

# MONITOR ADVOCATE SYSTEM

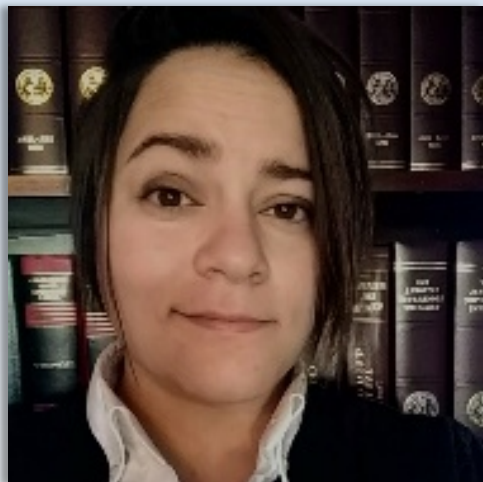
and

American Job Center Partnerships



**EMPLOYMENT AND TRAINING ADMINISTRATION**  
**UNITED STATES DEPARTMENT OF LABOR**

# TODAY'S PRESENTER



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Employment and Training Administration

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The logo for the American Job Center features the words "american", "job", and "center" in a blue, sans-serif font. The word "job" is in a larger, bold font and is colored red. A red five-pointed star is positioned above the letter "o" in "job", with a blue curved line arching over it from the left.

# american**job**center®



## Find your nearest American Job Center (AJC)

Website search: <https://www.careeronestop.org/localhelp/americanjobcenters/find-american-job-centers.aspx>

Telephone: ETA's toll-free help line  
1-877-US-2JOBS (TTY: 1-877-889-5267)



# AJC Services

Labor Market  
Information

Labor Law  
Compliance  
Assistance

Training to Learn  
New Skills and Earn  
Credentials

Employment  
Services, including  
Job Search  
Assistance

Access to Tax  
Credits

Employment Service  
and Employment-  
Related Law  
Complaint System

Human Resource  
Consultation

Referrals to  
Supportive Services



# Agricultural Recruitment System (ARS)

ARS is system through which employers may create clearance orders that request U.S. workers to perform farmwork on a temporary, less than year-round basis. ARS is part of the Employment Service (ES) program.

\*ARS clearance orders are sometimes placed in connection with H-2A applications, which request workers from outside of the United States.

ES staff conduct field checks, which are random, unannounced appearances by ES staff and/or Federal staff at agricultural worksites to which ES placements have been made through ARS to ensure conditions are as stated on the job order and that the employer is not violating an employment-related law.





# Virtual Access to AJCs



AJCs commonly provide remote access to services though:		
Phone	Email	Website

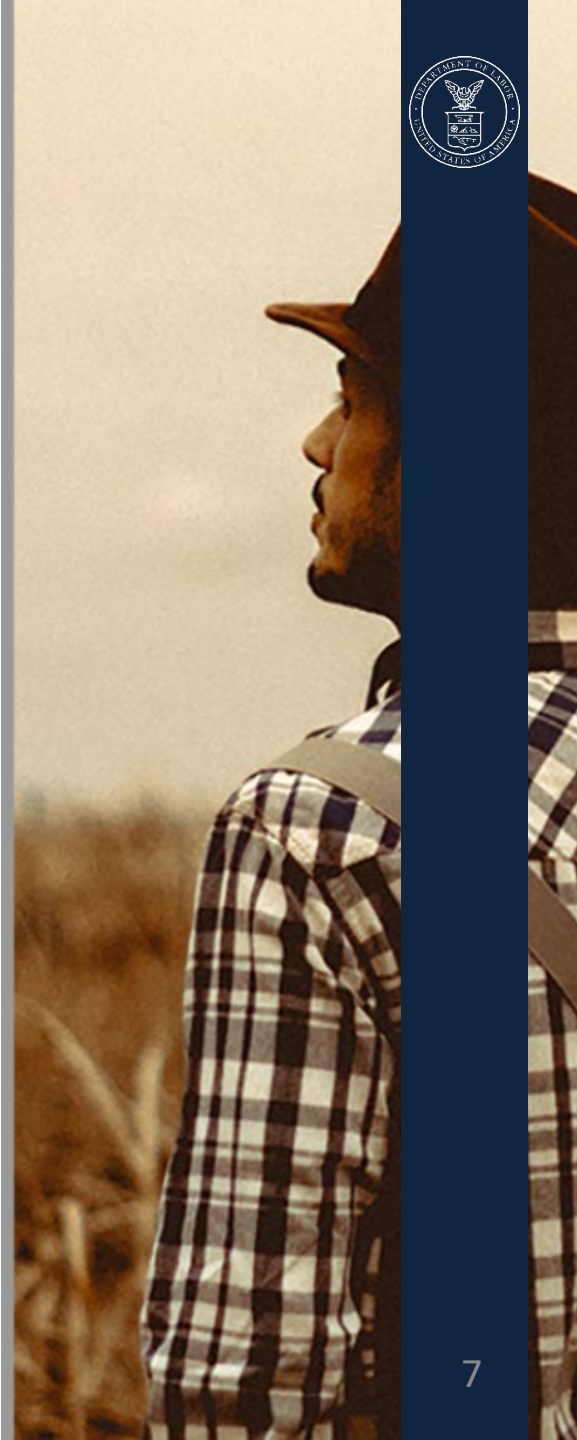
<https://www.careeronestop.org/localhelp/americanjobcenters/find-american-job-centers.aspx>



## ■ Monitor Advocate System – What it Does

### The Monitor Advocate System is charged with:

- 01 Ensuring equitable services for farmworkers;
- 02 Managing the Complaint System;
- 03 Implementing and sustaining an Outreach Program;
- 04 Providing farmworkers notification of available employment services and workers' rights;
- 05 Facilitating the Agricultural Recruitment System for U.S. workers;
- 06 Monitoring the provision of services through the Employment Service; and
- 07 Ensuring that services provided are in accordance with federal regulations and the appropriate Acts.



# Outreach Staff and State Monitor Advocates (SMA)



## What do SMAs do?

1. Monitor the SWA's outreach
2. Advocate for improved services
3. Report on services provided

SMAs conduct field visits to discuss ES and employment-related programs with MSFWs, crew leaders, and employers.

\*SMAs discuss *how* the SWA is serving MSFWs and *how* the SWA may improve. SMAs do not provide direct outreach services.

[20 CFR 653.108](#)

## What do Outreach Staff do?

### Explain to MSFWs:

1. Services available at the local one-stop center
2. The Employment Service and Employment-Related Law Complaint System
3. Other organizations serving MSFWs in the area
4. Basic summary of farmworker rights

**Urge MSFWs to go to the local one-stop center to for the full range of services**

### Provide Onsite Assistance with:

1. ES applications
2. Referrals to current and future employment
3. Preparation and referral of complaints
4. Referral to supportive and/or career services
5. Making appointments and arranging service-related transportation

[20 CFR 653.107\(b\)](#)





## Monitoring | Advocacy | Reporting | Liaison

The SMA establish an ongoing liaison with National Farmworker Jobs Program (NFJP) grantees and other organizations serving farmworkers, employers, and employer organizations in the state.

The SMA must meet with representatives of the organizations to receive complaints, assist in referrals of alleged violations to enforcement agencies, receive input on improving coordination with ES offices or improving the coordination of services to MSFWs.

To foster collaboration, the SMAs may establish MOUs with other organizations serving farmworkers, as appropriate.

See [20 CFR 653.108\(k\)-\(l\)](#)



# REGIONAL MONITOR ADVOCATES



1. Review the effective functioning of the SMAs in their region
2. Review the performance of SWAs in providing the full range of ES to MSFWs
3. Take steps to resolve ES-related problems of MSFWs which come to their attention
4. Recommend to the Regional Administrator changes in policy towards MSFWs
5. Review the operation of the Complaint System, and
6. Serve as advocates to improve service for MSFWs within the ES

[20 CFR 658.603\(f\)](#)

# NATIONAL MONITOR ADVOCATE

1. Reviews the effective functioning of the RMAs and SMAs
2. Reviews the performance of SWAs in providing the full range of ES to MSFWs
3. Takes steps to resolve or refer ES-related problems of MSFWs which come to their attention
4. Takes steps to refer non ES-related problems of MSFWs which come to their attention
5. Recommends to the Administrator changes in policy toward MSFWs, and
6. Serves as an advocate to improve services for MSFWs within the ES system

[20 CFR 658.602\(f\)](#)

# The Employment Service (ES) and Employment-Related Law Complaint System

[20 CFR 658 Subpart E](#)



## What does It Cover?

- **ES Related Complaints**

Complaints that:

1. Are against an employer about a specific job to which the applicant was referred through the ES, and
2. Involve failure to comply with Employment Service regulations

- **Complaints Involving Employment-Related Laws**

**Employment-Related Laws:** Laws that relate to the employment relationship, such as those enforced by USDOL WHD, OSHA, or other Federal, State, or local agencies.

### **Who can File a Complaint?**

 *individuals, employers, organizations, associations, or other entities*





# Apparent Violations

If a State agency, ES office employee, or outreach worker, **observes, has reason to believe, or is in receipt of information** regarding a suspected violation of employment-related laws or ES regulations **by an employer...** the employee must document the suspected violation and refer this information to the ES office manager.

**You can report information regarding suspected violations and complaints to:**

- An SMA
- Outreach Staff
- An American Job Center
- ES staff

ETA Form 8429: Complaint/Apparent Violation Form ([Microsoft Word](#)) ([PDF](#))

# Definitions Used in the Monitor Advocate System



[20 CFR 651.10](#)

## Farmwork:

- Cultivation and tillage of the soil
- Dairying
- Production, cultivation, growing, and harvesting of any agricultural or horticultural commodities
- Includes:
  - Raising of livestock
  - Bees
  - Fur-bearing animals
  - Poultry
  - Fish farming
- Any practices (including any forestry or lumbering operations) performed by a farmer or on a farm as an incident to or in conjunction with such farming operations, including:
  - Preparation for market
  - Delivery to storage or to market or to carriers for transportation to market
  - Handling, planting, drying, packing, packaging, processing, freezing, or grading prior to delivery for storage of any agricultural or horticultural commodity in its unmanufactured state
- “Agricultural commodities” means all commodities produced on a farm including crude gum (oleoresin) from a living tree products processed by the original producer of the crude gum (oleoresin) from which they are derived, including gum spirits of turpentine and gum rosin.
- *Farmwork* also means any service or activity covered under §655.103(c) of this chapter and/or 29 CFR 500.20(e) and any service or activity so identified through official Department guidance such as a Training and Employment Guidance Letter.



# Definitions Used in the Monitor Advocate System

[20 CFR 651.10](#)

**MSFW:** A migrant farmworker **OR** a seasonal farmworker

## Seasonal Farmworker:

An individual who is employed, or was employed in the past 12 months, in farmwork of a seasonal or other temporary nature and is not required to be absent overnight from his/her permanent place of residence

Labor is performed on a seasonal basis where, ordinarily, the employment pertains to or is of the kind exclusively performed at certain seasons or periods of the year and which, from its nature, may not be continuous or carried on throughout the year.

A worker who moves from one seasonal activity to another, while employed in farmwork, is employed on a seasonal basis even though he/she may continue to be employed during a major portion of the year.

A worker is employed on other temporary basis where he/she is employed for a limited time only or his/her performance is contemplated for a particular piece of work, usually of short duration. Generally, employment which is contemplated to continue indefinitely is not temporary.

## Migrant Farmworker:

A seasonal farmworker who travels to the job site so that the farmworker is not reasonably able to return to his/her permanent residence within the same day



# Resources

## **State Monitor Advocate Directory:**

[https://www.dol.gov/sites/dolgov/files/ETA/mas/pdfs/MA\\_National\\_Directory.pdf](https://www.dol.gov/sites/dolgov/files/ETA/mas/pdfs/MA_National_Directory.pdf)

## **Monitor Advocate System Webpage:**

<https://www.dol.gov/agencies/eta/agriculture/monitor-advocate-system/>

## **AJC Directory:**

<https://www.careeronestop.org/localhelp/americanjobcenters/find-american-job-centers.aspx>

## **ETA's Toll-Free Help Line:**

1-877-US-2JOBS (TTY: 1-877-889-5267)

## **WorkforceGPS Agricultural Connection**

<https://farmworker.workforcegps.org/>

The Agricultural Connection Community provides a collection of workforce information and technical assistance resources that support career services and training for migrant and seasonal farmworkers (MSFWs). The featured content area is the perfect area to start learning about the National Farmworker Jobs Program (NFJP) and the Monitor Advocate System (MAS) as well as promising practices, success stories, and special topic resources and training related to the MSFW population.

# Thank You



*for your work and partnership*

