

**State Monitor Advocate
Oklahoma Employment Security Commission
Annual Summary of Employment Services
to Migrant and Seasonal Farmworkers Program Year 2014**



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STATE ACTIVITIES

1. A copy of the SMA summary to the State Administrator on the annual summary of JS to MSFWs within the state based on statistical data and the state agency's self-monitoring pursuant to 20 CFR Part 653.108(t)¹. This stipulates that the summary should include an assessment of the state's MSFW activities such as the agency's program budget plan, outreach plan, affirmative action plan, and the other matters with respect to which the SMA has responsibilities under these regulations, using fourth-quarter program performance data, reports, documents, and other information.

This Oklahoma State Monitor Advocate (SMA) has been in this part-time position since April, 2014, and there are no other staff. Oklahoma is considered a non-significant MSFW state and has no significant offices. Budget information specific to MSFW or SMA activities is not available. Comments included in this summary will be limited to general comments or data found in historical reports. *Each section will include an italicized, anticipated PY2015 comment of planned activity.*

Agricultural activity was expected to show great improvement in Oklahoma after a break in 4 years+ of drought. However, farmers in the spring of 2015 struggled even more when Oklahoma had a deluge of rain, over 30 + inches from March to July. This caused delays in preparation of fields and planting of crops. Agriculture remains one of Oklahoma's strongest businesses and although crops or focus may change, farmworkers of all types are always needed. Oklahoma is also a "home base" for many MSFWs who travel throughout the plains states planting and harvesting. Additionally, training and clarification as to identifying MSFWs is ongoing in the centers. Numbers of identifiable MSFWs will hopefully grow in the next year as identification of MSFWs improves.

2. Identify the number of on-site monitoring conducted and summarize the findings of the AJC reviews and other state activities related to the MSFW program pursuant to 20 CFR Part 653.108 (h)(1-2)² Include observations and issues found during pre-harvest and peak-harvest visits and migrant housing inspections.

There was no SMA on-site monitoring of local offices (LOs), living or work areas for PY2014. Communications or training for items regarding MSFWs was delivered to the Area Managers

¹ 20 CFR Part 653.108(t) The State MSFW Monitor Advocate shall prepare for the State Administrator an annual summary of JS services to MSFWs within his/her State based on statistical data and his/her reviews and activities set forth in these regulations. The summary shall include an assessment of the State agency's activities related to MSFWs such as those covered in the State agency's PBP, outreach plan, and affirmative action plan, and the other matters with respect to which the State MSFW Monitor Advocate has responsibilities under these regulations. A copy of this summary shall be forwarded to the Regional Administrator by the State Administrator.

² 20 CFR Part 653.108 (h) Formal onsite MSFW monitoring reviews of local offices shall be conducted using the following procedures: (1) Before beginning such a review, the State MSFW Monitor Advocate and/or review staff shall study: (i) Program performance data, (ii) Reports of previous reviews, (iii) Corrective action plans developed as a result of previous reviews, (iv) Complaint logs, and (v) Complaints elevated from the office or concerning the office. (2) Upon completion of a local office onsite formal monitoring review, the State MSFW Monitor Advocate shall hold one or more wrap-up sessions with the local office manager and staff to discuss any obvious findings and offer initial recommendations and appropriate technical assistance.

(AMs) for the LOs. The addition of *visits to some key offices and discussion with the OESC Support & Compliance Division, Monitoring & Compliance Chief to create review of the process, procedures and services available to MSFWs part of their LO review process is planned.*

LO staff is the primary OESC contact source for MSFWs through MFSW visits to the centers, online registration and follow-up, and staff visits to work and/or living sites to complete housing inspections and complete complaint investigations. There have been no visits during pre- or peak-harvest. Migrant housing inspections have resulted in few issues, with timeliness to respond to housing inspection request and having suitable housing available at the time of inspection (still under construction or mobile units not on location) being the primary issues noted.

Another resource for the SMA is open communication with ORO Development Corporation (ORO), the National Farmworker Jobs Program grant recipient. This SMA is a member of their board and is diligent in encouraging significant issues be reported to appropriate agencies and the SMA. *Plans for the next year are to formalize this process and incorporate others into a beneficial group to share information, concerns and training needs for Oklahoma's MSFW population and their employers.*

3. Summarize key MSFW accomplishments and any challenges identified during PY 2014.

The training of AMs in PY 2014 and transfer of housing inspections to the local offices in PY2013 was probably the most significant items. These are viewed as both positive fiscally, due to reduction in travel expenses, and an important step is setting a foundation for development of rapport with both MSFWs and Agricultural employers with the LOs. This begins an avenue for outreach with regard to services and programs available at the local centers to the MSFWs.

Oklahoma farms and ranches hired 51,119 workers in 2013. A total of 858 MSFWs were reported per the 2012 USDA, Census of Agriculture. Of the 18,108 Oklahoma farms, only 49 reported exclusive contracting of MSFW labor amounting to 104 workers. 140 farms reported 754 MSFWs working along with hired labor. Total farms utilizing MSFWs in Oklahoma made a dramatic drop from 919 farms in 2007 to only 189 farms in 2012. Much of this has been attributed to increased use of improved mechanization/automation in agriculture, herbicides and genetically superior seeds/plants, and a multi-year, severe to extreme drought. Some additional factors regarding decrease of MSFWs include many moving toward the ever-growing energy related employment field for higher wages and benefits. It is also speculative that illegal immigrants are very likely working in several farmworker positions and not being reported, as Oklahoma has the fastest increase in the nation of people without legal status, according to the Pew Research Center.

Despite the data presented, it is believed accounting of MSFWs in Oklahoma will continue to increase as we become more proficient with the correct identification of MSFWs in our Oklahoma Works Centers.

4. Summarize the SWA's Agricultural Outreach Program activities to the MSFWs and employers.

Past agricultural outreach plans were very brief and indicated MSFWs would receive all services, programs, intake activity and assistance at Oklahoma Workforce Centers (Oklahoma Works Centers) in an equitable manner as any other customers would receive. *The current agricultural outreach plan does address a myriad of items. Some of which include:*

Several proposed outreach activities continue to be in the planning stage or in their infancy at this time. A brief summary of each follows:

- * *Limited English Proficiency (LEP) group- The policy of OESC is to provide quality and timely language assistance services to customers with LEP to ensure meaningful access to programs, services and activities. The LEP program is identifying significant documents, informational materials and other items used on a daily basis in our workforce centers to translate to Spanish. Our OKJobMatch database systems allows for a variety of language options.*
- * *Placement of bi-lingual Oklahoma Works Centers – 12 compensated bi-lingual positions in 8 local offices, with 4 others at various state office positions. Bi-lingual staff are being placed in high volume offices or units (i.e. call center for unemployment) to assist Spanish-speaking consumers.*
- * *Identification of pertinent groups, organizations and associations involved with the agricultural community. OESC continues to maintain relationships with agencies who may assist or who work specifically with the MSFW; included but not limited to the Oklahoma Department of Commerce, Oklahoma Department of Education, and US and Oklahoma Departments of Labor, ORO Development Corporation (Section 167 Farmworker Program grant recipient), and the local WIOA Workforce Investment Boards. OESC will continue to work in establishing new alliances with those entities which will be of assistance to us and the provision of services to MSFWs. Additional connections are being sought with OSHA, US Department of Justice, EPA, CDC, and Health & Human Services, as they relate to MSFWs and other agricultural workers.*
- * *Establish networking and some structured communication with these groups, organizations and associations to help to identify ongoing needs and services. The possibility of establishing an agricultural based work group is being explored. Meetings to realize a joint effort with others to locate and assist MSFWs will be attended within the limits of available resources. (This summer SMA sat in on DOL Wage & Hour training for watermelon farm employers in Southwestern Oklahoma. This experience was very beneficial in demonstrating the need for agencies/providers sharing a common forum.) OESC plans to be a unifying force for this activity and networking in the future. Identify and provide increased literature and media outreach to the agricultural community.*

- * *Develop MSFW informational packet for workers and for employers summarizing available resources. Early stage planning for an MSFW Handbook and an Agricultural Employment Handbook has begun. A goal of Summer, 2016 is planned for the MSFW handbook.*
- * *Establish a more visible MSFW State Monitor Advocate internet presence. An Oklahoma State Monitor Advocate webpage was placed on the OESC agency website in January, 2015. In addition to the basic role, items such as agricultural related materials for the worker and employer, links and location of centers and agency/community resources, complaint process, safety and other informational items are now displayed.*
- * *Provide more extensive training to OESC and partner staffs in Oklahoma Works Centers to better identify MSFWs, their needs and service requirements, and provide informational material to those MSFWs, employers and organizations in their counties served. A desk aid for staff to assist in the proper identification of MSFWs has been discussed, created and distributed. This is a first step in acclimating center staff & partners to more aggressive identification of and assistance to MSFWs.*
- * *Market Oklahoma Works Centers as viable assistance centers for the MSFWs. Both flyers and web-based information will be used for this purpose. The OESC webpage currently displays all offices, with information on each. Links to this site will be available in more locations. Handouts will be developed for outreach activities, job fairs or other events.*
- * *Partnership with the ORO Development Corporation, a current grantee provider of the WIOA Title I Section 167 program and non-profit corporation of the State of Oklahoma, will continue to be developed and utilized by our Oklahoma Works Centers. ORO provides employment, training and supportive services to Oklahoma's MSFWs, often through referral from our LOs. ORO is located in 5 Oklahoma Works Centers and work alongside OESC staff and other partners to provide increased services in the parts of the state with higher concentration of MSFW population. A presentation of the SMA role to all ORO staff at a training retreat in August 2014. ORO staff were given the opportunity to discuss both positive and negative aspects of working in centers. Information collected was discussed with the Customer Service Division and Technical Services Unit directors. SMA plans follow-up meetings to ensure best practices are shared and limitations are addressed.*

5. Summarize the technical assistance and/or capacity building provided to state staff and other partners.

Technical assistance and training has begun as outlined above. Center staff have received training and a desk aid to assist in the correct identification of MSFWs for anyone coming to the centers. Included with this training was the need to assure MSFWs that by identifying themselves as such, they are not being limited to agricultural job search/referral activities.

The same has been provided to ORO with note taken of center and technical limitations which need resolution. The role of the Oklahoma State Monitor Advocate was presented at this presentation, also. Becoming a board member for ORO is allowing for increased discussion & sharing of MSFW areas of need. *From this, plans of action will be developed.*

New items will be addressed with LOs via webinars and conference calls to ensure immediate opportunity for clarification of questions and concerns. LO visits will be made as needed within fiscal allowance. When necessary, state staff will also be addressed at routine meetings in various divisions.

6. Describe the number of activities performed to promote interagency cooperation and, as appropriate, leverage other state and federal program resources.

Contact continues with the National Farmworker Program, ORO and DOL Wage and Hour. Regular meetings with ORO are occurring and interaction with DOL Wage & Hour division continues to grow. This included sitting in on training W&H has been providing to watermelon farmers. Contact with other relevant agencies is continuing to be planned for this year. Outreach by the SMA to the Red Cross and Catholic Charities for assistance with stranded travelers will be more formally pursued. Planned visits with Oklahoma Department of Agriculture, Legal Aid of Oklahoma, the Mexican Consulate and various health related organizations are planned for the next year. There are additional plans to become a more active participant in WIOA Board, Area Manager and statewide Oklahoma Works Center meetings.

7. Summarize complaint system activities and apparent violations related to MSFWs.

There were no reported violations or complaints on MSFWs from within the Oklahoma complaint system. One complaint was received from Texas concerning MSFWs working in Oklahoma. This and all other Foreign Labor related issues were forwarded to DOL Wage & Hour for review or investigation.

The Oklahoma Complaint process is currently under review and revision, with anticipated completion by February 2016. *It is anticipated that further training to Oklahoma Works Center staff to properly identify MSFWs will reflect in more MSFW complaints being identified. Additionally, ongoing meetings with ORO staff should also lead to increased use of the complaint system by them, in the future. Outreach materials to be developed will include complaint system information for workers, employers and organizations who work with MSFWs.*

8. Describe any best practices regarding services for MSFWs.

This SMA is in the planning stages of establishing training programs, brochures and information for the MSFW, their employers, agencies/other providers and WIOA partners. A primary objective is the creation of an Oklahoma MSFW Handbook. Next year, it is planned that this

report will not only highlight some SMA best practices but also those of others throughout the state which have contact with MSFWs.

STATE PLANNED ACTIVITIES FOR PY 2015/2016 AND STATE RECOMMENDATIONS.

1. Provide the anticipated schedule of all state MSFW activities, training, meetings, and monitoring scheduled for PY2015.

- * **Onsite review and training at the 5 Oklahoma Works Centers which have higher volume MSFW activity.** These are: OKC Brookwood South, Clinton, Altus, Muskogee and Miami. The tentative schedule is to see each once per year as fiscally allowed.
- * **Monthly contact via email, phone or in-person with ORO** to establish a more powerful relationship with this key partner and resource. This continues and SMA is now a board member.
- * **Quarterly meetings of an informal group of MSFW/Agricultural interests.** The intent is to explore the interest and need to establish a more formal representative group in Oklahoma. At a minimum, this group would continue with informal meetings on a quarterly basis to maintain rapport, sharing of information and materials. Core membership is anticipated to be DOL Wage & Hour, OSHA, ORO, WIOA, OESC representatives for Centers and EEO in the beginning.
- * **Attendance at OESC Area & Oklahoma Works manager meetings.** The purpose would be to be available for questions and provide pertinent information to these groups for working with the MSFWs in their center and regions. Additionally, establish a better path of communication and contact with WIOA state leadership and local boards.
- * **On-going training as needed of staff, centers and partners** to ensure proper handling of all MSFW activities including but not limited to the “Welcoming Unit”; Limited English Proficiency issues; the complaint process; outreach activities and basic knowledge of what is required by law or regulation concerning MSFWs.
- * **Information to agricultural employers** regarding the services available at centers will be made via email, mailing or telephone during Wage and Prevailing Practices surveys at least annually.

2. Provide recommendations for specific changes that address improvement of services to MSFWs and agricultural employers within the AJC and continuing integration strategies.

In keeping with the spirit of WIOA, it is suggested that finding or regulating a more fluid process between all partners in Oklahoma Works Centers, especially the role and inclusion of the WIOA Title I Section 167 program grantee, to better facilitate outreach, information sharing and appropriate services to MSFWs from the array of partner programs available. Encouragement to partners to act and work as one center with multiple resources continues to be a need in which WIOA should have positive impact.

3. Identify technical assessment needs that ETA must address in PY 2015.

SMAAs will benefit from a more viable library of “Best Practices”, templates, and example of materials used in all aspects of this role. Ongoing training at least once a year nationally and regionally is also very beneficial. A new item, which will be of great benefit are monthly conference calls with our Regional SMA. For Oklahoma, suggested minimal parameters for being a part-time SMA in a non-significantly classified state would be beneficial for establishing a budget and establishing expectations for this position.