

U.S. Department of Labor
Employment and Training Administration

Services to Migrant and Seasonal Farmworkers Report, ETA Form 5148

Attachment II

LEARS Reporting System

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|--------|---------|-----------------|-----|------------------|---|
| State: | Region: | Quarter Ending: | PY: | Report Run Date: | OMB Approval No. 1205 - 0039 Expiration Date: XX/XX/XXXX |
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Services To Migrant and Seasonal Farmworkers Reports
(Part 1)

| | Previous Cumulative Reported | Report Period | Cumulative |
|---|------------------------------|---------------|------------|
| A. Outreach Services | | | |
| 1. Best estimate of MSFWs in the State | | | |
| 2. Number of MSFWs in the State contacted by ES staff | | | |
| B. Monitoring System (Federal and State monitoring reviews) | | | |
| 1. Total number of significant local offices | | | |
| a. Number of significant local offices reviewed | | | |
| 2. Number of non-significant local offices reviewed | | | |
| C. Agricultural Recruitment System for U.S. Workers (ARS) | | | |
| Total number of agricultural job orders placed at the local level (sum of 1 and 2). | | | |
| 1. Total number of agricultural job orders placed at the local level, not attached to an H-2A application. | | | |
| a. Intrastate (number of local agricultural job orders placed into intrastate clearance). | | | |
| b. Interstate (number of intrastate clearance orders placed into interstate clearance process). | | | |
| 2. Total number of agricultural job orders placed at the local level, attached to an H-2 application. | | | |
| a. Total number of clearance orders attached to an H-2A application placed into the clearance system (both intrastate and interstate) | | | |
| 3. Total Number of U.S. workers referred to all local agricultural job orders and clearance orders. | | | |

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| 4. | Total number of U.S. workers placed on all local agricultural job orders and clearance orders. | | | |
| 5. | Total number of clearance orders with U.S. workers placed. | | | |
| 6. | Number of clearance orders on which field checks were conducted. | | | |
| 7. | Number of field checks on which violations were resolved locally (without referral to an enforcement agency). | | | |
| 8. | Number of field checks on which violations were referred to an enforcement agency. | | | |
| 9. | Number of employers for whom discontinuation of service proceedings were initiated. | | | |
| D. Complaint System | | | | |
| 1. | Total complaints received | | | |
| a. | MSFW, ES-related against the employer | | | |
| b. | MSFW, ES-related against the local employment service office | | | |
| c. | MSFW, employment-related law | | | |
| d. | non-MSFW, ES-related against the employer | | | |
| e. | non-MSFW, ES-related against the local employment service office | | | |
| f. | non-MSFW, employment-related law | | | |
| 2. | Types of complaints | | | |
| a. | Wage related | | | |
| b. | Housing | | | |
| c. | Child labor | | | |
| d. | Pesticides | | | |
| e. | Health/safety | | | |
| f. | Discrimination | | | |
| g. | Transportation | | | |
| h. | Trafficking | | | |
| i. | Sexual harassment/coercion/assault | | | |
| j. | Other (specify) | | | |
| 3. | Total number of MSFW complaints resolved at the local level | | | |
| 4. | Total number of MSFW ES-related complaints unresolved after 45 days | | | |
| E. Apparent Violations | | | | |
| 1. | Total number of apparent violations | | | |
| a. | Employment Service related against the employer | | | |
| b. | Employment Service related against the local employment service office | | | |
| c. | Employment-Related law | | | |

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| 2. Total apparent violations resolved at the local level | | | |
| 3. Type of apparent violations | | | |
| a. Wage related | | | |
| b. Housing | | | |
| c. Child labor | | | |
| d. Pesticides | | | |
| f. Health/safety | | | |
| g. Discrimination | | | |
| h. Trafficking | | | |
| i. Sexual harassment/coercion/assault | | | |
| j. Other (specify) | | | |

**Narrative Responses
(Part 2)**

| A - Issues, Accomplishments, and Anecdotes | |
|---|-----------------|
| Activity | Comments |
| 1. Outreach | |
| 2. Monitoring (such as common issues, findings, observations, or best practices). | |
| 3. MSFW Apparent Violations | |
| 4. MSFW Complaints | |

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| 5.Field Checks on Clearance Orders | |
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| B - Training and Technical Assistance | |
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| Local Office Visits, Conferences, workshops, training opportunities | |
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| C - Other | |
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| Other | |
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**Services Provided to Migrant and Seasonal Farmworkers
Minimum Service Level Indicators
(Part 3)**

| DATA ITEMS | Compliance Level | Actual Level (%) | Actual Denominator | Actual Numerator | Compliant? | |
|---|------------------|------------------|--------------------|------------------|------------|----|
| | | | | | Yes | No |
| 1. Reviews of significant offices | 100% | | | | | |
| 2. Field checks conducted when more than 10 job orders have been placed through the Agricultural Recruitment System | 25% | | | | | |
| 3. Field checks conducted when 10 or fewer job orders (but at least one) have been placed through the Agricultural Recruitment System | 100% | | | | | |
| 4. Outreach contacts per week | 40 | | | | | |
| 5. Timely processing of complaints | 100% | | | | | |

For the above data items 1 through 5, the system will auto-populate the category indicating whether the state is compliant.

Total number of minimum service level indicators in compliance¹: _____

Comments:

¹ This will be auto-populated.

**Services Provided to Migrant and Seasonal
Annual Summary
(Part 4)
(Only to be completed by SWA after Fourth Quarter ends.)**

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| State Annual Summary of Services to MSFWs 20 CFR 653.108(s) |
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This section is completed only after the fourth quarter ends. This Annual Summary describes how the State provided employment and training services to MSFWs within the State based on statistical data, reviews, and other activities as required at 20 CFR 653, and 658.

The summary must include:

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| (1) A description of the activities undertaken during the program year by the SMA pertaining to his/her responsibilities set forth in this section and other applicable regulations in this chapter. | |
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| (2) An assurance that the SMA has direct, personal access, whenever he/she finds it necessary, to the State Administrator. | |
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| (3) An assurance the SMA devotes all of his/her time to Monitor Advocate functions. Or, if the SWA proposed the SMA conducts his/her functions on a part-time basis, an explanation of how the SMA functions are effectively performed with part-time staffing. | |
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| (4) A summary of the monitoring reviews conducted by the SMA, | |
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| including: | |
| (i) A description of any problems, deficiencies, or improper practices the SMA identified in the delivery of services; | |
| (ii) A summary of the actions taken by the SWA to resolve the problems, deficiencies, or improper practices described in its service delivery; and | |
| (iii) A summary of any technical assistance the SMA provided for the SWA and the ES offices. | |
| (5) A summary of the outreach efforts undertaken by all significant and non-significant MSFW ES offices. | |
| (6) A summary of the State’s actions taken under the Complaint System described in part 658, Subpart E of this chapter, identifying any challenges, complaint trends, tracking resolution of complaints, findings from reviews of the Complaint System, trainings offered throughout the year, and steps taken to inform and educate MSFWs, employers, and farmworker advocacy groups about the Complaint System. | |
| (7) A summary of how the SMA is working with WIOA sec. 167 NFJP grantees and other organizations serving farmworkers, employers and employer organizations, in the | |

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| <p>State, and an assurance that the SMA is meeting at least quarterly with representatives of these organizations. The summary should include whether the SMA has established an MOU with the NFJP grantee or other farmworker organizations in accordance with 20 CFR 653.108 (l).</p> | |
| <p>(8) A summary of the statistical and other MSFW-related data and reports gathered by SWAs and ES offices for the year, including an overview of the SMA’s involvement in the SWA’s reporting systems.</p> | |
| <p>(9) A summary of the training conducted for SWA personnel, including ES office personnel, on techniques for accurately reporting data.</p> | |
| <p>(10) A summary of activities related to the AOP and an explanation of how those activities helped the State reach the goals and objectives described in the AOP. At the end of the 4-year AOP cycle, the summary must include a synopsis of the SWA’s achievements over the previous 4 years to accomplish the goals set forth in the AOP, and a description of the goals which were not achieved and the steps the SWA will take to address those deficiencies.</p> | |
| <p>(11) For significant MSFW ES offices, a summary of the</p> | |

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| functioning of the State's staffing program under 20 CFR 653.111. | |
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Submitted by: _____

Submission Date: _____

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