

ETA Coronavirus (COVID-19) FAQs

The Employment and Training Administration (ETA) has developed a Frequently Answered Questions (FAQs) to address questions related to Coronavirus (COVID-19) to help state and local workforce leaders, and other stakeholders and partners to assist the public workforce system during this crisis.

Wagner-Peyser Act Monitor Advocate System

Updated as of 5/15/20

Q: Have states' Monitor Advocate responsibilities and employment services to migrant and seasonal farmworkers (MSFWs) changed as a result of the COVID-19 pandemic?

Response: No, the State Workforce Agencies' (SWA) responsibilities in providing the full range of employment and training services to MSFWs have not changed due to the COVID-19 pandemic. States may provide outreach services to MSFWs in various ways. For instance, states may conduct outreach to farmworkers virtually, or may call or text agricultural employers and farmworkers to relay the availability of services. Outreach staff may also utilize local radio and television stations to share pertinent information on job opportunities, safety, and protections, as well as local services and advisories. Virtual outreach may also include referrals to supportive services, such as to food pantries, health clinics, and farmworker advocacy groups that may be able to assist the migrant and seasonal farmworkers.

Q: How can State Monitor Advocates and state workforce agency staff conduct field checks during the pandemic?

Response: As defined in the Wagner-Peyser regulations ([20 CFR 651.10](#)), "field checks" means random, unannounced appearances by Employment Service (ES) staff and/or Federal staff at agricultural worksites to which ES placements have been made through the intrastate or interstate clearance system to ensure that conditions are as stated on the job order and that the employer is not violating an employment-related law. State Workforce Agencies (SWAs) must continue to conduct field checks, even though these field checks might be limited in nature. If SWA staff are not able to conduct in-person field checks at this time, SWA staff may conduct field checks virtually, and in doing so, may reach out to the U.S. workers that were placed on these clearance jobs, to ensure working conditions and pay are as stated on the clearance order. ETA expects SWAs to resume in-person field checks as soon as it is safe to do so.

Q: Do State Monitor Advocates have to continue monitoring local offices during the pandemic?

Response: State Monitor Advocates (SMA) shall make all efforts to conduct monitoring of local offices either onsite or virtually. SMAs should adhere to state and local government directives on health and safety, even when this means postponing local office reviews due to closed American Job Centers. SMA may adapt their monitoring format by conducting virtual reviews of local offices that are providing virtual services or of those local offices providing limited in-person services.

Q: If state staff cannot easily access their normal systems for reporting, can State Monitor Advocates and farmworker outreach staff use an online document for monthly summary reports of outreach efforts?

Response: Yes, the Employment Service office manager may submit the monthly summary report of outreach efforts using an online document. Outreach staff must still maintain complete records of their contacts with MSFWs and the services they perform, but it is up to the discretion of the state as to what format the state will use to track outreach activities. See [20 CFR 653.107 \(b\)\(8\)](#) for more information.

Q: Can outreach contacts made virtually to farmworkers be counted as an outreach contact in the Monitor Advocate reporting system?

Response: Any contact with migrant and seasonal farmworkers made via calls, email, or text messaging counts as an outreach contact, so long as the contact included the provision of information on the full range of employment and training services available to MSFWs. If radio and television are used to contact farmworkers, states can explain that in the narrative portion of the Labor Exchange Agricultural Reporting System (LEARS) report.

Q: Since there may be reductions in the number of people served, are Monitor Advocate performance indicators changing?

Response: ETA understands there will be disruptions to services to MSFWs that ultimately may impact performance for the remainder of Program Year 2019. States can include explanatory narrative in their performance reports, or provide information to the state's Regional Monitor Advocate; please copy the National Monitor Advocate in such reports at NMA@dol.gov. Depending on the length of disruptions, ETA may adjust some Monitor Advocate process metrics such as equity ratio indicators and minimum service level indicators.

Q: Wagner-Peyser regulations for the Monitor Advocate system require that states must have a full-time State Monitor Advocate (SMA) except in certain circumstances that require Department of Labor approval. Can a state temporarily reassign the SMA under emergency circumstances?

Response: States must maintain required functions of the SMA in their positions. The SMA and outreach staff play important roles in ensuring agricultural employers have access to farmworkers and that workers can safely and expeditiously access agricultural jobs. This is a critical time to ensure labor exchange services such as the Agricultural Recruitment System (ARS) are available to job seekers and agricultural employers to maintain our nation's food supply. While SMAs must remain in their positions, if outreach staff have additional time after fulfilling their responsibilities, the Department recognizes that states may need to leverage these staff members to help support other critical functions, such as Unemployment Insurance.

Q: Farmers are concerned about the availability of farm laborers. Have any adjustments been made to the H-2A program to ensure sufficient farm laborers will be available?

Response: ETA's Office of Foreign Labor Certification oversees the H-2A labor certification program for the U.S. Department of Labor and has provided two sets of frequently asked questions regarding COVID-19 at <https://www.foreignlaborcert.doleta.gov>, and will be posting additional ones in the future. States should continue to use the Agricultural Recruitment System (ARS) through their local labor exchange to ensure agricultural employers are connected with U.S. job seekers. For questions about how to strengthen ARS in your state, State Monitor Advocates can contact their Regional Monitor Advocate, as listed at <https://www.dol.gov/agencies/eta/agriculture/monitor-advocate-system/contact>.

Q: What information is available for farmers and workers on what they can be doing to prevent the spread of COVID-19 in the labor camps and the agricultural work environment?

Response: The U.S. Department of Labor published Guidance for Preparing Workplaces for Coronavirus at <https://www.dol.gov/coronavirus>. The link includes information on workplace safety, wages, hours and leave, unemployment insurance flexibilities, and more. Additionally, the site https://farmworker.workforcegps.org/resources/2019/09/26/18/04/MSFW_Special_Topics provides a collection of English and Spanish resources published by ETA and other federal agencies for states, National Farmworker Jobs Program grantees, agricultural employers and other partners who serve migrant and seasonal farmworkers. The list contains federal resources, including resources in Spanish where available. As ETA identifies more resources, ETA will post them at this link.

Q: Are there resources for farmworkers in Spanish?

Response: The U.S. Department of Labor has provided a variety of resources in Spanish:

- ▶ CareerOneStop is a website sponsored by the Department’s Employment and Training Administration. Information in Spanish can be accessed at <https://www.careeronestop.org/ResourcesFor/resources-for.aspx?lang=es>.
- ▶ OSHA’s guidance in Spanish for preparing workplaces for COVID-19 can be found at <https://www.osha.gov/Publications/OSHA3992.pdf>.
- ▶ OSHA’s Guidance in Spanish for preventing workers’ exposure to COVID-19 can be found at <https://www.osha.gov/Publications/OSHA3991.pdf>.
- ▶ CDC’s resources in many languages are available at <https://www.cdc.gov/coronavirus/2019-ncov/communication/factsheets.html>. These resources include, “15 Days to Slow the Spread” of Coronavirus, “What to do if you are sick,” “What you need to know,” and much more.