

PUBLIC NOTICE

Comments on the proposed New Jersey State Agricultural Outreach Plan will be accepted through close of business on June 14, 2013. Comments may be submitted to Jeffrey N. Stoller, Assistant Commissioner, Office of Research and Information by mail at:

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Trenton, NJ 08625-0056

Or by fax at: (609) 777-3623

New Jersey State Agricultural Outreach Plan Program Year 2013 July 1, 2013 - June 30, 2014

Assurances

1. Consideration has been given to the State Monitor Advocate's recommendations as presented in the annual MSFW summary developed under 20 CFR 653.108 (t) in the preparation of this plan.
2. As a recipient of Federal funds and a partner under the Workforce Investment Act of 1998, the Employment Service will administer and operate its programs equitably. PathStone Inc., is the WIA partner section 167 grantee in New Jersey. Existing MOU between the Department and PathStone Inc., is on file.
3. The following organizations were solicited for information and suggestions:
 - Patricia Constantino-Director pconstantino@pathstone.org
PathStone Inc., New Jersey Division.
78 West Landis Avenue, Suite-C
Vineland, NJ 08360
 - Keith Talbot, Senior Counsel KTalbot@lsnj.org

Legal Services of New Jersey,
Farmworkers Project
100 Metroplex Drive, Suite 402
P.O. Box 1357
Edison, New Jersey 08818-1357

- Nelson Carrasquillo-Director cata@cata-farmworkers.org
Comité de Apoyo a Trabajadores Agrícolas (CATA)
P.O. Box 510
Glassboro, NJ 08028
- Ben Casella-Field Representative benc@njfb.org
New Jersey Farm Bureau 168
West State Street
Trenton NJ, 08625

A. Assessment of Need

Despite New Jersey's densely populated northeastern and southwestern regions close to New York and Philadelphia, farming continues to be a significant economic force in the state's rural areas. Approximately 730,000 acres or 15.6% of the state's area is used for farming. In order of sales, Cumberland, Atlantic, Monmouth, Gloucester, and Burlington lead New Jersey's 21 counties, accounting for about 60% of agricultural production statewide.

New Jersey had 10,300 operating farms in 2010 (latest available data) producing and selling about one billion dollars in crops (including nursery and greenhouse). However, the farm outreach and H2-A activities of the New Jersey Department of Labor & Workforce Development are limited to a sampling of the roughly **1,300 farms** that use Migrant Seasonal Farm Workers (MSFWs).

In 2010, New Jersey's top-selling agricultural commodities included greenhouse/nursery products (43.3% of agricultural sale), blueberries (6.0%), tomatoes (3.1%) and peaches (3.0%). New Jersey ranked 40th overall among the states in agricultural production in 2010, but ranked significantly higher in selected categories such as cranberries and blueberries:

- New Jersey ranked third in the nation that year in total production of cranberries. (562,000 barrels, up 1 percent from the 2009 crop of 555,000 barrels). Harvested cranberry acreage remained unchanged from the 2009 growing season at 3,100 acres.

- The state ranked fourth in the production of cultivated blueberries, with a total value of \$62.5 million. Harvested acres and yield were down 3% and 5%, respectively between 2009-10, but prices were up 4%.

There is no officially published count of the number of farm workers in the state during the growing season. Estimates are complicated due to the mobility of migrant and seasonal farm workers as they move from crop to crop.

However, a statewide estimate of 12,000 – 14,000 workers during New Jersey’s 2013 growing season is based on past estimates, wage and crop surveys, and input from partners such as WIA Section 167 grantee PathStone. In addition, data from the New Jersey Department of Agriculture, USDA, and New Jersey Farm Bureau was used to further inform and support statistics used in this agricultural plan.

The makeup of New Jersey’s farm labor workforce is:

- Seasonal farm workers – who during the prior 12 months worked at least 25 full or partial days performing farm work, earned at least half of their income from farm work, and did not do farm work year-round for the same employer.
- Migrant farm workers – who travel to perform farm work and who are unable to return to their permanent residence the same day. The migrant farm worker labor force in NJ consists of intrastate and interstate as well as H2A farm workers. The department places particular emphasis in providing services to migrant farm workers as it recognizes that these workers may be less aware of local area resources and support services.
- Intrastate migrant farm workers – individuals who followed migrant streams within the state. These farm workers usually migrate throughout MSFW areas within the state.
- Interstate migrant farm workers – individuals who follow migrant streams from state to state. Most interstate migrant farm workers in NJ migrate through Georgia, North Carolina, South Carolina, Florida, New York and Pennsylvania.
- H-2A foreign labor certified farm workers – individuals with temporary visas authorizing them to work in the United States on a seasonal basis for a predetermined employer under specific terms and conditions.

1. Estimates of PY 2012’s agricultural activity in the State.

In Program Year 2012, most agricultural activity occurred between July and September in the South Jersey region. Blueberry production was one of the most labor intensive activities as illustrated in Chart 1.

**Chart 1. MAJOR LABOR INTENSIVE CROP ACTIVITY, PY 2012
Estimated Employment**

CROP ACTIVITY	Month	South Area	North Area	State Area
45-2092.02 Farmworkers and Laborers-Grapes-State	September		-	100
45-2092.01 Nursery Workers	April	800	600	
45-2092.02 Farmworkers and Laborers-Asparagus	May	525	-	-
45-2092.02 Farmworkers and Laborers-Blueberry	July	6000	-	-
45-2092.02 Farmworkers and Laborers-Tomatoes	July	1600	150	-
45-2092.02 Farmworkers and Laborers-Peaches	August	550	50	-
45-2092.02 Farmworkers and Laborers-Mixed Vegetables	August	2050	150	-
45-2092.02 Farmworkers and Laborers-Apples	September	1150	75	-
45-2092.02 Farmworkers and Laborers-Sweet Potatoes	October	400	-	-
45-2092.02 Farmworkers and Laborers-Cranberry	October	150	-	-

2. Estimates of PY 2012's MSFW activity in the State.

MSFW activity during the 2012 growing season surged in July with the peak of the blueberry crop, with another significant rise in August as mixed vegetables were harvested. (See Chart 2.)

**Chart 2. STATEWIDE MSFW ACTIVITY, PY 2012
Estimated Employment**

CROP ACTIVITY	Month	South Area	North Area	State Area
45-2092.02 Farmworkers and Laborers-Grapes-State	September		-	100
45-2092.01 Nursery Workers	April	800	600	-
45-2092.02 Farmworkers and Laborers-Asparagus	May	500	-	-
45-2092.02 Farmworkers and Laborers-Blueberry	July	5700	-	-
45-2092.02 Farmworkers and Laborers-Tomatoes	July	1600	150	-
45-2092.02 Farmworkers and Laborers-Peaches	August	500	50	-
45-2092.02 Farmworkers and Laborers-Mixed Vegetables	August	2000	150	-
45-2092.02 Farmworkers and Laborers-Apples	September	125	60	-
45-2092.02 Farmworkers and Laborers-Sweet Potatoes	October	375	-	-
45-2092.02 Farmworkers and Laborers-Cranberry	October	150	-	-

3. Projected level of agricultural activity in the State for PY 2013.

Agricultural activity during Program Year 2013 is projected to reflect the scope, location and timing of activity levels experienced in the previous season.

Chart 3. PROJECTED AGRICULTURAL & MSFW ACTIVITY, PY 2013

Estimated Employment

Crop Activity	ESTIMATED MSFWs			State Total
	South	North	State	
45-2092.02 Farmworkers and Laborers-Grapes-State	-	-	100	100
45-2092.01 Nursery Workers	800	600	-	1400
45-2092.02 Farmworkers and Laborers-Asparagus	500	-	-	500
45-2092.02 Farmworkers and Laborers-Blueberry	6000	-	-	6000
45-2092.02 Farmworkers and Laborers-Tomatoes	1600	150	-	1750
45-2092.02 Farmworkers and Laborers-Peaches	550	50	-	600
45-2092.02 Farmworkers and Laborers-Mixed Vegetables	2050	150	-	2200
45-2092.02 Farmworkers and Laborers-Apples	150	50	-	200
45-2092.02 Farmworkers and Laborers-Sweet Potatoes	400	-	-	400
45-2092.02 Farmworkers and Laborers-Cranberry	150	-	-	150
TOTALS:	12,200	1,000	100	13,300

4. Projected number of MSFW in the State for the coming year.

The projected level of MSFWs in the State for the coming year is **13,300** (see Chart 3).

A precise count of the number of farmworkers in New Jersey during the season is difficult, due largely to the mobility of individuals from crop to crop and within the migrant stream which leads to unintended over-counts. However, H-2A Agricultural Crop Survey activity provides an estimate of farmworkers in New Jersey by crop activity. Estimates of farmworkers in New Jersey range from 12,000 to 14,000. PathStone Inc. has a similar estimate.

B. Outreach Activities, Program Year 2013

In Program Year 2013, the designation of Significant and Bilingual Migrant and Seasonal Farm Workers (MSFW) offices will be two “American Job Centers” in South Jersey:

One-Stop Career Center-Vineland
275 N. Delsea Drive, 2nd Fl
Vineland NJ, 08360

One-Stop Career Center-Hammonton
44 Whitehorse Pike, Suite-C
Hammonton NJ, 08037

Vineland’s territory covers over 300 farm employers and handles nine H-2A applications in its outreach service area. It is strategically located with access to the most farming intensive counties of the State and it is a Farm Labor Contractors registration site.

Hammonton covers over 130 farm employers and handles two H-2A and one ARS applications in its outreach service area. It is strategically located with access to South Central and Central New Jersey outreach service areas. It is a Farm Labor Contractors

registration site and is located in a town with a crop of national interest which attracts over 8000 farm workers during the peak season.

Outreach Numerical Goals

Outreach staff will contact 40 MSFWs per day on average with a goal of reaching a total of 8,160 through the Hammonton and Vineland offices during the growing season.

Local Office	Number of MSFWs to be contacted during the 2013 PY	Staff days conducting Outreach	Number of days per week	Number of Farms, Campsites or Gathering places per day	Number of MSFW contacts per day
Vineland	4080	102	4	5	40
Hammonton	4080	102	4	5	40

Outreach visits will be made to the agricultural community between April and October to locate and contact MSFWs at their working, living and /or gathering areas to inform them of current One-Stop Career Center (OSCC), PathStone Inc., and other Community Based Organization services which may be of interest. In PY 2013, a renewed Memorandum of Understanding signed between LWD and PathStone Inc., will continue to facilitate the exchange of data pertaining to services provided to MSFWs.

Assessment of Available Resources

The Department will assign the necessary personnel to provide effective outreach services to MSFWs. Two Outreach Workers are hired to work from the two designated significant MSFW offices to make sufficient visitations into the farmworker community so that a large number of MSFWs are made aware of the full range of Department services, benefits and protections.

In April 2013, two Outreach Workers were hired for the season as Temporary Employment Service (TES) staff – one each stationed in the American Job Centers (formerly One Stop Career Centers) in Hammonton, NJ and Vineland, NJ. State vehicles will be provided to the Outreach Workers during the months of April through October (the months of heightened MSFW activity).

Outreach activities will be consistent with 20 CFR Part 653.107 and will serve to implement strategies aimed to identify, document and track MSFWs as they access core, intensive, and training services within the state’s American Job Centers/One-Stop Career Centers. The outreach program will focus on locating and contacting farm workers not reached through normal intake activities conducted by local OSCCs. LWD will explore and implement processes intended to meet and exceed DOLETA compliance requirements in providing qualitatively equivalent and quantitatively proportionate service delivery to MSFWs.

The Outreach Workers are trained in OSCC Complaint System procedures and are prepared to take on-site complaints as needed. In addition, apparent violations observed by the Outreach Workers will be referred to the appropriate enforcement agencies. Depending on local circumstances (such as MSFW and employer preferences), outreach contacts may occur in agricultural fields during the workday. However, many MSFWs prefer to continue working rather than stopping to talk with an Outreach Worker. In that situation, the Outreach Workers may need to meet MSFWs during lunch or after MSFWs finish their work (usually returning to their living quarters or gathering areas).

Outreach Strategies

LWD program modifications, performance and compliance will be consistent with DOLETA strategies for developing an improved and integrated American Job Center/OSCC system that will enhance opportunities for agricultural employers, limited-English proficient individuals, and farm worker adults and youth.

Strategies will include:

- Increasing the number of MSFW participating in labor exchange activities
- Increasing the number of agricultural employers utilizing labor exchange services
- Promoting the use of the Agricultural (Intrastate and Interstate Clearance) Recruitment System (ARS)
- Encouraging participation of MSFWs seeking to transition to higher-wage jobs and permanent non-agricultural employment
- Enhancing collaboration with MSFW service provider organizations
- Integrating MSFWs and organizations providing service to MSFW in American Job Centers

Outreach Workers will provide their clients with information in Spanish and other languages spoken by farm workers about American Job Center/OSCC services and how to access them. The requirements to provide reasonable language assistance services are covered by Title VI of the Civil rights Act of 1964, 29 CFR Part 37 and subsequent guidance on serving limited English proficient persons issued by the USDOL.

Reasonable language assistance will allow all partners to better serve the MSFW client base. As a result, customer service and satisfaction should remain high for MSFW in the One-Stop environment.

Self-assessments of American Job Center/OSCC offices will include reviews of MSFW outreach logs and plans, complaint system logs, and MSFW program performance and compliance reports. Field office reports to the acting State Monitor Advocate (SMA) will include information compiled through internal and external customer contacts, customer satisfaction surveys, system-generated reports, and input provided by stakeholders.

The acting SMA will conduct on-site performance and compliance assurance reviews of the MSFW significant offices, and may include other non-significant offices where an agricultural presence is established. Reviews will monitor provision of equitable level and quality of services, and program operations conducive to the attainment of service delivery goals. The acting SMA will support the network of service delivery by providing technical support and training and will be available, in an advisory capacity, to LWD to maintain program integrity and compliance with federal program mandates.

LWD recognizes that multiple needs and challenges are inherent to the agricultural industry including, unique industry demands and the cultural, educational and linguistic differences among the MSFW. Needs and challenges common to agricultural employers and farm workers include, but are not limited to:

Needs

- Intrastate and interstate labor market information
- Occupational guidance
- Safe, affordable and accessible transportation
- Safe, affordable and adequate housing
- Information on living and working rights and responsibilities
- Employment and training development
- Information and assistance with recruitment of domestic and foreign workers
- Information on resources and support services

Challenges

- Job displacement due to urban sprawl and innovations and improved agricultural technology
- Difficulty communicating timely information on labor market and support services
- Conflict of service provider hours and farm worker schedules
- Lack of transportation limiting access to jobs and support services
- Limited educational and technological experience
- Limited English proficiency
- Lack of experience in non-agricultural occupations
- Limited participation in support programs
- Lack of full-time, year-round work

Outreach program staff will consider the feasibility of meetings and program-related events in agricultural areas throughout the state. Offices in MSFW significant areas will host events that will include, but may not be limited to, meetings coordinated with federal, state, and local entities to ensure maximum coverage and representation.

Outreach activities will include, but may not be limited to the following:

- Contact with American Job Center/ OSCC / Labor Exchange System partners and affiliated offices, and with non-significant offices to share information, plan and coordinate service delivery
- Assistance, technical support, and materials to increase, participation of agricultural employers, limited-English proficient individuals; and MSFWs and levels of services provided to them through the state OSCC / Labor Exchange System
- Developing and distributing fact sheets in Spanish and English outlining employment and supportive services available to farm workers
- Sharing labor market information that includes current and future employment opportunities as well as special recruitment events
- Informing limited-English proficient individuals and farm workers of employment opportunities with employers participating in local, intrastate, interstate, and H-2A recruitment
- Conducting follow-up contacts with employers and workers as necessary and appropriate to ensure desired program outcomes
- Remaining alert to working and living conditions of MSFWs and, upon observation or receipt of information regarding a suspected violation of employment-related law, documenting and referring the information to program management, State Monitor Advocate and local office manager for appropriate action
- Maintaining logs of outreach activities in accordance with local office instructions
- Maintain records describing the circumstances and names of employers who refused to allow outreach workers to have access to farm workers
- Developing an "outreach packet" including information in English and Spanish on services available in the local areas
- Developing cooperative agreements with partner agencies to coordinate outreach and to share data
- Coordinating with American Job Center/ OSCC offices to keep them updated on farm worker issues
- Conducting field checks and visits to MSFW housing facilities pertaining to clearance and H-2A foreign labor certification, intrastate and interstate clearance job orders

C. Services Provided to MSFWs through the One-Stop Delivery System

American Job Centers/One Stop Career Centers (OSCCs), in collaboration with strategic partners and affiliated sites, will coordinate service delivery including, but not limited to:

- Providing a full range of employment services, benefits, and protections on a basis that is qualitatively equivalent and quantitatively proportionate to services provided to non-MSFWs
- Accessing and using job order information effectively
- Facilitating activities in accessing self-assisted services via electronic technologies
- Referring individuals to agricultural and non-agricultural jobs, training, and support services, as well as available testing, counseling, and other job development services
- Referring individuals and family members to supportive services for which they may be eligible
- Conducting follow-up contacts as necessary and appropriate to ensure desired outcomes
- Marketing services available in the local office and providing location information for the nearest OSCC or affiliated partner offices
- Assisting in posting résumés on-line and conducting on-line job searches through the NJ Department of Labor & Workforce Development's Jobs4Jersey.com web site
- Assisting in communicating between limited-English proficient individuals referred to jobs and employers

D. Services Provided to Agricultural Employers

Agricultural employers will be provided with a single point of contact, a Business Representative at the OSCC's Business Resource Center who will provide them with information regarding the One-Stop services, such as how to file job orders through Jobs4Jersey.com, and utilize the New Jersey Automated Call-in System and the Internet. Business Representatives will also be trained in the H-2A program, while Agricultural survey staff members explain the H-2A program and distribute the H-2A Employer Handbook during their field-survey visits.

Services and assistance for agricultural employers will include:

- Personalized employer services
- Information on how to register and use OnRamp at Jobs4Jersey.com for talent needs
- Current information on applicant availability and labor market information
- Suggestions and assistance to improve workforce utilization and personnel practices

- Use of American Job Center/OSCC/Labor Exchange System sites for interviewing prospective employees
- Assistance in obtaining bonding
- Assistance in writing effective job orders
- Solicitation and acceptance of job orders, as well as related job seeker referral and placement services
- Assistance with pre-occupancy housing inspections for employers requesting approval for participation in intrastate and/or interstate recruitment through the Agricultural Recruitment System, and/or H-2A foreign labor certification
- Assistance with special and mass recruitments, including best practices to identify and locate intended farm labor pools through appropriate use of media modes and service delivery partnership networks
- Recall of MSFWs by previous agricultural employers
- Assistance for farm labor contractors and farm labor contractor employees to meet compliance with labor laws and regulations
- Assistance with processing and obtaining initial and renewed farm labor contractor and/or farm labor contractor employer certifications
- Assistance with workshops tailored to agricultural employer needs
- Assistance with internet website linkages
- Assistance with information on employment and training programs, tax incentives, and subsidized employment
- Assistance utilizing Work Opportunity Tax Credits, subsidized employment resources, and other employer incentives to promote employment and job upgrades for MSFWs

Appropriate NJLWD personnel will participate in USDOL Region I’s annual Pre-Harvest conference and other Post Harvest meetings. Additionally, agricultural services staff will participate in local meetings conducted by farm-related agencies and organizations (as well as other important events) to promote the use of NJLWD services.

E. Data Analysis

The projection below represents job order activity in the following sectors of agriculture: Vegetable and Melon Farming, Non-Citrus Fruit, Berries, Greenhouse, Nursery, Trees and Floriculture Production.

This analysis takes into consideration that New Jersey is a non-significant, low MSFW activity State. In addition, New Jersey is not a State of traditional or expected labor supply.

	Previous Year (PY 2012, actual data)	Plan for upcoming year (PY 2013)
Agricultural Job Orders received	34	40
Number of Job Orders Filled	1	10
% filled	3%	25%

% to yet to be filled	97%	75%
Interstate Clearance Orders Received	237	240
Interstate Clearance Orders Initiated	34	40

Source: Acting NJ State Monitor Advocate

The acting State Monitor Advocate reports that virtually all the Job Orders received in New Jersey are H-2A job orders. Most of these orders are filed under the 50% rule exception (the employer requests -- and is granted -- this exception under CFR 655.135).

Under this rule, the recruitment period ends 3 days before the employer's start date. As a result, most of these orders become inactive early -- before the work starts. The same rule applies to interstate job orders received from other states.

While the goals for PY 2013 are more ambitious, there is a strong possibility that a very high number of the Job Orders received will continue to become inactive before work begins -- leaving many unfilled.