of Labor  
Employment and Training  
Administration

## LEARS Reporting System

### Services To Migrant And Seasonal Farmworkers Reports (Part 1)

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<u>State:</u>	<u>Region:</u>	<u>Quarter Ending:</u>	<u>PY:</u>	<u>OMB Approval No. 1205-0039</u> <u>Expiration Date: 02/29/2012</u>
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	<u>Previous</u> <u>Cumulative</u> <u>Reported</u>	<u>Report</u> <u>Period</u>	<u>Cumulative</u> <u>(Auto</u> <u>Calculated)</u>
<b><u>A - Outreach Services</u></b>			
1. Best Estimates of MSFW's in the State			
2. Number of MSFW contacts by ES staff	0		
3. Number of (outreach) staff days by ES staff	0		
4. Number of MSFW contacts by cooperating agency staff	0		
5. Approximate staff days cooperating agency staff performed outreach	0		
<b><u>B - Monitoring System (Reviews by State/Federal staff)</u></b>			
1. Total number of significant local offices	0	*	
a. Number of significant local offices reviewed	0		
2. Number of non-significant local offices reviewed	0		
<b><u>C - Referral of Apparent Violations to Enforcement Agencies</u></b>			
1. Total number of ES-related apparent violations referred	0	*	
a. To ESA	0		
b. To OSHA	0		
c. To Other	0		
2. Total number of non ES-related apparent violations referred	0	*	
a. To ESA	0		
b. To OSHA	0		
c. To Other	0		
<b><u>D - Agricultural Clearance Orders</u></b>			
1. Total number of agricultural orders cleared	0	*	

a. Intrastate	0		
b. Interstate	0		
c. H-2A related	0		
Total number of workers referred	0	*	
a. Intrastate	0		
b. Interstate	0		
c. H-2A related	0		
2. Number of orders on which field checks were conducted	0		
3. Number of orders on which violations were found	0	*	
a. Number of orders on which violations were corrected through informal resolution	0		
b. Number of orders having violations which were referred to enforcement agency	0		
(1) To ESA	0		
(2) To OSHA	0		
(3) To Other	0		
4. Number of employers for whom discontinuation of service proceedings were initiated as a result of a field check	0		
<b>E - USES Complaint Systems</b>			
1. Total complaints received	0	*	
a. MSFW, ES-related	0		
b. MSFW, non- ES-related	0		
c. non-MSFW, ES-related	0		
d. non-MSFW, non-ES-related	0		
2. Total number of MSFW ES-related complaints referred	0	*	
a. To ESA	0		
b. To OSHA	0		
c. To Other	0		
3. Total number of Non-MSFW ES-related complaints referred	0	*	
a. To ESA	0		
b. To OSHA	0		
c. To Other	0		
4. Total number of MSFW, Non-ES-related complaints referred	0	*	
a. To ESA	0		
b. To OSHA	0		
c. To Other	0		
5. Total number of MSFW, ES-related complaints unresolved after 45 days	0		

**\* Indicates auto-calculated fields.**

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## **Services To Migrant And Seasonal Farmworkers Reports** **(Part 1)**

### **EXPLANATION**

**A. Outreach Services (653.107): This section serves to document outreach services performed by ES and coordinating agency staff. Services rendered via "contacts" as defined in 653.107(j) during a normal "staff day" which is defined as an 8-hour workday. The number of contacts made and the staff days enumerated in this section should reflect a quantitative and qualitative response to the estimated number of MSFWs in the State.**

**1. Enter the best estimate of the peak number of MSFWs in the State during the current period as determined by ES and coordinating agency staff.**

**2. Enter the number of MSFWs who were contacted through outreach activity.**

**3. Enter the total number of staff days during which ES performed MSFW outreach activities. NOTE: A staff day is defined as an 8-hour day; round off hours to the nearest quarter staff day. Example, 7.5 hours rounds off to one staff day, 3 hours rounds off to ½ staff day.**

**4. Enter the number of MSFWs who were contacted and provided information on available ES services by cooperating agencies.**

5. Enter the approximate number of staff days cooperating agencies performed outreach services to MSFWs.

B. Monitoring System (20 CFR 653.108 (g)): This section provides information on the number of State/Federal monitoring reviews of local offices to determine compliance with regulations.

1. Enter the number of local offices, which serve a significant number of MSFWs and have been identified as "significant local offices" per ETA list. This number remains constant during the PY.

a. Enter the number of significant local offices reviewed.

2. Enter the total number of non-significant local offices reviewed.

C. Referral of Apparent Violations (20 CFR 653.113): Regulations require the documentation of all suspected violations of employment-related laws. This section enumerates those suspected violations, which affect MSFWs, are document and forwarded to the local office manager, and referred to the appropriate enforcement agency for final resolution.

1. The total number of ES related Apparent Violations [653.113(b)] affecting MSFWs referred to enforcement agencies will be auto-filled from the data entered below:

a. Enter number referred to ESA

b. Enter number referred to OSHA

c. Enter number referred to Other

2. The total number of non-ES related Apparent Violations [653.113(c)] affecting MSFWs referred to enforcement agencies will be auto-filled from the data entered below:

a. Enter the number referred to ESA

b. Enter the number referred to OSHA

c. Enter the number referred to Other

D. Agricultural Clearance Orders (20 CFR 653.503): This section covers agricultural clearance orders and violations found through the field check process. Field checks are conducted on a significant number of agricultural worksites to which "domestic" worker placements have been made through an interstate or intrastate clearance order.

1. The total number of agricultural orders cleared will be auto-filled from the data entered below:

a. Intrastate. Enter the number of INTRASTATE agricultural orders cleared.

b. Interstate. Enter the number of INTERSTATE agricultural orders cleared.

c. H-2A related. Enter the number of H2A related agricultural orders cleared.

The total number of "domestic" workers referred for placement to the agricultural job orders will be auto-filled from the data entered below:

a. Intrastate. Enter the number of workers referred to the INTRASTATE orders.

b. Interstate. Enter the number of workers referred to INTERSTATE orders.

c. H-2A related. Enter the number of workers referred to the H2A orders.

2. Enter the number of orders on which field checks were conducted.

3. The number of job orders where violations were found as a result of field checks will be auto-filled from the data entered below:

a. Enter the number of job orders where violations were found and corrected through informal resolution between the employer and ES.

b. The number of job orders where violations found were found and referred will be auto-filled from the data entered below:

(1) Enter the number of orders where violations were referred to ESA

(2) Enter the number of orders where violations were referred to OSHA

(3) Enter the number of orders where violations were referred to Other "agencies."

4. Enter the number of employers against whom discontinuation of service proceedings were initiated as a result of violations found through field checks.

E. USES Complaint System: This section provides data on the effectiveness of the State agency complaint system established according to 20 CFR 658, subpart E. An ES complaint is a representation made to a State or local ES office of a violation of the regulations and/or other Federal, State or local law. All complaints handled in this system will be reported according to 20 CFR 658, Subpart E. Due to regulatory requirements, a complaint must be designated as MSFW or non-MSFW when reported.

1. Total Complaints received: The total number of complaints received, regardless of MSFW or ES designation, will be auto-filled from the data entered below:

a. Enter the number of MSFW designated and ES related complaints received.

b. Enter the number of MSFW designated and non-ES related complaints received.

c. Enter the number of non-MSFW and ES related complaints received.

d. Enter the number of non-MSFW and non-ES related complaints received.

2. Number of MSFW ES-related complaints referred: The total number of MSFW, ES related complaints referred to enforcement agencies will be auto-filled from the data entered below:

On lines a. through c. enter the number of MSFWs, ES related complaints referred to the relevant agencies.

3. The total number of non-MSFW, ES related complaints referred to the enforcement agencies will be auto-filled from the data entered below:

On lines a. through c. enter the number of non-MSFWs, ES related complaints referred to the relevant agencies.

4. The total number of MSFW, non-ES related complaints referred to enforcement agencies will be auto-filled from the data entered below:

On lines a. through c. enter the number of MSFW, non-ES related complaints referred to the relevant agencies.

5. Enter the total number of MSFW, ES related complaints which remain unresolved 45 days after the date of receipt, and on active status as of the end of the reporting period.

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## Nature of Problem/Accomplishments (Part 2)

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				0039 Expiration Date: 02/29/2012
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**A - Services to MSFWS**

<u>Activity</u>	<u>Comments (1000 characters)</u>
<u>1. Outreach</u>	
<u>2. Monitoring</u>	
<u>3. Referral of Violations</u>	
<u>4. Field Checks on Clearance Orders</u>	
<u>5. MSFW's Complaints</u>	

<b><u>B - Program Performance</u></b>	<b><u>Name(s) of Office(s)</u></b>	<b><u>Date(s) of Review(s)</u></b>
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<u>Local Office Visits</u>	
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<b><u>C - Other</u></b>	<b><u>(4000 Characters)</u></b>
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<u>Other</u>	
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## **Nature of Problem/Accomplishments** **(Part 2)**

### **EXPLANATION**

#### **A. Services to MSFWs**

This section is provided to allow the state the opportunity to summarize any problems or accomplishments achieved with regard to MSFW program.

1. Outreach . Summarize pertinent information pertaining to Outreach activity conducted by local office or central office staff on behalf of the Outreach Program
2. Monitoring . List the names of the offices visited and the dates of review or field checks conducted during the quarter.
3. Referral of violations . Summarize any problems encountered with regard to complaints referred for investigation to enforcement agencies.
4. Field Checks on Clearance Orders . Enter any major problems found during the field checks.
5. MSFW Complaints . Enter any major problems highlighted by MSFWs under the ES Complaint system.

#### **B. Program Performance**



Local Office Visits. Enter the names of offices visited to provide technical assistance to improve MSFW program services.

**C. Other**

Summarize any other pertinent MSFW information that was not covered above.

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## LEARS Reporting System

### Service Provided Migrant and Seasonal Farmworkers Equity Ratio Indicators (Part 3)

<u>State:</u> -	<u>Region:</u>	<u>Quarter Ending:</u>	<u>PY:</u>	<u>OMB Approval No.1205-0039</u> <u>Expiration Date: 02/29/2012</u>
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#### DATA ITEMS

	<u>MSFW's</u>		<u>Non-MSFW's</u>		<u>Equity</u>	
<u>Individuals</u>	<u>#</u>	<u>% (Auto Calculated)</u>	<u>#</u>	<u>% (Auto Calculated)</u>	<u>Yes</u>	<u>No</u>
<u>A. Total Applications</u>		--		--		
<u>1. Referred to Jobs</u>						
<u>2. Received Staff Assisted Services</u>						
<u>3. Referred to Support Service</u>						
<u>4. Career Guidance</u>						
<u>5. Job Development Contact</u>						

Total equity indicators met: OUT OF 5

Comments:

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## Service Provided Migrant and Seasonal Farmworkers Equity Ratio Indicators

(Part 3)

### EXPLANATION

This section tracks the five controlled equity indicators showing service provided to MSFWs and non-MSFWs. All States are required to complete this form and achieve the equity level. All numbers are based on total applications. Achieving equity occurs when the ratio of MSFWs over non-MSFWs is greater than or equal to one. The indicators labeled "career guidance" and "job development contacts" are based solely on information in complete applications.

A. Enter the number and percentage of MSFW and non-MSFW applications.

1. Enter the number of MSFWs who were referred to jobs. Proceed with # of non-MSFWs referred to jobs.

2. Enter the number of MSFWs who were provided with some service. Proceed with the # of non-MSFWs provided with some service.

3. Enter the number of MSFWs referred to supportive services. Proceed with the # of non-MSFWs referred to supportive services.

4. Enter the number of MSFWs provided with career guidance. Proceed with the same information for non-MSFWs.

5. Enter the number of MSFWs for whom job development contacts were made. Proceed with the same information for non-MSFWs.

The number of equity indicators met will be auto calculated. States are required to meet at least four out of the five equity indicators.

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### Services Provided Migrant And Seasonal Farmworkers Minimum Service Level Indicators

**(Part 4)**

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#### DATA ITEMS

	<u>Compliance Level</u>	<u>Actual Level</u>	<u>Yes</u>	<u>No</u>
<u>1. Placed in a job</u>	<u>%</u>	<u>%</u>		
<u>2. Placed \$.50 above minimum wage</u>	<u>%</u>	<u>%</u>		
<u>3. Placed in long term non-ag job</u>	<u>%</u>	<u>%</u>		
<u>4. Reviews of significant offices</u>	<u>%</u>	<u>%</u>		
<u>5. Field checks conducted</u>	<u>%</u>	<u>%</u>		
<u>6. Outreach contacts per staff day worked</u>	—	—		
<u>7. Timely process of ES complaints</u>	<u>%</u>	<u>%</u>		

Total number of minimum service level indicators met:

Comments:

-  
-

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Submitted by: \_\_\_\_\_

Submission Date: \_\_\_\_\_

Please enter your PIN to submit: \_\_\_\_\_

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## Services Provided Migrant And Seasonal Farmworkers Minimum Service Level Indicators (Part 4)

### EXPLANATION

**Minimum Service Level Indicators:** This section analyzes the minimum service level indicators established to ensure that MSFWs received the required employment services. All States are requested to complete this form. However, pursuant to 20 CFR 653.112(c), only the 20 most MSFW significant States are required to meet compliance levels. Significant States are required to meet at least four out of the seven minimum service level indicators each quarter.

#### **ITEMS 1 - 5**

Under the actual level column, insert the State's accomplishments. This should be expressed in a percentage. The compliance level will be automatically set to the correct default setting.

1. Placed in a Job Calculate the percentage of registered MSFWs that were placed in a job. (For example, if 1,000 MSFWs were registered and 900 were placed in employment, you would enter 90% in the Actual Level column corresponding to "Placed in a Job.") The Compliance level is 42.5%.

2. Placed in a Job \$.50 above the Minimum Wage Calculate the percentage of registered MSFWs that were placed in a job paying \$.50 above the Minimum Wage. (For example, if 1,000 MSFWs were registered and 150 were placed in jobs paying \$.50 above the minimum wage, you would enter 15% in the Actual Level column. The Compliance level is 14%.

3. Placed in a Long-Term non Agricultural Job Calculate the percentage of registered MSFWs that were placed in a non-agricultural job with a duration of more than 150 days.

4. Review of Significant Local Offices. According to Federal regulations at 20 CFR 653.108(g) (3), States with significant local offices must monitor and review all those offices at least once

every year unless monitored by Federal staff. Therefore the Compliance level is 100% of local offices reviewed. Under "actual level," enter the percentage of the State's significant local offices reviewed up through the period being reported. The names and dates of local office reviews should be indicated on the narrative portion of report.

5. Field Checks: These are required on at least 25% of the clearance orders in which "domestic" worker placements are made. (20 CFR 653.503).

#### **ITEMS 6 - 7**

6. Outreach Contacts: A minimum of five contacts per staff day should be performed by outreach workers. An eight hour workday is considered a staff day (20 CFR 653.107). Actual levels should equal the number of MSFW contacts made cumulatively divided by number of (outreach) staff days worked cumulatively (Part I Items A2 divided by A3 in the column labeled cumulatively) rounded to the nearest whole number. For example, 879 contacts were made in 19 staff days is 46.2 or 46 contacts per staff day worked. If the number is 46.7 for example, then it is rounded to 47.

7. Timely processing of complaints: Minimal compliance levels must reflect timeliness as prescribed by 20 CFR 658.400. Actual levels are cumulative of unresolved complaints at the end of each reporting period. No more than 10% of all ES-related complaints should be left unresolved after 45 days from the date received, unless the complaints were referred to an enforcement agency and are only awaiting a hearing or determination. Therefore, the Compliance level is 90% of complaints resolved within 45 days.