

Idaho Department of Labor
Annual Report of Services to MSFWS
July 1, 2019 through June 30, 2020

1. A description of the activities undertaken during the program year by the State Monitor Advocate pertaining to her responsibilities

Highlight of Monitor Advocate Activities:

Monitoring and Reporting.

- IDOL's Equal Opportunity Officer, Amy Hohnstein and the Monitor Advocate met with new IDOL Director Jani Revier on November 1, 2019, to provide an overview of the Migrant and Seasonal Farm Worker Program and the Employment Services Complaint System.
- Translated into Spanish the COVID - 19 Idaho State Guidance for agricultural employers/workers.
- Translated into Spanish all new forms, documents, blogs and instructions generated by the Unemployment Insurance (UI) Division for implementing the new CARES Act. Provided Technical Assistance to UI on appropriate use of words and cultural awareness of targeted customers in Idaho.
- Advised and provided technical assistance to local offices on areas of concern, including a one-on-one technical assistance when needed. Because new staff were assigned to the outreach worker position, the Monitor Advocate Presented 3 separate webinars to provide training to new outreach workers.
 - The first webinar took place on January 24, 2020. The content of the first webinar included the MSFW definition, the role of the outreach worker and others in serving MSFWs, outreach worker responsibilities, services to provide while conducting outreach and services required when workers visit the local offices. Resources for outreach.
 - The second webinar took place on January 31, 2020. The content of this webinar included a discussion about internal and external resources for training, the agricultural outreach plan, proposed outreach goals for Idaho, the role of the monitor advocate as a resource for technical assistance and a discussion of memorandums of understanding with other agencies serving MSFWs.
 - The third webinar took place on February 7, 2020. This webinar included information on the complaint system as it relates to MSFWs, the discussion of some significant Idaho cases and how outreach workers can affect farmworker's access to protections, resources for estimating the number of workers in the office service area and how to document outreach activities.
 - The Power Point presentations used during these webinars are attached to this report
- Provided guidance to local offices on field visits and field checks as many of the outreach workers have dual responsibilities with the MSFW and the H2A Programs.
- Reviewed and approved the Agricultural Outreach Plan. Reviewed outreach logs and other reports to assess compliance. As not all offices documented outreach, and because of restrictions due to COVID-19, the Monitor Advocate requested a written plan with outreach goals and activities for PY 2020-2021.
- Created, reviewed and commented on operating instruction related to MSFWs to ensure those reflect the requirements of the regulations and are clear and workable.
- Monitored and recommended improvements to IDOL's automated complaint system. Functioned as the Complaint System Triage Specialist and directly handled MSFW complaints.
- Drafted and submitted an annual summary to the state and regional administrators and regional and national monitor advocates.

Advocacy

- Participated in meetings for the recently formed Idaho Immigrant Resource Alliance (IIRA). The alliance formed in response to the pandemic and as a way to provide rapid response to the needs of farmworkers and immigrant communities in Idaho. The alliance includes the following non-profit organizations: The American Civil Liberties Union, The Community Council of Idaho, The Idaho Organization of Resource Councils, Immigrant Justice Idaho, The Northwest Center for Alternatives to Pesticides, Poder de Idaho, United Farmworkers and Visión 2C Resource Council. I have made referrals of farmworkers in need to the services provided by the alliance.
- Led the planning of the 2020 Farmworker Awareness – Statewide MSFW-H2A Training Conference. (see attached agenda) However, one week before the conference, we cancelled it due to COVID-19 restrictions. In addition to the Community Council of Idaho NFJP grantee and IDOL, the annual Farmworker Awareness - Statewide MSFW-H2A Training Conference has expanded to include participants from many agencies serving farmworkers in the state such as Department of Education Migrant Program, College of Idaho, BSU, Mexican Consulate, Center for Community and Justice, Immigrant Justice Idaho, and many other Idaho non-profit organizations. The planning and organizing committee for this conference included representatives from Community Council of Idaho- NFJP grantee, College of Idaho, BSU and IDOL. The College of Idaho provides the venue free of cost and IDOL and Community Council of Idaho shared cost for speakers/presenters and food.
- Co-presented a training to WIOA staff, on reaching out to MSFW Youth in Need. (See attached PPT)
- Continued to implement the Community Council of Idaho NFJP-IDOL MOU and existing MOUs with other agencies.
- Collaborated with state and federal enforcement agencies in the conduct of field checks and resolution of complaints.

Field Visits

- Field visits were scheduled for the spring of 2020. IDOL cancelled field visits due to COVID-19 restrictions. These actions were taken:
 - The Monitor Advocate drafted a letter for IDOL Director and the letter and attached resources were mailed in a package sent to all agricultural employers registered in IDOL's system including H2A Employers. Attached is a copy of the letter that was sent to the H2A employers. The package that was sent to Non-H2A employers was the same but without the H2A poster. In addition to providing resources, the letters and information served as a reminder to employers of their responsibilities and requirements in protecting farmworkers.
 - The Monitor Advocate created a Spanish Facebook page where the Monitor Advocate shares relevant resources for easy access. The page rapidly accrued more than 300 followers and continues to accrue followers in an ongoing basis. The name of the page is "Trabajadores Agrícolas de Idaho"
 - The Monitor Advocate with the help of a volunteer teenager made and donated more than 400 fabric masks that she distributed to farmworkers (see attached photo). These masks were not made using department time or materials

2. An Assurance that the SMA has direct personal access whenever she finds it necessary, to the state administrator and that the SMA has status and compensation approved by the civil service classification system and is comparable to other state positions assigned similar levels of tasks complexity and responsibility

The Monitor Advocate has direct personal access, whenever she finds it necessary, to the Idaho Department of Labor Director Jani Revier and she has the support of her direct supervisor Amy Hohnstein. The State Monitor Advocate has status and compensation approved by the Civil Service Classification System.

3. An assurance that the SMA devotes all of her time to Monitor Advocate Functions. Or if the SWA proposed the SMA conducts her functions on a part time basis, and explanation of how the SMA functions are effectively performed with part time staffing.

The State Monitor Advocate is a full time employee and in addition to the duties required of the Monitor Advocate position, she works as a the ES Complaint System Triage Specialist, the MSFW Complaints Specialist and during the pandemic she also continues to work as a Spanish translator for the Unemployment Insurance Division and other programs.

Triaging complaints involves the following:

- Reviewing all complaints submitted through the IDOL system
- Requesting additional information from complainant as necessary
- Identifying issues and determining jurisdiction
- Making internal and external referral of complaints as appropriate
- Providing direct assistance to customers with access and with information as requested
- Drafting response letter when the complaint does not involve a violation of employment related law
- Drafting a response e-mail when the complaint involves a potential violation of rights under the equal Employment Opportunity Commission and the complaint is referred to the Idaho Human Rights Commission.

The Monitor Advocate directly handles MSFW complaints. The EO Officer Amy Hohnstein has responsibility for the overall oversight of the ES Complaint System.

The Spanish Translation services involve the following:

- Translating documents upon request and within requested timeline
- Reviewing and revising translated documents upon request
- Prioritizing projects as appropriate according to request or according to supervisor's directive
- Providing technical assistance on word choice and cultural appropriateness as needed or requested.

4. A summary of the monitoring reviews conducted by the SMA including:

- i. A description of any problems, deficiencies and 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 services delivery**
- iii. A Summary of any technical assistance the SMA provided for the SWA and the Employment Service (ES) Offices**
 - i. Local office review visits were scheduled for spring/summer of 2020. Due to Covid-19 local office visits were cancelled.

- Two needs have been identified by the State Monitor Advocate: The need for training for newly assigned outreach workers and the need for a more evenly robust outreach in all agricultural areas of the state. During this program year, some of the outreach offices did not document outreach.
- ii. The Monitor Advocate provided training to new outreach workers through 3 webinars that took place on January/February 2020 (See Monitoring and Reporting above) and the Monitor Advocate has requested an outreach plan from each of the outreach offices to describe their goals and activities for PY 2020 including alternative ways of conducting outreach due to COVID-19 restrictions.
 - iii. One- on-one ongoing technical assistance and activities as described in ii above.

5. A summary of the outreach efforts undertaken by all significant and non-significant MSFW ES offices.

The outreach activities continue with a regional approach. Assigned outreach workers may conduct outreach in a larger area than their home office. In total, the local offices completed 1,911 contacts using 18 staff days, equivalent to 106 contacts per staff day. Outreach workers have reported outreach contacts separately for each of the offices in their region in addition to their home office. Efforts continue to encourage local offices to use radio and other media to leverage limited resources.

The monitor advocate conducted outreach through a presentation at the South Junior High ESL/Migrant Ed Parent meeting in Boise Idaho on January 30, 2020. The Monitor Advocate presented a webinar sponsored by Poder de Idaho. Both presentations included information on services the Department of Labor Provides through different programs and the availability of the complaint system. Attached is a photo of the gathering at South Junior High and this is the link to the webinar sponsored by Poder de Idaho on May 2020:

<https://youtu.be/120X-HwCe4s>

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 through the year and steps taken to inform and educate MSFWs, employers, and farmworker advocacy groups about the Complaint System

The SMA, outreach workers and all of the local office staff market and make available the ES complaint system to customers during outreach activities and during daily operation of the local offices. A bilingual English/Spanish poster and a rack card with the basic information about what assistance IDOL provides, the types of complaints we handle, and how to access the complaint system; are distributed throughout the state.

The Equal Opportunity Officer and the State Monitor Advocate have worked diligently to ensure that IDOL responds to each complaint filed. IDOL ensures a referral or response even to those complaints that are classified as non-MSFW and non-ES related. Our motto is "No customer who files a complaint leaves empty handed."

Complaint and Apparent Violation Report July 1, 2019 through June 30, 2020

Apparent Violations Total received 4

1. Total number of ES-related apparent violations referred 3
 - a. To USDOL Wage and Hour Division (ESA) 3
 - b. To OSHA 0
 - c. To Other 0
2. Total number of Non-ES related apparent violations referred 1
 - a. To USDOL Wage and Hour Division (ESA) 1
 - b. To OSHA 0

- c. To Other 0

Complaints

1. Total number of complaints **received 440**
 - a. MSFW-ES related 0
 - b. MSFW, Non-ES related 0
 - c. Non-MSFW, ES related 71
 - d. Non-MSFW, non-ES related 369

2. Total number of MSFW, ES-related complaints **referred 0**
 - a. To USDOL Wage and Hour Division(ESA) 0
 - b. To OSHA 0
 - c. To Other 0

3. Total number of non-MSFW ES-related complaints **referred 71**
 - a. To USDOL Wage and Hour Division(ESA) 1
 - b. To OSHA 0
 - c. To Other 70

4. Total number of MSFW, Non-ES related complaints **referred 0**
 - a. To USDOL Wage and Hour Division(ESA) 0
 - b. To OSHA 0
 - c. To Other 0

In addition to the complaints that were filed through the ES system, the Idaho Wage and Hour Section located within the Idaho Department of Labor, handled 5 MSFW-ES related wage claims, 32 MSFW non-ES related wage claims and 48 Non-MSFW ES related wage claims.

7. ***A summary of how the SMA is working with Workforce and Innovation Opportunity Act (WIOA) sec. 167 NFJP grantee and other organizations serving farmworkers, employers and employer organizations in the 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 a Memorandum of Understanding (MOU) with the NFJP in accordance with 20 CFR 653.108(1)***

The SMA has a close relationship with the 167 NFJP grantee in Idaho, Community Council of Idaho. We continue to implement the MOU signed on May 8, 2018.

The SMA worked with representatives from Community Council of Idaho, BSU, College of Idaho and two additional representatives from IDOL to plan and organize the MSFW/H2A training that was scheduled for March at the College of Idaho. This conference provided an opportunity for cross training not only for IDOL and Community Council of Idaho personnel but it also included personnel from the State Department of Education Migrant Education Program, Boise State University HEP and CAMP Programs, the Mexican Consulate, The International Rescue Committee, Idaho Coalition Against Sexual and Domestic Violence, Idaho Legal Aid and many others.

On a quarterly basis and as needed the SMA participates in the transition team meetings organized by Community Council of Idaho Employment and Training Program and integrated by representatives from various agencies and organizations serving farmworkers in Idaho.

8. A summary of statistical data and other MSFW related data and reports gathered by SWAs and ES offices for the year, including an overview of SMA's involvement in the SWA's reporting system.

See attached 4th quarter MSFW report with relevant data. Idaho met the following Equal Indicators of Compliance:

- Receive staff assisted services
- Referred to support services
- Career Guidance
- Job Development Contacts

Idaho met the following minimum Service Level Indicators:

- Placed in long term non-ag job
- Field checks conducted
- Outreach contacts per staff day worked
- Timely process of complaints

9. A summary of the training conducted for SWA personnel, including ES office personnel on techniques for accurately reporting data.

10. A summary of activities related to the Agricultural Outreach Plan (AOP) and an explanation of how those activities helped the state reach the goals and objectives described in the AOP.

The activities described in this report are in alignment with reaching the goals outlined in the PY 2019 Agricultural Outreach Plan (AOP):

- The SMA continuously provides training to outreach workers through webinars and one on one training and technical assistance. Outreach workers are hired through the state merit system and are cross-trained in various programs.
- The State Monitor Advocate and outreach workers work in conjunction with other agencies and organizations serving farmworkers in the state. Outreach efforts are coordinated with those agencies and especially with the NFJP grantee in Idaho, Community Council of Idaho.
- Employer services are marketed and provided to agricultural employers through the One Stop delivery system.
- Career and training services and the availability of the complaint system are marketed and provided to MSFWs.

11. For significant MSFW offices , a summary of the functioning of the state's affirmative action staffing program under 20 CFR 653.111

Staffing of significant offices

Significant MSFW Local Office	Percentage of bilingual employees (English/Spanish)	Percentage of Hispanic employees	Notes
0010 Blackfoot	0	0	Outreach is conducted by a bilingual employee located in Pocatello

0050 Mini-Cassia	40%	20%	
0080 Canyon County	62.5%	56.25%	
0270 Pocatello	20%	30%	
0310 Rexburg	0%	0%	Outreach is conducted by a bilingual employee located in Idaho Falls

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