



FLORIDA DEPARTMENT OF
EDUCATION
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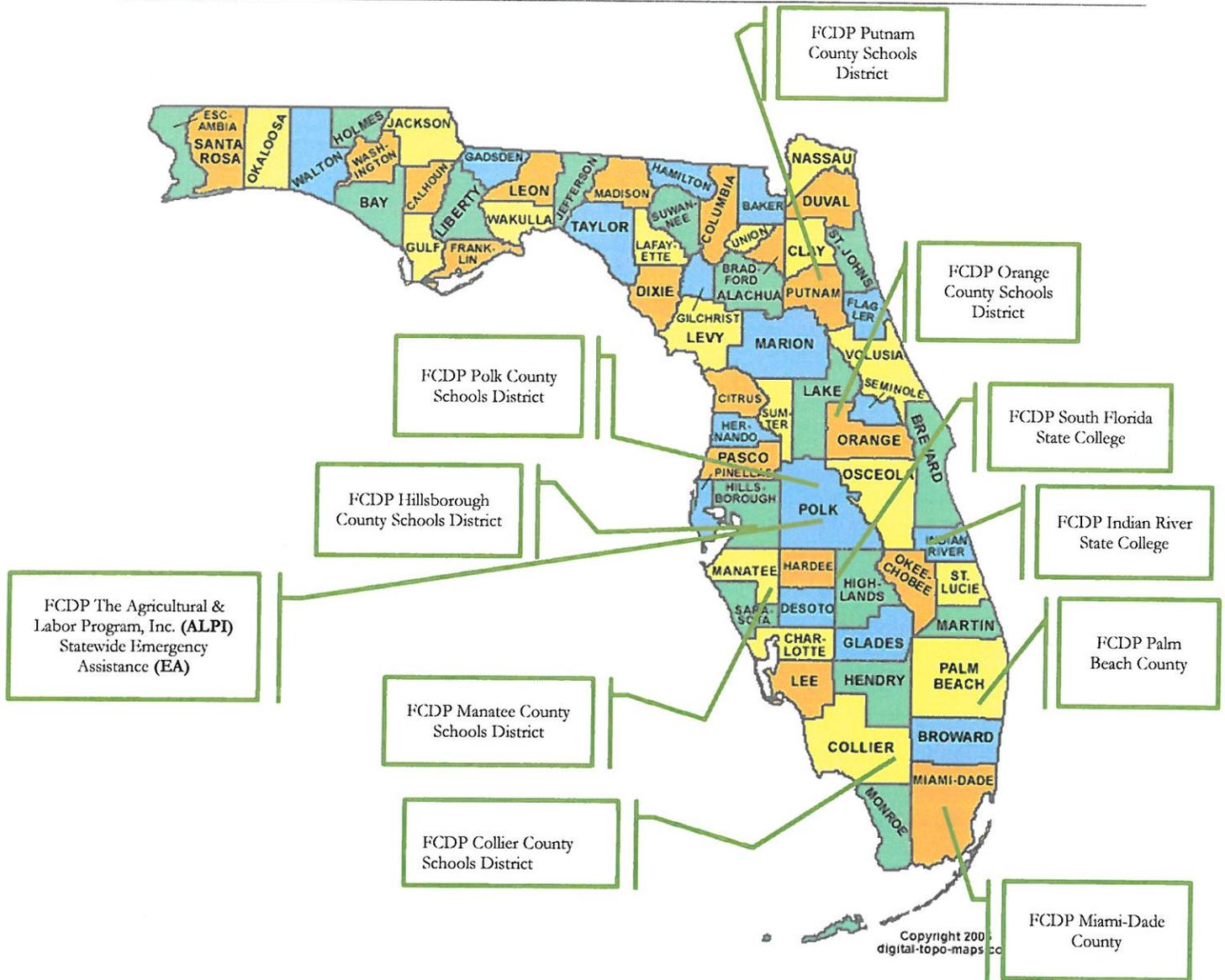


FCDP Eligibility Manual

WIOA Section 167

Florida Department of Education
Farmworker Career Development Program (FCDP)

WIOA Section 167 Eligibility Manual ©



1313 Tampa N. Tampa Street • Suite 103
Tampa, Florida 33602
Phone 813-224-1920 • Fax 813-224-1926

Letter from the Director

Colleagues,

As you know, the overarching purpose of Florida's Farmworker Career Development Program (FCDP) is to strengthen the ability of 'eligible' migrant and seasonal farmworkers and their families to achieve economic self-sufficiency. Critical to building an effective recruitment and screening process for this program, is ensuring that all FCDP staff engaged in conducting intake interviews have a solid understanding of the full-range of program eligibility requirements levied by the United States Department of Labor/Employment and Training Administration (US DOL/ETA) which are based on the Workforce Innovation and Opportunity Act (WIOA).

What you may not know, is that US DOL/ETA considers the process of determining an individual's program eligibility so important, that it is included in US DOL/ETA's Core Monitoring Guide as a compliance item. That is, failure to provide in a participant record all of the required documents used to verify that the participant meets all of the program eligibility requirements, may lead to a non-compliance finding, which may then jeopardize future funding for this program in Florida. This is why your thorough review and understanding of the information in this 'Eligibility Manual' is so critically important.

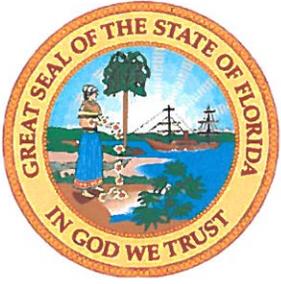
Because this is such an important process to get right, we have established a sequential 'certification' process in Florida which requires that all FCDP staff involved in the participant intake process complete two separate Eligibility Training courses. The first course, Eligibility Certification I, will provide a one-year eligibility certification, and the second course, Eligibility Certification II, will provide a three-year eligibility certification. Eligibility Certification I must be completed before attending an Eligibility Certification II course.

Please add your review and use of this Eligibility Manual to your 'must-do' list, and should there be any questions at all about how to deal with specific situations, please do not hesitate to contact the state office forthwith.

Thx!



Mario Zuniga
Director, Farmworker Career Development Program Office



**WORKFORCE INNOVATION AND OPPORTUNITY ACT
SECTION 167
NATIONAL FARMWORKER JOBS PROGRAM (NFJP)
FLORIDA DEPARTMENT OF EDUCATION**



Mission

"To become the number one farmworker career development program in the nation by providing migrant and seasonal farmworkers in Florida the highest quality pathways to high-wage, high-growth employment opportunities through accurate, timely, and focused individual career assessment, job-driven education and training, supportive services, and customer-driven, community-based, employment referral and follow-up services."

Vision

"We help migrant and seasonal farmworkers in Florida live happier and healthier lives by providing them and their families the tools, opportunities, and services to move beyond sporadic, itinerant, physically demanding, often unhealthy, and low wage farm work to high-wage, high-skill jobs: From the fields to meaningful choices and rewarding careers."

Strategic Goals

- *Highest Eligible Farmworker Career Attainment in the Nation*
- *Maximum Access to High-Wage Employment Opportunities*
- *Career-Enabling Participant Support Services*
- *Quality Efficient Career Services*

Values

"We value:

- *Doing the right things;*
 - *Doing things right;*
 - *Complete follow-through;*
 - *Using short-term/long-term solution strategies;*
 - *Being professional, always;*
 - *Sharing ownership of problems;*
 - *Striving for role clarity;*
 - *Continuous process improvement;*
 - *Synergistic teamwork"*
-

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WIOA 167 Eligibility Requirements

Operating Guidance for National Farmworker Jobs Program (NFJP) Employment and Training and Housing Grantees *TEGL No. 35-14*

WIOA was signed into law on July 22, 2014. WIOA is designed to help job seekers access employment, education, training, and support services to succeed in the labor market and to match employers with the skilled workers they need to compete in the global economy. WIOA supersedes titles I and II of the Workforce Investment Act of 1998, and amends the Wagner-Peyser Act and the Rehabilitation Act of 1973. In general, the Act takes effect on July 1, 2015, the first full program year after enactment, unless otherwise noted.

NFJP Grantee Responsibilities All NFJP grantees are expected to offer a customer-focused case management approach to providing career services, training, youth services and related assistance to eligible migrant and seasonal farmworkers (MSFWs).

Participant Eligibility WIOA sec. 167(i) changed the definition of eligible participants in the NFJP. Beginning July 1, 2015, NFJP grantees are expected to begin serving eligible MSFWs as defined in WIOA sec. 167(i) and TEGL No. 35-14.

To qualify as eligible for NFJP services under WIOA Section 167 an individual must be, on the date of application for enrollment an “eligible MSFW” or a “dependent” of an eligible MSFW, as follows:

- Eligible seasonal farmworker means a low-income individual who for 12 consecutive months out of the 24 months prior to application for the program involved, has been primarily employed in agricultural or fish farming labor that is characterized by chronic unemployment or underemployment; and faces multiple barriers to economic self-sufficiency; and dependents of the seasonal farmworker as described in WIOA 167(i)(3) are also eligible.

WIOA sec. 3(61) also provides that to be considered unemployed, one must be without a job, be available for work and want work. Similarly, underemployed persons are those who are without full-time, year-round work, and who want and are available for full-time, year-round work.

- Eligible migrant farmworker means an eligible seasonal farmworker as defined in WIOA sec. 167(i)(3) whose agricultural labor requires travel to a job site such that the farmworker is unable to return to a permanent place of residence within the same day; and dependents of the migrant farmworker, as described in WIOA 167(i)(2) are also eligible.
- Eligible MSFW youth means an eligible MSFW aged 14-24 who is individually eligible or is a dependent of an eligible MSFW. The term eligible MSFW youth is a subset of the term eligible MSFW.

Dependent means an individual who:

A. Was claimed as a dependent on the eligible MSFW's Federal income tax return for the previous year; or

B. Is the spouse of the eligible MSFW; or

C. If not claimed as a dependent for Federal income tax purposes, is able to establish:

1. A relationship as the eligible MSFW's; i. Child, grandchild, great grandchild, including legally adopted children;
ii. Stepchild;
iii. Brother, sister, half-brother, half-sister, stepbrother, or stepsister;
iv. Parent, grandparent, or other direct ancestor but not foster parent;
v. Foster child;
vi. Stepfather or stepmother;
vii. Uncle or aunt;
viii. Niece or nephew;
ix. Father-in-law, mother-in-law, son-in-law; or
x. Daughter-in-law, brother-in-law, or sister-in-law; and

2. The receipt of over half of his/her total support from the eligible MSFW's family during the eligibility determination

Additionally:

- Male applicants must not have violated Section 3 of the Military Selective Service Act by not presenting and submitting to registration as required. TEGL 11-11 and TEGL 11-11, Change 2 provide Selective Service registration requirements for Employment and Training Administration (ETA) programs funded through WIA. TEGL 11-11 and Change 2 to TEGL 11-11 implement the requirements of WIA sec. 189(h). WIOA retains the same requirements as WIA sec. 189(h). Therefore, NFJP must administer the program in conformity with this TEGL and Change 2.

- NFJP participants must have the right to work in the United States. *TEGL 2-14 Eligibility of Deferred Action for Childhood Arrivals Participants for Workforce Investment Act and Wagner-Peyser Act Programs* establishes that Deferred Action for Childhood Arrivals (DACA) individuals have the right to work in the United States. WIOA sec. 188 retains the same requirements as WIA sec. 188 on discrimination against noncitizens. Therefore NFJP grantees must administer the program in conformity with *TEGL 2-14*.
-

2012 NAICS Codes for Definition of Farmworker

TEGL No. 25-04 Change 1

- **NAICS Codes for Qualifying Farmwork.** Every 5 years, the NAICS is reviewed for accuracy and relevance to businesses. In 2012, the U.S. Census Bureau issued the updated NAICS codes. The attached “NAICS Codes for Qualifying Farmwork” lists the industry sectors that are considered qualifying farmwork for NFJP and those industry sectors that are excluded from the definition.
 - **ETA** is not changing the definition of farmwork but simply providing an updated list of included and excluded industries for reference by grantees in planning and program execution. Only minimal, non-substantive changes in the names of the industry sectors have occurred since the list of NAICS codes for qualifying farmwork was issued in *TEGL 25-04* in 2005.
-

Selective Services Registration Requirements for Workforce Investment Act and Wagner-Peyser-funded programs

TEGL No. 11-11

- **TEG No. 11-11 Change 1** - January 20, 2012 - Selective Service Registration Requirements for Employment and Training Administration Funded Programs
 - **TEG No. 11-11 Change 2** - May 16, 2012 - Selective Service Registration Requirements for Employment and Training Administration Funded Programs
 - Additional information regarding selective services can be found at:
<https://www.sss.gov/Registration-Info/Who-Registration>
 - <https://www.sss.gov/Portals/0/PDFs/Status.pdf>
-

Selective Service - Who Must Register

NOTE: With only a few exceptions, the registration requirement applies to all male U.S. citizens and male immigrants residing in the United States who are 18 through 25 years of age.

Category	YES	NO
All male U.S. citizens born after Dec. 31, 1959, who are 18 but not yet 26 years old, except as noted below:	X	
Military Related		
Members of the Armed Forces on active duty (active duty for training does not constitute "active duty" for registration purposes)		X*
Cadets and Midshipmen at Service Academies or Coast Guard Academy		X*
Cadets at the Merchant Marine Academy	X	
Students in Officer Procurement Programs at the Citadel, North Georgia College and State University, Norwich University, Virginia Military Institute, Texas A&M University, Virginia Polytechnic Institute and State University		X*
ROTC Students	X	
National Guardsmen and Reservists not on active duty / Civil Air Patrol members	X	
Delayed Entry Program enlistees	X	
Separatees from Active Military Service, separated for any reason before age 26	X*	
Men rejected for enlistment for any reason before age 26	X	
Immigrants**		
Lawful non-immigrants on visas (e.g., diplomatic and consular personnel and families, foreign students, tourists with unexpired Form I-94, or Border Crossing Document DSP-150)		X
Permanent resident immigrants (USCIS Form I-551) / Undocumented immigrants	X	
Special agricultural workers	X	
Seasonal agricultural workers (H-2A Visa)		X
Refugee, parolee, and asylee immigrants	X	
Dual national U.S. citizens	X	
Confined		
Incarcerated, or hospitalized, or institutionalized for medical reasons		X*
Handicapped physically or mentally		
Able to function in public with or without assistance	X	
Continually confined to a residence, hospital, or institution		X
Sex Gender Change / Transsexual		
U.S. citizens or immigrants who are born male and have a sex change	X	
Individuals who are born female and have a sex change		X

*Must register within 30 days of release unless already age 26

NOTE: To be fully exempt you must have been on active duty or confined continuously from age 18 to 26

**Residents of Puerto Rico, Guam, Virgin Islands, and Northern Mariana Islands are U.S. citizens. Citizens of American Samoa are nationals and must register when they are habitual residents in the United States or reside in the U.S. for at least one year. Habitual residence is presumed and registration is required whenever a national or a citizen of the Republic of the Marshall Islands, the Federated States of Micronesia, or Palau, resides in the United States for more than one year in any status, except as a student who entered the U.S. for the purpose of full time studies as long as such person maintains that status or employee of the government of his homeland.

NOTE: Immigrants who did not enter the United States or maintained their lawful non-immigrant status by continually remaining on a valid visa until after they were 26 years old, were never required to register. Also, immigrants born before 1960, who did not enter the United States or

Request for Status Information Letter

VERIFY: I am not registered with the Selective Service System and requesting a Status Information Letter.
I am now 26 years old or older and was born after December 31, 1959.

NOTE: No action will be taken on this request unless **ALL REQUIRED** information / documentation with an asterisk (*) are received (where applicable). **KEEP** a copy of all documents and correspondence submitted.

Section 1:

*Name _____

* First Name

* Middle Name

* Last Name

List any other names used _____

Include any multiple last names

* Current Mailing Address _____

* Street Address

* City

* State

* Zip Code

* Social Security Number _____

* Date of Birth _____

* Month / * Day / * Year

Daytime Telephone Number _____

E-mail Address _____

Section 2:

MILITARY:

List dates of active duty service: _____ to _____

List dates of reserve duty service: _____ to _____

List dates of military school service: _____ to _____

Military school attended: _____

* **Attach copy of DD 214 (or DD Form 4 if still on active duty)**

INCARCERATED INSTITUTIONALIZED HOSPITALIZED HOME CONFINED:

* **List dates during which you were incarcerated, institutionalized, hospitalized, or confined to a home.**

For multiple dates, list all:

_____ to _____, _____ to _____, _____ to _____

* **Attach proof of each instance.**

NON-CITIZEN / UNDOCUMENTED IMMIGRANT:

* Date you entered the United States for the first time: _____
* Month / * Day / * Year

* USCIS (formerly INS) status at time of entry: _____

* REQUIRED: List all immigrant status (es) held since entering the country, and give dates:
(Attach separate sheet if necessary)

_____ to _____ USCIS Status _____
_____ to _____ USCIS Status _____
_____ to _____ USCIS Status _____
_____ to _____ USCIS Status _____

* Attach copies of supporting documentation (see the included INSTRUCTIONS for details)

TRANSGENDER:

At birth my gender was: _____

* Attach copy of birth certificate

* REASON WHY YOU FAILED TO REGISTER WITH SELECTIVE SERVICE UPON
REACHING AGE 18 AND BEFORE REACHING AGE 26:

Section 3:

IMPORTANT NOTE: No action can be taken until we receive ALL required information /
documentation with an asterisk (*) are received. You should retain a copy of all documents and
correspondence submitted to us.

Print, sign and date, and mail this letter to the address below, together with ALL copies of
required documents and all other supporting information you may wish to include.

* Signature

* Date

Selective Service System
ATTN: SIL
PO Box 94638
Palatine, IL 60094-4638

INSTRUCTIONS

For filling out the “Request for Status Information Letter”

SECTION 1:

- Name (**required**): you must provide your complete name, and any other names you have ever used. If you have more than one last name, you must provide both names.
- Address (**required**): you must include your complete mailing address. Forms received without a mailing address will not be processed.
- Social Security Number (**required, if you have one**): If you have a social security number, you must provide it. Also, if you have ever used a different social security number, provide it as well.
- Date of Birth (**required**): This form is only for men born after December 31, 1959, who are 26 years old or older. You must provide your complete date of birth.
- Daytime Telephone Number: If possible, provide a telephone number where you can be reached during the day, in case we need to contact you.
- Email Address: If possible, provide your email address in case we need to contact you.

SECTION 2: (Requires dates and supporting documentation)

This section is for explaining and documenting why you did not register with Selective Service. This section consists of five different parts. You must complete and submit documentation for any and all parts that apply to you.

Military:

To obtain proof of military service (DD-214, Official Military Personnel File) write to: National Personnel Records Center, GSA, Military Personnel Records Center, 9700 Page Blvd., St. Louis, MO, 63132.
Or visit <http://www.archives.gov/veterans/military-service-records>

Incarcerated, institutionalized, hospitalized, or home confined:

For each instance, provide type of confinement, dates of confinement, and supporting documentation.

Non-Citizen / Undocumented Immigrants:

If you entered the United States for the first time after your 26th birthday, you must provide documentation to support your claim. Valid documentation includes: entry stamp in your passport, I-94 with entry stamp on it. If you entered the United States illegally after your 26th birthday, you must provide proof that you were not living in the United States from age 18 to age 26. **Please note:** your Resident Alien Card (Green Card) is not proof of entry to the United States.

If you entered the United States as a valid non-immigrant, and remained in that status to your 26th birthday, you must provide documentation to support your claim. For example, if you entered the United States as an F-1 student, and remained in that status until your 26th birthday, you would need to provide documentation indicating that you were admitted on an F-1 visa and attended school full-time as required. (Acceptable documents for this situation include copies of your I-20s or a letter from the school you attended indicating your full time attendance as a non-immigrant). The same thing applies for all non-immigrant statuses. You must explain, if at any point, you violated the terms of your visa, or overstayed your visa and became an undocumented immigrant. You should provide as much information as possible. We will use the information you provide to determine your registration status.

Transgender:

For individuals who have had a gender change. You must indicate what gender you were born as, and attach documentation which indicates this as well.

Reason why you failed to register with Selective Service upon reaching age 18 and before reaching age 26:

Provide a written explanation for not registering with Selective Service.

SECTION 3:

Sign and date the letter (**required**). Return this letter to the address listed with copies of supporting documents, showing proof and anything else you may wish to include.

IMPORTANT: Do not send original documents, as they will not be returned. You should retain a copy of all documents and correspondence submitted.

HELPFUL INFORMATION

- This form is designed to be printed for use, and cannot be submitted online. After printing, complete the form, attach **ALL** supporting documentation, and mail to: Selective Service System, ATTN: SIL, PO Box 94638, Palatine, IL 60094-4638.
- This form is for use only by men born after December 31, 1959, who are not registered and are now 26 years old or older.
- **This form is not a registration form, and by submitting it, you will not be registered.**
- If you feel that you have already registered, verify your registration on our website (**www.sss.gov**), or call our Registration Information Office at (847) 688-6888 to obtain your Selective Service registration number.
- We will issue a Status Information Letter based on the information you provide. This letter will clarify your status with Selective Service. **KEEP your status information letter from Selective Service in your permanent files for future reference.**
- If you are being denied a right, benefit, or privilege because you are not registered, submit a **copy** of your status information letter from Selective Service and a separate letter in which you explain in the best of your ability the reasons surrounding your failure to register, to the agency administering the right, benefit, or privilege. That agency will make the final determination regarding your eligibility. The Selective Service System does not determine your eligibility for any right, benefit, or privilege.

Remember to KEEP your original Status Information Letter in your permanent files.
July 20, 2015

Impact of the U.S. Supreme Court’s Decision in *United States v. Windsor* on Eligibility and Services Provided Under Workforce Grants Administered by the Employment and Training Administration *TEGL No.26-13*

ETA Policy On Same-Sex Marriages

ETA Policy On Interpreting Terms of Marriage in the Workforce Investment Act

- *National Farmworker Jobs Program*: To qualify as eligible for services from the National Farmworker Jobs Program (NFJP) under Section 167 of WIA, and under 20 CFR part 669, an individual must be a disadvantaged migrant and seasonal farmworker or a dependent of an eligible farmworker. A “dependent” may be the “spouse” of a qualifying farmworker (20 CFR 669.110). The regulation does not further define “spouse.” Therefore, consistent with ETA’s policy stated above, we require NFJP grantees, except for state grantees, to include same-sex spouses of a marriage that is valid in the “state of celebration.” If a state NFJP grantee does not recognize such marriages, we encourage (but will not require) the state grantee to recognize such a marriage.

Eligibility of Deferred Action for Childhood Arrivals Participants for Workforce Investment Act and Wagner-Peyser Act Programs *TEGL No. 02-14*

DACA

National Farmworker Jobs Program. TEGL No. 25-04 describes eligibility determination requirements for the WIA National Farmworker Jobs Program (NFJP). As indicated in that TEGL, NFJP grantees are required to have an eligibility determination system that enables the generation of a record supporting eligibility determinations and enrollment decisions. Under that longstanding guidance, the Department expects NFJP grantees to obtain source documentation that verifies the information provided by applicants for eligibility elements, including employment authorization. That TEGL also provides that, for NFJP, self-certification alone cannot be used for employment authorization, and employment authorization must be verified with documentation. NFJP grantees must continue to ensure that their eligibility determination procedures for all applicants, including DACA participants, with employment authorization are consistent with the requirements in TEGL No. 25-04.



Fact Sheet

July 15, 2015

Important Information for Some DACA Recipients Who Received Three-Year* Work Authorization

WASHINGTON—If you are a DACA recipient who received a three-year Employment Authorization Document (EAD) after February 16, 2015, it was likely mistakenly issued and must be returned.

Approximately 2,100 DACA recipients were issued three-year Employment Authorization Documents, rather than two-year EADs, *after* the February 16, 2015, court injunction was in place. USCIS has taken action to correct this issue for these individuals and has updated their records to reflect a two-year period of deferred action and employment authorization. USCIS has re-issued and mailed the corrected two-year EADs to these individuals. USCIS has also notified these individuals that the three-year EADs are no longer valid and must be immediately returned, along with any related approval notices. USCIS is carefully tracking the number of returns of these invalid EADs and continues to take steps to collect the remaining cards.

Separately, about 500 three-year EADs that were approved and issued *before* the February 16, 2015, injunction were returned to USCIS as undeliverable by the U.S. Postal Service. These cards were subsequently re-mailed to an updated address *after* the injunction. USCIS has also taken action to correct this issue for these individuals and has updated their records to reflect a two-year period of deferred action and employment authorization. USCIS is re-issuing corrected two-year EADs to these individuals. USCIS has also notified these individuals that the three-year EADs are no longer valid and must be immediately returned, along with any related approval notices. USCIS is carefully tracking the number of returns of these invalid EADs and continues to take steps to collect the remaining cards.

Individuals who are required to return three-year EADs and have not done so will be contacted by USCIS by phone or in-person. For the purpose of retrieving these three-year EADs, USCIS may visit the homes of those individuals who have not yet returned their invalid 3-year EAD or responded to USCIS. When contacting individuals in person, the USCIS employees will show the individuals their credentials. USCIS will make every attempt to call the individual in advance of the visit.

This action does *not* apply to the approximately 108,000 three-year EADs that were approved and mailed by USCIS **on or before** the February 16, 2015, injunction date and that have never been returned or reissued by USCIS.

*Note: The term “three-year EADs” includes some cards that were issued with validity periods of greater than two years but not equal to three years.

The reason for this action is that, after a court order in *Texas v. United States*, No. B-14-254 (S.D. Tex.) was issued, USCIS could approve DACA deferred action requests and related employment authorization applications only for two-year periods.

If you...	Then...	What to do...
<p>Have a three-year* Employment Authorization Document that was issued to you after the February 16, 2015, court order <i>*“Three year” refers to any Employment Authorization Document valid for a period longer than two years.</i></p>	<p>Your three-year card is no longer valid and you must return it. USCIS has sent you a replacement card valid for two years and one or more letters instructing you to return your three-year EAD. If you keep the invalid three-year card, USCIS will terminate your DACA and all employment authorizations, and may consider your actions as a negative factor in weighing any future requests for deferred action, or any other discretionary requests.</p>	<p>Return your invalid three-year card as directed in the two separate notices mailed to your address in our records. If you receive a Notice of Intent to Terminate your DACA, follow the instructions to appear for a required appointment at a USCIS office to return the card or certify that there is a good reason you cannot return it or that you have already returned it. If you have any questions, call 1-800-375-5283 (TDD: 1-800-767-1833) and select Option 8.</p>
<p>Have a three-year* Employment Authorization Document that was initially issued to you on or before the February 16, 2015, court order, but then re-mailed to an updated address after the court order <i>*“Three year” refers to any Employment Authorization Document valid for a period longer than two years.</i></p>	<p>Your three-year card is no longer valid and you must return it. USCIS is sending you a replacement card valid for two years. If you keep the invalid three-year card, USCIS will terminate your DACA and all employment authorizations, and may consider your actions as a negative factor in weighing any future requests for deferred action, or any other discretionary requests.</p>	<p>Follow the instructions in the Notice of Intent to Terminate your Deferred Action and Employment Authorization that was mailed to your address of record. The notice will direct you to mail in your invalid three-year card or appear at a USCIS office to return the card or certify that there is a good reason you cannot return it. If you have any questions, call 1-800-375-5283 (TDD: 1-800-767-1833) and select Option 8.</p>

Fact sheet from:

Berta Cassidy Community Relation Officer Miami District Office U. S. Citizenship and Immigration Services U. S. Department of Homeland Security on Friday, July 15, 2015

Email: berta.m.cassidy@uscis.dhs.gov

Tel: 305-762-8742

2014 Data Validation and Performance Reporting Requirements and Associated Timelines

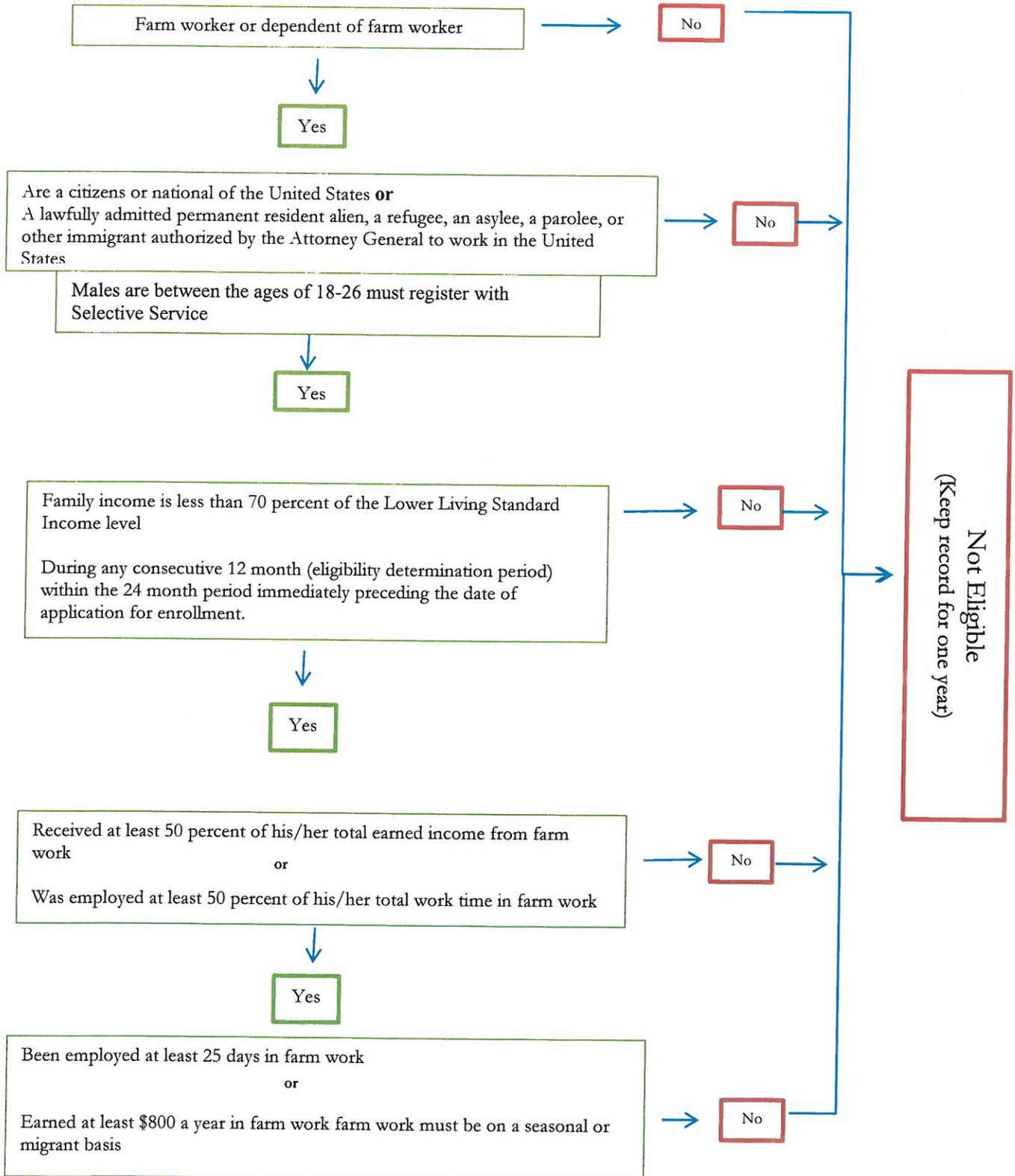
TEGL No. 06-14

Data Validation for NFJP

Grantees are required to submit individual participant records for NFJP, which are used by ETA to calculate the performance outcomes for each grantee. Therefore, grantees are not required to conduct report validation, but must conduct data element validation.

Please see *Attachment D* for the source documentation requirements for NFJP data element validation. NFJP grantees should use NFJP Data Validation Software Version 2.0.

Eligibility Flow Chart



Definitions

- **Eligible seasonal farmworker means:**

a low-income individual who for 12 consecutive months out of the 24 months prior to application for the program involved, has been primarily employed in agricultural or fish farming labor that is characterized by chronic unemployment or underemployment; and faces multiple barriers to economic self-sufficiency; and dependents of the seasonal farmworker as described in WIOA 167(i)(3) are also eligible.

- **Male applicants** must not have violated Section 3 of the Military Selective Service Act by not presenting and submitting to registration as required. TEGL 11-11 and TEGL 11-11, Change 2 provide Selective Service registration requirements for Employment and Training Administration (ETA) programs funded through WIA. TEGL 11-11 and Change 2 to TEGL 11-11 implement the requirements of WIA sec. 189(h). WIOA retains the same requirements as WIA sec. 189(h). Therefore, NFJP must administer the program in conformity with this TEGL and Change 2.

- **NFJP participants must have the right to work in the United States.** TEGL 2-14 *Eligibility of Deferred Action for Childhood Arrivals Participants for Workforce Investment Act and Wagner-Peyser Act Programs* establishes that Deferred Action for Childhood Arrivals (DACA) individuals have the right to work in the United States. WIOA sec. 188 retains the same requirements as WIA sec. 188 on discrimination against noncitizens. Therefore NFJP grantees must administer the program in conformity with TEGL 2-14.

WIOA sec. 3(61) also provides that to be considered unemployed, one must be without a job, be available for work and want work. Similarly, underemployed persons are those who are without full-time, year-round work, and who want and are available for full-time, year-round work.

- **Eligible migrant farmworker means:**

an eligible seasonal farmworker as defined in WIOA sec. 167(i)(3) whose agricultural labor requires travel to a job site such that the farmworker is unable to return to a permanent place of residence within the same day; and dependents of the migrant farmworker, as described in WIOA 167(i)(2) are also eligible.

- **Eligible MSFW youth** means an eligible MSFW aged 14-24 who is individually eligible or is a dependent of an eligible MSFW. The term eligible MSFW youth is a subset of the term eligible MSFW.

• **Dependent means an individual who:**

A. Was claimed as a dependent on the eligible MSFW's Federal income tax return for the previous year; or

B. Is the spouse of the eligible MSFW; or

C. If not claimed as a dependent for Federal income tax purposes, is able to establish:

1. A relationship as the eligible MSFW's; i. Child, grandchild, great grandchild, including legally adopted children;

ii. Stepchild;

iii. Brother, sister, half-brother, half-sister, stepbrother, or stepsister;

iv. Parent, grandparent, or other direct ancestor but not foster parent;

v. Foster child;

vi. Stepfather or stepmother;

vii. Uncle or aunt;

viii. Niece or nephew;

ix. Father-in-law, mother-in-law, son-in-law; or

x. Daughter-in-law, brother-in-law, or sister-in-law; and

2. The receipt of over half of his/her total support from the eligible MSFW's family during eligibility determination period.

Definitions Relevant to Eligibility

• **Eligibility determination period** means any consecutive 12-month period within the 24-month period immediately preceding the date of application for the MSFW program by the applicant MSFW.

• **Farmwork means** the cultivation and tillage of the soil, dairying, the production, cultivation, growing, and harvesting of any agricultural or horticultural commodities. This includes the raising of livestock, bees, fur-bearing animals, or poultry, the farming of fish, and 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. It also includes the handling, planting, drying, packing, packaging, processing, freezing, or grading prior to delivery for storage of any agricultural or horticultural commodity in its unmanufactured state. For the purpose of this section, agricultural commodities means all commodities produced on a farm including crude gum (oleoresin) from a living tree and 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 20 CFR 655.103(c) 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.

For the purposes of the NFJP program, “fish farming labor” includes all occupations included under the following North American Industry Classification System (NAICS) codes:

- o **112511 - Finfish Farm and Fish Hatcheries**
- o **112512 - Shellfish Farming**

Other farming that includes “the production, cultivation, growing, and harvesting of any agricultural or horticultural commodities” included under the term “aquaculture” (NAICS code **112519**) are also included in the definition of “farmwork.”

- **Lower living standard income level** means the income level as defined in WIOA sec. 3(36)(B) as that income level (adjusted for regional, metropolitan, urban, and rural differences and family size) determined annually by the Secretary of Labor based on the most recent lower living family budget issued by the Secretary.

- **Low-income individual** means an individual as defined in WIOA sec. 3(36) (A) who:
 - A. Receives, or in the past 6 months has received, or is a member of a family that is receiving or in the past 6 months has received, assistance through the supplemental nutrition assistance program established under the Food and Nutrition Act of 2008 (7 U.S.C. 2011 et seq.), the program of block grants to States for temporary assistance for needy families program under part A of title IV of the Social Security Act (42 U.S.C. 601 et seq.), or the supplemental security income program established under title XVI of the Social Security Act (42 U.S.C. 1381 et seq.), or State or local income-based public assistance;
 - B. Is in a family with total family income that does not exceed the higher of:
 - 1. The poverty line; or
 - 2. 70 percent of the lower living standard income level;
 - C. Is a homeless individual (as defined in section 41403(6) of the Violence Against Women Act of 1994 (42 U.S.C. 14043e-2(6))), or a homeless child or youth (as defined under section 725(2) of the McKinney-Vento Homeless Assistance Act (42 U.S.C. 11434a (2)));
 - D. Receives or is eligible to receive a free or reduced price lunch under the Richard B. Russell National School Lunch Act (42 U.S.C. 1751 et seq.);
 - E. Is a foster child on behalf of whom State or local government payments are made; or
 - F. Is an individual with a disability whose own income meets the income requirement of B above, but who is a member of a family whose income does not meet this requirement.

Special Circumstances

- *Extension of 24-month period preceding application*

1. For applicants who, during the 24-month period, had been in the armed forces, incarcerated, hospitalized, or unavailable for work due to documented physical or mental disability, the 12 month eligibility determination period for determining qualifying farmwork may be extended to a total of 24 months plus the amount of time the person was in the armed forces, incarcerated, detained at any facility hospitalized, of physically or mentally disabled.
2. Such condition must be positively demonstrated by the applicant through documentary evidence satisfactory to the grantee.
3. Under such an extension of the 24 month period, a determination of “disadvantaged” shall be based on the 12 months immediately preceding application.

- *Adjustment of family size and family income*

See Definition of “Low-income individual” on page 11.

...adjusted for the farmworker’s family size and including the income of all wage earners, except when its inclusion would be unjust due to unstable conditions of the family unit. (Final Rule, §66.110, dated 08/11/2000)

Conditions:

- Marital problems,
- Domestic violence substance abuse,
- In/out of jail, homeless, and divorce.

Must be documented and case manager should include notes in file as to how he/she reached their decision.

May exclude that individual and his/ her income from family income comparison to the poverty line or 70% LLSIL.

Example: Adjustment of Family Size and Family Income

Name	Relationship with Applicant	Age	Income	Income Adjustment
Francisca	Applicant	19	2,000	2,000
Jose	Father	40	20,000	0
Maria	Mother	39	6,000	6,000
John	Brother	15	0	0
Total			28,000	8,000
LLSIL PY 2015			26,939 (4)	21,821 (3)
			INELIGIBLE	ELIGIBLE

Notes:

FLORIDA NFJP Income Level Guidelines - PY 2015	
Family Size	Higher of 70% LLSIL or Poverty Level in Florida
1	11,770
2	15,930
3	21,821
4	26,939
5	31,795
6	37,186
7	42,577
8	47,968
9	53,359
10	58,750
For family size greater than 10, add \$5,391 per person.	
*Based on the 2015 LLSIL guidelines issued Mar 27, 2015 and Federal Poverty Guidelines issued Jan 22, 2015.	

*E-mail from Mario Zuniga, Director, Farmworker Career Development Program on Friday, April 20, 2015



Farmworker Career Development Program Worksheet A
Eligibility Review and Data Validation Worksheet

Instructions: Coordinator (authorized reviewer) completes no later than 30 calendar days after enrollment/date of participation. All sources used to verify data elements below *should be in the participant's record.*

Participant Name: _____ SS No: _____
 Enrollment/date of participation: _____ Project: _____

Part A Section I: Review of Application/Enrollment Form

1. Is applicant a:

- a. Citizen of the United States Yes No
- b. Non-citizen permitted to accept permanent employment in the United States by the Immigration and Naturalization Service:
 Card Number: _____ Exp. Date: _____ Yes No
- c. Non-citizen permitted to accept employment in the United States by the Immigration and Naturalization Services in accordance with TEGL 02-14 dealing with Deferred Action for Childhood Arrivals (DACA) participants:
 Card Number: _____ Exp. Date: _____ Yes No

- 2. If the applicant is eligible for registration under the Selective Service Act, is the applicant registered?
 Registration Number: _____ Yes No

Part A Section II: Review of the Family Income and Work History Record

Certification Period: From _____ To _____
 Applicant Six Month Pre-Program Earnings _____

- 1. Applicant is a farmworker Yes No Dependent of a farmworker Yes No

Who, during above certification period, must have:

- a. Gained at least 50% of total earned income from farmwork or employed in farmwork at least 50% of work time. (Work History must be documented) Yes No
- b. Been a seasonal farmworker who worked a minimum of 25 days or earned at least \$800 doing seasonal farmwork. (Work History must be documented) Yes No
- 2. Applicant meets family income criteria by being a member of a family that either receives cash public assistance or has an annual family income that is less than the poverty/70% LLSIL. (Family Income record must be documented) Yes No
- 3. Have remaining items of the Application/Enrollment Form, the Work History Record and the Family Income Record been completed? Yes No
- 4. Have the forms been signed by:
 - a. Applicant? Yes No
 - b. Interviewer? Yes No
 - c. Authorized reviewer? Yes No

If all answers are YES, the information on the application is internally consistent and reasonable. If forms are incomplete or signatures are missing, corrective action must be taken immediately. If review reveals information that is unreasonable or is internally inconsistent, return to interviewer for correction/verification.

Signature of Coordinator / Authorized Reviewer

Date



Farmworker Career Development Program Worksheet B
 Eligibility Review and Data Validation Worksheet

Instructions: Authorized reviewer completes no later than 30 calendar days after enrollment/date of participation. All sources used to verify data elements below *should be in the participant's record.*

Participant Name: _____ SS No: _____
 Enrollment/ date of participation: _____ Project: _____

Part B Section I		
Application/Enrollment, Work History and Family Income Record complete?	Yes []	No []
The above forms are reasonable and internally consistent?	Yes []	No []
Part B Section II		
Eligibility Item	Circle Verification Sources Used	
Citizen;	<ul style="list-style-type: none"> • Passport • Birth certificate • Voter registration card • Naturalization Certificate 	
Non-citizen;	<ul style="list-style-type: none"> • Employment Authorization Card • Alien registration documents • Employment Authorization Card (DACA) 	
Family Size / Dependents;	<ul style="list-style-type: none"> • Birth certificates • Family Bible • IRS 1040 form • Marriage certificates 	
Birth Date; Age;	<ul style="list-style-type: none"> • Federal, State, Local ID • Birth certificate / Hospital record of birth • Baptismal record • Driver's license • Passport • Public assistance / Social service records • School records/ID • Tribal records • Crossmatch w/Dept. of Vital Statistics • Alien registration documents • Voter's registration card 	
6 month pre-program earnings;	<ul style="list-style-type: none"> • Pay stubs • W-2 forms • IRS 1040 form • Employer payroll records • Sun Tax Report (Tax / wage printout) • One-Stop verification 	
Farm work Income during 12 month eligibility determination period; Family income; Seasonal criteria; Migrant / seasonal status;	<ul style="list-style-type: none"> • Pay stubs • W-2 forms • IRS 1040 form • Employer payroll records • Sun Tax Report (Tax / wage printout) • One-Stop verification 	

Eligibility Item	Circle Verification Sources Used
Registered for selective service; (if applicable)	<ul style="list-style-type: none"> • Registration card • Screen shot from http://www4.sss.gov/regver/verification1.asp • Selective service application
Public assistance; Eligibility for public assistance;	<ul style="list-style-type: none"> • Public assistance records • Social service agency verification • One Stop verification
Labor force status;	<ul style="list-style-type: none"> • Employer letter • One Stop verification • Sun Tax Report (Tax / wage printout) • Pay Stubs • Layoff notice • *Case notes, initialed and dated
Extension of certification period: Disabled; Incarcerated; Hospitalized; Military service;	<ul style="list-style-type: none"> • Vocational rehab agency letter • Social service agency letter • Veteran's administration letter • Hospital / physician records • Prison record • Court documents • DD 214 • Discharge papers

Part B Section III	
a. Participant eligible:	Yes [] No []
b. Above data verified:	Yes [] No []
c. Additional support documents required:	Yes [] No []

Part B Section IV	
Review Item	Circle Verification Sources Used
Release information	<ul style="list-style-type: none"> • Program/release information form
Date of participation;	<ul style="list-style-type: none"> • Application form with signature • Enrollment application with signature • IEP signed, dated • Case notes initialed, dated
Long-term agricultural employment (4 years documented);	<ul style="list-style-type: none"> • IRS 1040 Form • Application/Enrollment form with signature • Sun Tax Report (Tax / wage printout) • Pay stubs (4 years) • Tax/Wage printout (4years) • *Case notes initialed, dated • Work History Form • Employer letter

Review Item	Circle Verification Sources Used
Date of first intensive service; Pre-test;	<ul style="list-style-type: none"> • *Case notes initialed, dated • IEP signed, dated • Testing records
Date of first training service;	<ul style="list-style-type: none"> • IEP signed, dated • Classroom training/agreement (CRT) signed, dated • Attendance record • Enrollment record • Signed OJT agreement • *Case notes initialed, dated
Enrolled in a program or activity leading to an educational or occupational credential or license;	<ul style="list-style-type: none"> • *Case notes initialed, dated • IEP signed, dated • Classroom training (CRT) signed, dated • Attendance records from institution or instructor signed, dated
Post-test;	<ul style="list-style-type: none"> • Testing record • *Case notes initialed, dated

Signature of Authorized Reviewer / Title

Date

*Note: All case notes must be printed and filed in record on monthly basis.



Farmworker Career Development Program Worksheet C
Exit Management and Data Validation Worksheet

Instructions: Completed after participant exit by authorized reviewer. All sources used to verify data elements below *should be in the participant's record.*

Participant Name: _____ SS No: _____
 Enrollment /date of participation: _____ Project: _____

Part C Section I	
Review Item	Circle Verification Sources Used
Date of exit	<ul style="list-style-type: none"> • Customer Status and Exit Report • Other Outcome • Case notes initialed, dated • Customer Follow up Form • Case manager / counselor termination notice
Category of exit / Other reason for exit	<ul style="list-style-type: none"> • Customer Status and Exit Report • Other Outcome • Case notes initialed, dated
Entered unsubsidized employment	<ul style="list-style-type: none"> • Letter from employer • Case notes initialed, dated • IEP signed, dated • Placement Outcome • Customer Follow up
Attainment of state recognized educational or occupational certificate, credential, diploma or degree	<ul style="list-style-type: none"> • Copy of credential attained • Instructor certification • Other Outcome • Case notes initialed, dated
Employed 1 st quarter after exit quarter Yes _____ No _____	<ul style="list-style-type: none"> • Pay stubs • Employer payroll records • IRS tax forms • Sun Tax Report (Tax / wage printout) • Case notes initialed, dated • Customer Follow up Form
Employed 2 nd and 3 rd quarter after exit quarter Yes _____ No _____	<ul style="list-style-type: none"> • Pay stubs • Employer payroll records • IRS tax forms • Sun Tax Report (Tax / wage printout) • Case notes initialed, dated • Customer Follow up
Total earnings 2 nd and 3 rd quarter after exit quarter	<ul style="list-style-type: none"> • Pay stubs • Employer payroll records • IRS tax forms • Sun Tax Report (Tax / wage printout) • Case notes initialed, dated • Customer Follow up

Part C Section II

a. Above data verified: Yes [] No []

b. Additional support documents required: Yes [] No []

If yes, explain:

Signature of Authorized Reviewer / Title

Date

Note: All case notes must be printed and filed in record on monthly basis.