

**MIGRANT AND SEASONAL FARMWORKERS  
(MSFW) REPORT RECOMMENDATIONS  
PROGRESS REPORT**

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PREPARED FOR THE MICHIGAN CIVIL RIGHTS COMMISSION

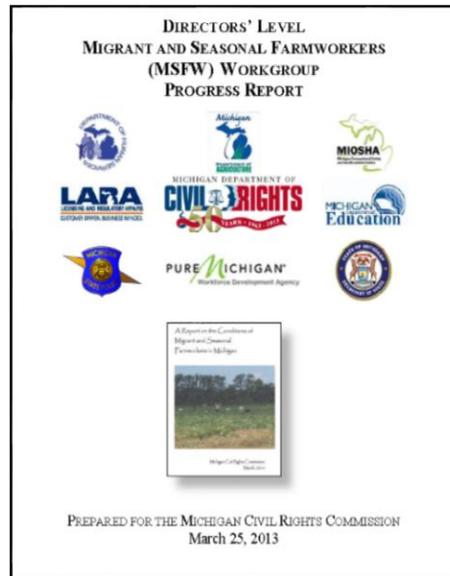
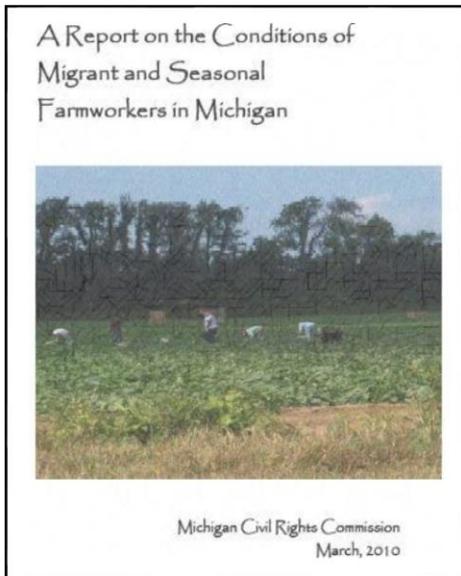
May 19, 2014

# EXECUTIVE SUMMARY

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This MSFW Workgroup Program Update is provided to highlight activities of the Interagency Migrant Services Committee, its member agencies, advocates, and entities with identified interactions with migrant and seasonal farmworkers during calendar year 2013.

Following the adoption of the 15 Recommendations by the Michigan Civil Rights Commission in March 2010 under the *Report on the Conditions of Migrant and Seasonal Farmworkers in Michigan*, a Directors' Level Migrant and Seasonal Farmworker Workgroup was formed to implement the Recommendations. In 2013, this Workgroup issued its *Migrant and Seasonal Farmworkers (MSFW) Workgroup Progress Report*, as follow-up on its progress. Since that time, the Workgroup has disbanded and the IMSC has adopted and appointed a new Recommendations Sub-Committee, with leadership from MDCR Community Relations and the Department of Human Services Office of Migrant Affairs, to oversee progress on the original 15 recommendations. This is the combined report of the members of this Sub-Committee.



Following this report are support documents/narratives from many of the participating agencies.

# TABLE OF CONTENTS

Recommendation 1: .....	1
Recommendation 2: .....	2
Recommendation 3: .....	3
Recommendation 4: .....	4
Recommendation 5: .....	5
Recommendation 6: .....	6
Recommendation 7: .....	7
Recommendation 8: .....	8
Recommendation 9: .....	9
Recommendation 10: .....	10
Recommendation 11: .....	11
Recommendation 12: .....	12
Recommendation 13: .....	13
Recommendation 14: .....	14
Recommendation 15: .....	15

## APPENDICES

Tab A	Farmworker Legal Services 2013 Outreach Metrics Report
Tab B	IMSC Civil Rights Recommendations Subcommittee Background Agreement
Tab C	Michigan Department of Agriculture and Rural Development, Environmental Stewardship Division, Migrant Labor Housing Inspection and Licensing Program Update
Tab D	Michigan Department of Civil Rights, Community Relations Division, 2014 MSFW Recommendations Status Report
Tab E	Michigan Department of Human Services, Office of Migrant Affairs, 2013 Annual Update
Tab F	Michigan Department of Human Services, Office of Migrant Affairs, Michigan Interagency Migrant Services Committee (IMSC) Update
Tab G	Michigan Department of Licensing and Regulatory Affairs, Michigan Occupational Safety and Health Administration, Migrant Seasonal Farmworkers (MSFW) Annual Report Update
Tab H	Michigan Department of Licensing and Regulatory Affairs, Michigan Occupational Safety and Health Administration, Technical Services Division, Wage and Hour Program 2013 MSFW Update
Tab I	State Of Michigan, Workforce Development Agency, Migrant and Seasonal Worker Services Division, Agricultural Field Services Program Update
Tab J	Telamon Corporation, Michigan Migrant Head Start, National Farmworker Jobs Program
Tab K	US DOL News Release: Judge orders Darryl Howes Farms to stop misclassifying migrant workers as independent contractors and comply with the FLSA and the MSPA

## Recommendation 1:

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*Identify ways to improve migrant labor housing inspections. This includes both ensuring that present inspection levels are maintained and finding ways to inspect housing after occupancy to ensure that it is not allowed to fall below minimum legal requirements while in use, ensuring enforcement of maximum occupancy limits for individual units, preventing minors from living in a unit with unrelated adults, or any other changes that can be identified to better protect the occupants of such housing. The percentage of total seasonal migrant labor housing that is inspected must be maintained, or even better, increased.*

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As set forth in the 2013 Progress Report, program funding and staffing capacity are key resources for maintaining safe housing and living conditions for MSFW. The Michigan Department of Agriculture and Rural Development (MDARD) hired and trained four new staff members into its Migrant Labor Housing Program (MLHP) for the 2013 season. MLHP used the 2013 in-season inspections to test and improve its existing and newly formulated written procedures for in-season occupancy inspections. Contributing to the efficiency of the seven MDARD inspectors were reduced service areas and new electronic licensing, document handling, and water quality testing notification process improvements.

Several issues remain, such as Michigan's reliance on a federal registry and oversight of crew leaders who bring workers to Michigan, provide housing, and transport them to worksites. There are also a number (still being assessed) of migrant or temporary agriculture labor camp housing units that were converted to year-round housing in 2013. These conversions, which lacked sufficient heating capacity for year-round use and were not subject to inspection off-season, continue to place MSFW and their families at risk. And as indicated in prior reports, there should be an inspection regime for housing that falls outside MLHP jurisdiction but within local municipal or township zoning regulations.

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### KEY MILESTONES

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- ❖ Migrant housing pre-season inspection protocols updated and vetted
- ❖ New inspector service areas established to balance workload and travel times
- ❖ Cross-training used to ensure uniform inspection and licensing procedures
- ❖ Electronic document management system implemented
- ❖ Programmed in-season inspections established
- ❖ Continued work with U.S. Department of Labor on differences in standards and enforcement criteria critical to resolving programs' overlap

## Recommendation 2:

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*Ensure swift, certain, systemic and sufficient fines for housing, health and/or other violations as a deterrent to bad conduct.*

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As with other recommendations, staff capacity to fulfill the established need remains a constant hurdle. Criticism of Michigan Occupational Safety and Health Administration (MIOSHA) priorities focused on highest risk/greatest possibility of risk exposure by industry/occupation, which creates lower priorities for MSFW-based employment (although these individuals are concentrated in this work), may be addressed through a revised MIOSHA Strategic Plan which now contains a goal for an Agriculture Outreach Initiative. This initiative launched in mid-April during the Michigan Safety Conference with a general overview and presentation on confined space (silo) safety.

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### KEY MILESTONES

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- ❖ Continued engagement on health/safety requirements through outreach letters and outreach visits to growers by state agencies continues
- ❖ April 07, 2014, News Release *Judge orders Darryl Howes Farms to stop misclassifying migrant workers as independent contractors and comply with the FLSA and the MSPA:*  
<http://1.usa.gov/RZOGUS>
- ❖ In-season housing camp inspections did not discover widespread violations
- ❖ Discussions continue between MDCR, IMSC, and the State Monitor Advocate to develop a process to closely track and analyze MSFW enforcement agency activities to promote efficiency, effectiveness, or develop guidance for future seasons to assist enforcement agencies in coordinating these activities.
- ❖ MIOSHA issued five serious citations related to Part 500, Field Sanitation Standard
- ❖ Five MIOSHA MSFW onsite inspections conducted in response to complaints/referrals/accidents in 2013 and one on-site programmed inspection
- ❖ MIOSHA special emphasis program created on heat stress to track and provide outreach services on heat stress; heat stress monitors are available in all district offices to measure heat stress for individual employees, including MSFWs

### **Recommendation 3:**

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*Ensure migrant and seasonal farmworkers are not paid less than the required minimum wage due to insufficient “piece rates” or other reasons.*

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This Recommendation calls for aggressive investigation, enforcement, and outreach conducted by agencies responsible for enforcement of state and federal minimum wage laws (LARA Wage and Hour and the U.S. Department of Labor Wage and Hour Division (USDOL WHD) respectively).

Generally, enforcement agencies continued to engage in agricultural outreach to growers, farmworkers, and advocacy organizations. A critical need exists, however, for the integration of the measurement of agency activity, its correlation to enforcement activity through that engagement/outreach, and the specifics of the metrics reported.

Through resources and expertise available from the Governor’s Office of Good Government, LARA Wage and Hour should evaluate its collection process to increase the rate of payment and decrease the average time a claimant waits to receive payment of the judgment in employee wage complaint actions.

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#### **KEY MILESTONES**

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- ❖ Public comment period for piece-rate and minimum wage rulemaking (R408.711-713) is scheduled for May 21, 2014
- ❖ Multilingual Wage Violation Claim Forms are now available online
- ❖ *Fiscal Year 2013:* 72% of total claims resolved within 90 days, 81% informal, \$2.2 million collected; there were 17 claims received against agricultural employers
- ❖ Data stratification is improving; as of May 1, 2013 all incoming wage claims are recorded with the type of employer using NAICS which will identify agricultural employers

## Recommendation 4:

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*Build upon the efforts of the Interagency Migrant Service Committee to coordinate the actions of State agencies that deal with migrant farmworker programs, growers, migrant support service providers and other community leaders with the continuing goal of improving services to all parties, avoiding duplication of effort, and improving the living and working conditions of migrant farmworkers and their families.*

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The IMSC is chaired by the DHS Office of Migrant Affairs (OMA) Director. The IMSC continues to meet monthly with the objective of improving the living and working conditions of MSFWs through the coordination of MSFW services. To complete this recommendation, the MSFW Workgroup sees the IMSC as a vehicle to maintain the achievements, address the challenges, hold stakeholders accountable for their stated goals, and move the proposed strategies forward.

In November 2013, however, the DHS OMA Director who was hired in late 2011 was bumped from her position following a reduction in staff at DHS. In subsequent meetings between IMSC members and DHS senior leadership, a dialogue was initiated regarding the future of the OMA directorship and the IMSC was asked to submit qualifications for the OMA Director that would prevent future staffing changes that might hinder the work of the OMA and the IMSC.

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### KEY MILESTONES

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- ❖ Continued collaboration and dialogue on MSFW-specific issues and solutions
- ❖ Ongoing work by the IMSC Recommendation Sub-Committee, namely this report
- ❖ Continued focus on Recommendations 1 and 2 by the IMSC Housing Sub-Committee
- ❖ DHS OMA has replaced the IMSC Outreach Sub-Committee in sending notice of grower education events for dissemination of state and federal housing, wage and hour, and anti-retaliation requirement materials
- ❖ DHS OMA has advanced the adoption and use of the interagency referral form (IRF) for tracking potential violations
- ❖ IMSC is reviewing and cataloguing all state agency services provided to MSFWs

## Recommendation 5:

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*Work with the Interagency Migrant Service Committee to determine whether the goal of improving the living and working conditions of migrant farmworkers and their families could be better met by reassigning specific functions from one department/agency to another.*

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As stated in the 2013 Progress Report, to “implement this recommendation the IMSC requires the continuing priority commitment of each of its members, who must continue an open dialogue on the appropriate placement of specific functions across state agencies. Such dialogue will help overcome resistance to change.”

Through these ongoing conversations, it is clear that MSFW-related issues and programs are sufficiently numerous and complex to warrant further research and study, up to and including the functions, duties, and roles of agencies providing MSFW services.

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### KEY MILESTONES

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- ❖ MDARD and the Workforce Development Agency, State of Michigan (WDA/SOM) have expanded the scope of the memorandum of understanding covering housing inspections associated with the placement of workers via inter- and intra-state clearance orders. This improves administrative efficiency and creates a level playing field for housing providers.
- ❖ The 2012 State Monitor Advocate Report, issued after the March 2013 MSFW Report, is available here: <http://1.usa.gov/1lq6X6p>
- ❖ In 2013, DHS assistance programs were provided to 14,928 individual migrant farmworkers and family members (unduplicated total). From January to October 2013, DHS assistance programs were provided to 6,803 individual seasonal farmworkers and family members (unduplicated total, first year for which seasonal farmworker data is available).

## Recommendation 6:

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*Identify how, and where necessary, implement cross-training of State employees working onsite with growers and/or farmworkers in one area of expertise, to also function as additional observers on behalf of other departments and agencies.*

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Cross-training and interagency collaboration play a crucial role in solving both capacity and program area shortages. A rigorous schedule of available, recommended, and required training for professional development, however, should be developed, agreed to, and implemented if the benefits of a cross-training program are to be achieved. As part of this effort, the IMSC Outreach Sub-Committee developed a plan for reinstating webinars in addition to the proposed in-person biennial training but as of yet the Sub-committee has not updated the specifics of the training.

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### KEY MILESTONES

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- ❖ In 2013, targeted agency personnel and MSFW stakeholders submitted 26 IRF referrals to IMSC
- ❖ During 2013, 51 DHS staff received training on the Interagency Referral Form
- ❖ DHS staff outreach included 392 contacts through grower outreach initiatives
- ❖ MIOSHA cross-trained 41 Industrial Hygienists and Safety Officers on enforcement of Parts 500 and 511
- ❖ DHS OMA developed new training for Migrant Program staff and supervisors on DHS policy, processing migrant cases, conducting outreach, and mobile technology

## Recommendation 7:

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*Ensure farmworkers, growers and crew leaders are regularly informed about the legal rights of farmworkers including, but not limited to, the right to drinking water, hand washing facilities and bathrooms in the field.*

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Various agencies and non-profit organizations offer educational materials, trainings, and presentations to workers, crew leaders, and growers on field and camp sanitation issues in a variety of forums. Improvements in access to drinking water and sanitation, along with proper food handling processes, not only improve the lives of MSFW, but will directly impact food safety.

State and federal regulatory agencies along with the State Monitor Advocate and Farmworker Legal Services should continue ongoing collaboration with Grower Meeting coordinators to include presentations during 2014 on state and federal protections and enforcement activities central to MSFW rights.

Greater coordination for Grower Meetings is still needed to ensure MSFW advocates are included presenters. The IMSC should move forward with plans to create a central repository of member agencies' educational materials and make these materials accessible to all IMSC members.

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## KEY MILESTONES

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- ❖ MIOSHA continued distribution of 1,400 outreach letters to owners of temporary labor camps (TLC) and MSFW employers
- ❖ The Wage and Hour Program Manager attended seven (7) migrant outreach programs in Lawrence, Adrian and Lansing
- ❖ Farmworker Legal Services (FLS) visited 423 camps, contacted 2,177 MSFW, distributed 20,500 FLS rights calendars, and conducted 26 legal rights presentations, reaching 885 participants
- ❖ DHS conducted 2,747 migrant camp outreach visits, 392 grower visits, and 543 educational agency visits in 2013

## Recommendation 8:

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*Work with Michigan State Police to clarify, and to inform both the public and law enforcement agencies about, the laws and regulations affecting the enforcement of immigration laws by police officers.*

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At the time of the March 2013 Progress Report, the MDCR, IMSC, and MSP believed that the proposed draft letter and guidelines on Official Order 36, racial profiling, and immigration status would be completed by late April 2013. Despite assurances that the Executive Boards of the Michigan Sheriffs' Association (MSA) and Michigan Association of Chiefs of Police (MACP) were prepared to finalize the documents, no apparent action was taken. To finalize these documents, the MDCR, IMSC, and MSP should coordinate a timetable to complete these documents and ensure their proper distribution to and adoption by local law enforcement agencies.

For their part, the non-law enforcement agencies have also failed to engage in discussions to streamline their profiling-tracking systems, nor have they publicized the profiling database to potential complainants, or moved to create a report on profiling issues in Michigan. Without this report, stakeholders lack the data necessary to collaborate to ensure federal, state, and local law enforcement agencies are notified of any problem areas or trends.

On September 9, 2013, Michigan State Police Trooper Paul Butterfield II was shot and killed during a routine traffic stop in Mason County. At the time of his murder, Trooper Butterfield was an integral part of *Project Respeto* training and community engagement with MSFW. Although *Project Respeto* will continue, Trooper Butterfield will be greatly missed for his professionalism, courage and efforts to engage our MSFW communities.

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### KEY MILESTONES

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- ❖ In March of 2013, MSP Trooper Butterfield, Deputy Chief (Ret) Kirk Meyers, Mason County Sheriff, and Workforce Development Agency Agricultural Employment Specialist Rose Rangel presented *Project Respeto* at the National Farmworker Conference in San Antonio, Texas.
- ❖ MSP held cultural training in Ludington for about 20 Mason, Manistee and Oceana County law enforcement and MSP.
- ❖ MSP conducted camp visits in Mason and Oceana County in June of 2013.
- ❖ MSP and the Sheriff Departments in Manistee and Mason Counties continued their collaboration with WDA/SOM and local growers through *Project Respeto*

## **Recommendation 9:**

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*Identify specific amendments to Michigan law that could be made to address concerns raised in the report.*

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The objective of Recommendation 9 was to identify possible legislative changes to advance the goals of the other 14 recommendations. Absent proposed changes in administrative regulatory law discussed above, additional action on the master list of legislative amendments advocated in 2013 has not been taken. One area that would gain immediate traction among advocates and MSFW themselves would be enabling state enforcement agencies (such as MIOSHA and LARA Wage and Hour) to conduct programmed inspections (i.e., workplace audits) without advance notice, whenever and wherever agricultural workers are present.

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### **KEY MILESTONES**

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- ❖ Public Comment Period for Piece-rate/Minimum Wage Rate Administrative Rules forthcoming (See Recommendation above)

## Recommendation 10:

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*Find funding for and conduct an Enumeration Study to update the 2006 information.*

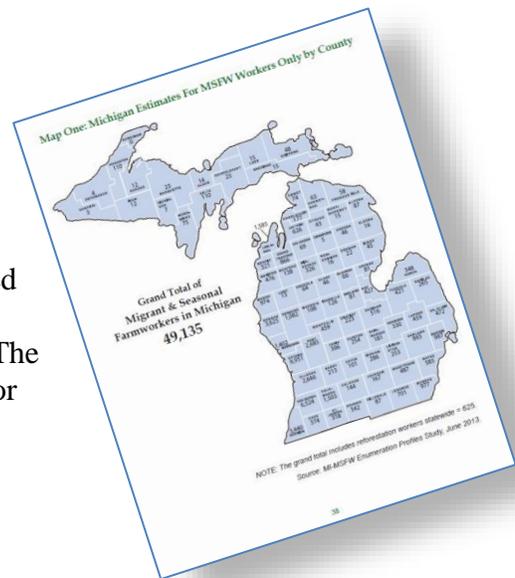
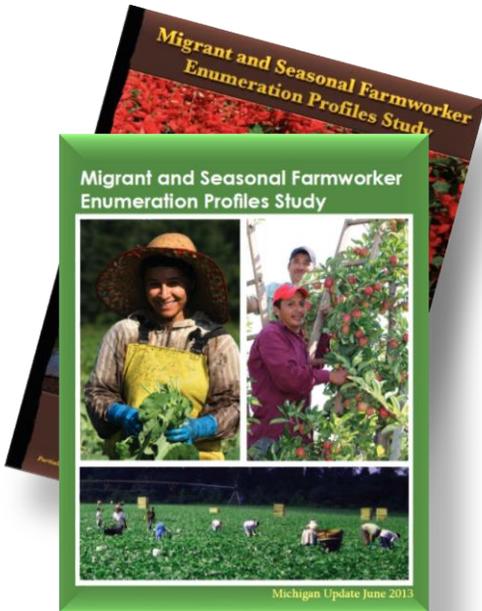
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The MSFW Workgroup successfully achieved this recommendation, as funding was secured, data collected, and an updated enumeration report was released in 2013.

What remains is the Recommendation Workgroup's use of the data gathered and the analysis provided by Dr. Larson. This would include an ongoing obligation to secure funding to conduct future enumeration studies, expand them to include dairy workers and other non-traditional MSFWs, and develop a method to enumerate the MSFW population on a regular basis.

Although the MDCR submitted a Housing and Urban Development (HUD) Partnership Fund

Grant Request in late 2013 to allow Dr. Larson to develop and test a method to synthesize all data maintained by agencies serving MSFWs in Michigan that included dairy and poultry workers, the proposal was not funded. The IMSC Data Sub-Committee is seeking alternative funds for this purpose.



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## KEY MILESTONES

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- ❖ In June 2013, Dr. Alice Larson completed her revised Michigan Migrant and Seasonal Farmworker Enumeration Profiles Study 2013. See: <http://1.usa.gov/1hQX3Z9>
- ❖ Approximately 5,000 copies of the Enumeration Profiles Study 2013 were produced and distributed.

## Recommendation 11:

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*Work with the Secretary of State to clarify the documentation and status requirements for both drivers' and marriage licenses and ensure uniform enforcement by all county clerks.*

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According to the United States Customs and Immigration Service (USCIS), as of December 2013, USCIS accepted 4,848 Deferred Action on Childhood Arrival (DACA) applications from eligible Michigan residents and approved 4,020 applications. When President Obama announced the DACA program in 2012, it is believed that roughly 7,000 individuals in Michigan were/would be DACA eligible.

Through continued partnerships and collaboration, officials from the Michigan Secretary of State (MDOS) have met on several occasions with IMSC members to discuss the implementation of this Recommendation, and during 2013, revised its written materials and website as a result of these meetings.

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### KEY MILESTONES

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- ❖ For USCIS DACA Reports see: <http://1.usa.gov/1uZ0KVq>
- ❖ In 2013, MDOS issued limited term licenses and state identification cards to include all students, foreign workers, and other deferred action applicants who have limited term legal status. Numbers of limited term licenses issued to DACA enrollees are not separately available.
- ❖ MDOS created a separate guidelines/grid checklist for individuals with temporary legal presence: <http://1.usa.gov/1sINItj>
- ❖ New box on eligibility grid used to notify applicants of specific documents needed for licenses
- ❖ MDOS acknowledged it erroneously registered ineligible aliens to vote, and instituted an education initiative to warn staff and such aliens of permanent damage to citizenship intentions that would result if they voted in mistaken reliance on MDOS' erroneous advice/registration

## Recommendation 12:

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*Eliminate any and all illegal use of child labor in agriculture.*

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As discussed in the 2010 Report, the (un)lawful use of child labor in agriculture is extremely complex as are the mechanisms for addressing the need for youth services. Children as young as 12 are lawfully allowed to perform certain non-hazardous agricultural work provided that a parent works for the same employer. Clearly, anecdotal evidence suggests that improvements in the piece-rate/minimum wage structure paid to MSFWs will improve the family's ability to meet the most basic of necessities (food, shelter, clothing, and costs of migrating). As highlighted in 2013, MSFW parents are less likely to conscript their children to work if they receive a living wage and services such as childcare and educational programming are readily available. The successful implementation of this recommendation thus hinges largely on the increased enforcement of child labor laws and access to childcare and educational services.

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### KEY MILESTONES

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- ❖ In January 2013, the Michigan Department of Education (MDE) created a new central office for unlicensed childcare provider enrollment to help streamline its process
- ❖ In April 2013, MDE MEP finalized the State Service Delivery Plan (SDP) using the MDE MEP Comprehensive Needs Assessment (CNA) for migrant education. See: <http://1.usa.gov/1qwTArQ>
- ❖ In June 2013, MDE and DHS finalized changes to the current Child Development and Care (CDC) application process for childcare benefits
- ❖ DHS has developed a Community Partner initiative that trains nonprofit organizations to help residents apply for benefits through MI Bridges. In spring 2013, DHS began large-scale partner recruitment of organizations that serve farmworkers to assist them in applying for CDC and other benefits.
- ❖ The MDE investigator charged with enforcing the Michigan Youth Employment Act (MYEA) now regularly attends IMSC meetings
- ❖ See USDOL website (<http://ogesdw.dol.gov/>) for enforcement data on Child Labor violations in Michigan

### **Recommendation 13:**

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*Increase the number of State employees working with migrant and seasonal farmworkers who speak Spanish and provide tools to facilitate communication between non-Spanish speaking State employees and non-English speaking workers.*

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In an employment climate where the availability of new hires is limited, increasing agency language service capacity through the employment process is difficult and is only one way to increase access for the public who is limited English proficient (LEP). For its part, the Department of Human Services, the largest state agency involved with MSFW with over 12,000 staff, only had 10 job vacancy postings within Migrant Services in 2013, all of which included a foreign language requirement. Overall, only 14 new DHS hires from across the entire organization identified as possessing “foreign language skills” at hire. Although a multi-lingual staff provides the greatest flexibility in meeting the service needs of MSFW, the availability of translated materials covering rules and benefits, rights and responsibilities should be seen as a bridge to effective communications. As indicated in prior reports, distribution of these materials becomes a considerable hurdle.

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### **KEY MILESTONES**

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- ❖ In 2009 and 2010, DHS OMA convened a multi-agency bilingual workgroup that issued five recommendations: 1) conduct an assessment of language needs at the county level; 2) create best practice models for recruitment and hiring; 3) implement language testing for employment requirements; 4) train staff on Title VI requirements; 5) implement a Bilingual Employee Development Plan. DHS is in the process of completing #2-5.
- ❖ On January 1, 2014, DHS implemented a new Language Assistance Plan (LAP) and updated its policies and procedures in providing services to individuals who are limited English proficient (LEP)
- ❖ DHS-OMA developed a survey to capture information on non-English speaking DHS clientele and numbers of local staff with foreign language skills
- ❖ DHS Office of Migrant Affairs and DHS’s employee training division conducted six-hour training for Migrant Program caseworkers and supervisors on migrant policy and management of migrant benefits cases from March-May 2013 in locations with high migrant populations
- ❖ MDARD distributed copies of its bilingual *Owner and Occupant Guide* to licensed camp operators for posting in migrant labor camps
- ❖ MIOSHA Field Sanitation and TLC Standard fact sheets were distributed during outreach and training seminars and are available via the MIOSHA website

## **Recommendation 14:**

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*Solicit recommendations from organizations with expertise on farmworker issues for ways these next steps may be accomplished, and provide submitted suggestions to the Commission, and the Interagency Migrant Service Committee.*

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Implementation of this recommendation requires maintenance of current collaborative levels through continued monthly meetings, active participation by agency directors or their designees, and continued involvement and feedback by IMSC members.

With exception, the parties interested in improved MSFW working and living conditions enjoy considerably positive working relationships. Dialogue, in both formal and informal settings, a general willingness to help, to troubleshoot, and to share frustrations, comes naturally and without reservation.

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### **KEY MILESTONES**

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- ❖ The IMSC appointed a standing sub-committee of representative member agencies who have continued to meet regularly to work toward implementation of the recommendations
- ❖ The need for a data-driven report and better coordination of effort is a frequent topic of consideration and helps frame and guide agency actions and planning

## Recommendation 15:

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*Designate an employee of the Department as the Commission's liaison on protecting migrant and seasonal farmworkers, and assign this person with the duty of coordinating the above efforts with the Interagency Migrant Service Committee and reporting back to this Commission on progress.*

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Recommendation 15 was the first to be fully accomplished, and yet is arguably the most important to regularly revisit to assure the progress initiated by the Commission's 2010 report is not allowed to regress. It represents the Commission's mandate that the Department of Civil Rights commit resources to addressing the conditions facing MSFWs.

Although the report recommended adding the role or duties of the Commission's liaison to the MDCR Director of Community Relations civil service job description, such an administrative fix could also stymie MDCR from making staffing adjustments to guarantee such services were performed during a transition or reorganization.

In 2013, the MDCR Director disbanded the MSFW State Agency Directors' Level Work Group and its responsibilities were transferred to the Interagency Migrant Services Committee (IMSC). The MDCR – MSFW liaison chaired monthly meetings of IMSC Civil Rights Report Recommendations Sub-Committee throughout 2013. The liaison reports to the IMSC at their monthly meetings regarding the challenges and progress on the MSFW Report recommendations.

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### KEY MILESTONES

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- ❖ MDCR liaison coordinated seven (7) meetings on recommendations and generated this report
- ❖ It has been challenging to bring in some state departments' staff to work on the recommendations

## PARTICIPATING AND CONTRIBUTING MEMBERS

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Farmworker Legal Services (FLS)
Hispanic Center of Western Michigan
Interagency Migrant Services Committee (IMSC)
Michigan Department of Agriculture and Rural Development (MDARD) Migrant Labor Housing Program (MLHP)
Michigan Department of Civil Rights (MDCR) Hispanic/Latino Commission of Michigan
Michigan Department of Education (MDE) MDE Office of Field Services Migrant Education Programs (MDE MEP) MDE Office of Career and Technical Education (MDE OCTE) MDE Office of Great Start (MDE OGS)
Michigan Department of Human Services (DHS) Office of Migrant Affairs (OMA) Interagency Migrant Services Committee (IMSC)
Michigan Department of Licensing and Regulatory Affairs (LARA) Michigan Occupational Safety and Health Administration (MIOSHA) Michigan Wage and Hour Division (WHD)
Michigan Department of Secretary of State (MDOS)
Michigan Department of State Police (MSP)
Michigan Farm Bureau
Michigan Primary Care Association
Telamon Corporation, Head Start
U.S. Department of Labor Wage and Hour Division (USDOL WHD)
Workforce Development Agency, State of Michigan (WDA/SOM)



# FARMWORKER LEGAL SERVICES

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**Farmworker Legal Services of Michigan (FLS)** is a nonprofit, public-interest legal aid office that provides free civil legal services to indigent migrant and seasonal farmworkers throughout the state of Michigan. From its office in Kalamazoo, FLS' bilingual attorneys and legal workers provide access to legal services to the approximately 95,000 eligible farmworkers and dependents throughout Michigan.

Farm work is the second most dangerous occupation in the United States. The vast majority of Michigan's migrant and seasonal farmworkers have incomes well below the poverty level, with an average annual income of less than \$10,000 for a family of four. In addition to poverty, other unique barriers prevent this population from accessing justice as well as other needed resources:

- **Communication difficulties.** Michigan farmworkers are predominantly Spanish-speakers in an overwhelmingly English-speaking environment.
- **Geographic isolation.** The homes and work sites of this population are usually scattered throughout remote, rural locations.
- **Transience.** Farmworkers must continually move from place to place to follow the crops.
- **Lack of education.** Continuous migration patterns interfere with long-term education. The average educational level is sixth grade for adults and eighth grade for migrant children.
- **Cultural insensitivity.** The vast majority of Michigan's farmworkers are of *Latino* descent. They must often confront cultural and racial stereotyping and other trust-inhibiting treatment.

Some of the legal problems that farmworkers regularly confront in Michigan include:

- Recruitment abuses and unexpected changes in the employment arrangement
- Failure to be paid the minimum wage for their work; or not paid at all
- Substandard health and safety conditions in the migrant labor camps
- Inadequate workplace sanitation (toilets, drinking water, and hand-washing facilities in the fields)
- Exposure to toxic pesticides in the workplace and in employer-provided housing
- Confusion about immigration status, immigration laws, and governmental procedures
- Denial of equal access to public benefits, services and accommodation

**Farmworker Legal Services** is the fifth-largest migrant legal services program in the country and the largest such program in the Midwest. FLS is a division of **Legal Services of South Central Michigan (LSSCM)**, which serves low-income clients from five offices in southern and central Michigan. LSSCM also operates the **Michigan Immigrant Rights Center (MIRC)** in the same Kalamazoo office as FLS. For more information, visit: [www.FarmworkerLaw.org](http://www.FarmworkerLaw.org)



FLS has been an active non-governmental partner in implementing the 2010 Recommendations, particularly those relating to the efforts of the Interagency Migrant Service Committee (IMSC), of which FLS is an active member, as well as Recommendations 7, 8 and 11, in which FLS has assumed a principal role in pursuing implementation steps and strategies.

<b>Farmworker Legal Services</b>				
<b>Rec. 7 – Outreach re: “Legal Rights”</b>	<b>2010</b>	<b>2011</b>	<b>2012</b>	<b>2013</b>

**Outreach Staff/Bilingual Capacity**

Total outreach staffing	14	16	16	17
Outreach staff with basic Spanish skills	1	2	5	3
Fluently bilingual outreach staff	13	14	11	14

**Legal Education Presentations**

Presentations given	18	35	29	26
Participants present	745	867	1,020	885

**Direct Farmworker Outreach**

Camps Visited	419	329	335	423
Workers Contacted	2,163	1,175	1,419	2,177

<b>FLS Calendars Distributed</b>	25,000	20,000	22,500	20,500
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**Rec. 8 – Public Information re: Enforcement of Immigration Laws by Law Enforcement**

- Uncertain whether any further progress after spring 2013 announcement that final guidelines would be presented to organizations representing local law enforcement

**Rec. 11 – Clarify Documentation Requirements for Drivers’ and Marriage Licenses**

- New box on eligibility grid used to notify applicants of specific documents needed
- Separate guidelines/grid for applicants with temporary legal presence
- Acknowledgement that SOS erroneously registered ineligible aliens to vote, and instituted education initiative to warn such aliens of permanent damage to citizenship intentions that would result if they mistakenly voted in reliance on SOS’ erroneous advice/registration.

## IMSC Civil Rights Recommendations Subcommittee

### Background

In March 2010, the Michigan Civil Rights Commission issued its *Report on the Conditions of Migrant and Seasonal Farmworkers in Michigan*. This report concluded with 15 recommendations intended to improve living and working conditions for the state's approximately 90,000 MSFWs and dependents.

Civil Rights Department Director Daniel Krichbaum began convening the Director's Level Migrant and Seasonal Farmworker Workgroup in April 2010. This Workgroup consisted of 13 of the IMSC's 26 member organizations: Michigan Department of Agriculture, Michigan Department of Civil Rights, Michigan Department of Education, Michigan Department of Human Services, Michigan Department of Licensing and Regulatory Affairs MIOSHA Division, Michigan Department of Licensing and Regulatory Affairs Wage & Hour Division, Michigan Workforce Development Agency, Farmworker Legal Services, Hispanic Center of Western Michigan, Michigan Farm Bureau, Michigan Primary Care Association, Telamon Corporation—Head Start, and U.S. Department of Labor. Michigan State Police and Michigan Department of State also attended some Workgroup meetings and provided input.

Throughout the 3 years that the Workgroup met, MCDR Representative to the IMSC Al Flores reported on Workgroup progress at monthly IMSC meetings. The MDCR Workgroup took the following main actions during these 3 years:

- Initiated progress on the 15 Civil Rights recommendations within their respective agencies,
- Worked together across agency boundaries to promote progress toward recommendation implementation,
- Developed initial metrics to track this progress,
- Determined that a formal update, or progress report, should be written.

In August 2012, a subcommittee of the larger Director's Level MSFW Workgroup began meeting to draft this update. The subcommittee included representatives from MDCR, DHS, MDARD and FLS. This subcommittee made monthly reports to the Director's Level MSFW Workgroup regarding the drafting of the update. Prior to finalizing the draft, this subcommittee also obtained the input of the state agencies pertinent to each recommendation through repeated communications with these agencies.

### 2013 Progress Report

The *Director's Level Migrant and Seasonal Farmworkers Workgroup Progress Report* was completed and then unanimously adopted by the Civil Rights Commission in March

2013. Each recommendation contains a section on “Achievements,” “Challenges,” “Goals,” and “Strategies.”

The “Goals” following each recommendation comprise the actions that each state agency or non-state service provider (Telamon Corporation—Head Start) has agreed to carry out in order to make continued progress in fulfilling the recommendations. These Goals form the body of work to which each state agency has committed and provide a foundation for future progress.

The Director’s Level MSFW Workgroup recognized the need to build on the established foundation. Working from the premise that what gets measured gets done, the *Progress Report* requests that the IMSC create a Subcommittee to “ensure that metrics are established to measure progress on the implementation of the Report Recommendations and report on its activities at IMSC meetings.” (Page 18)

### Civil Rights Recommendations Subcommittee

#### **Purpose:**

- Establish metrics to measure the progress made toward each of the original 15 recommendations and specifically the Goals to which the agencies have committed.
- Report annually to the IMSC and the Civil Rights Commission on progress made using the established metrics.
- The annual report will also provide a focal point for continued interagency collaboration and communication with agricultural interests, migrant advocacy groups, and the general population.

#### **Scope and Limitations:**

The Subcommittee will coordinate metrics for the measurement of progress on the Goals set by agencies in the 2013 Workgroup Status Report. The Subcommittee lacks the authority to and will not attempt to direct goals for autonomous agencies. The Subcommittee will adjust existing measurements to measure additional goals determined by participating agencies.

The Subcommittee is not a policy-setting entity. Policy decisions regarding the furtherance of the Civil Rights Recommendations will be made by the agencies.

The Subcommittee will report annually to the IMSC on progress made using the established metrics, and to other entities as determined by the Subcommittee. Through the Subcommittee MDCR Commission Liaison, the Subcommittee also will report annually to the Civil Rights Commission.

#### **Structure and Membership:**

- The Subcommittee will be chaired by the MDCR Commission Liaison, who will be responsible for the annual reporting to the Civil Rights Commission.

- The Subcommittee will include agencies with stated Goals in the 2013 *Director's Level MSFW Workgroup Progress Report*:
  - Michigan Department of Agriculture
  - Michigan Department of Civil Rights
  - Michigan Department of Education
  - Michigan Department of Human Services
  - Michigan Department of Licensing and Regulatory Affairs MIOSHA Division
  - Michigan Department of Licensing and Regulatory Affairs Wage & Hour Division
  - Michigan Workforce Development Agency
  - Telamon Corporation—Head Start
  - Additional members may be added by the IMSC Chair.

The Subcommittee will also actively solicit the input of both member and non-IMSC member agencies with expertise and/or a role in successful implementation of the MDCR Recommendations.

**Duration:**

The Subcommittee will be a standing subcommittee.



Office of Migrant Affairs  
Michigan Department of Human Services



Community Relations Division  
Michigan Department of Civil Rights

May 16, 2013

## Migrant Labor Housing Inspection and Licensing Program

The Foundation of Michigan's Food Safety Efforts  
Authorized under the Michigan Public Health Code – 1978 PA 368, Part 124

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The Michigan Department of Agriculture and Rural Development (MDARD) inspects and licenses approximately 760 migrant labor housing sites each year. These sites include 3,700 living units with a capacity to occupy 22,000 workers. Inspections cover structural safety, allowable occupancy, water quality, sanitation, and waste disposal at sites with five or more migrant workers engaged in agriculture. Licensing requirements apply to housing provided to five or more migrant agricultural workers.

Migrant labor housing is typically provided by farmers who need migrant workers to harvest or process their crops. Thirty-eight of Michigan's agricultural crops are dependant on labor intensive hand-harvesting or processing. These include specialty crops such as asparagus, blueberries, cherries, apples, grapes, tomatoes, and cucumbers. The annual farm gate value of these crops in Michigan is estimated to be in excess of \$2.3 billion.

The migrant workforce comes predominantly from Texas or Florida. As such, Michigan is at the end of the road for workers who have an opportunity to work in any of the states between Michigan and Texas or Florida. Survey and evaluation results indicate that two things draw migrant workers to Michigan. One is that the diversity of our agriculture gives them season long work opportunities. The other is our national reputation for good housing.

The Migrant Labor Housing (MLH) program delivers outcomes in three complimentary areas. These are: viability of specialty crop agriculture, migrant worker health, and food safety. Quality housing improves worker health, reduces the potential for transfer of communicable diseases via hand-picked fruits and vegetables, and provides Michigan with a competitive advantage over other states competing for migrant workers.

MDARD staff provides field support for the Workforce Development Agency guest worker (H2A) program. Provision of multiple services via MLH sanitarians reduces overall costs and strengthens MLH sanitarian knowledge of industry requirements.

Migrant workers hand-harvest and pack the fresh market produce consumed by Michigan citizens. Their health and access to adequate sanitation facilities is vital to the state's food safety efforts. Healthy workers with clean hands are our first line of defense against food borne illness.

For additional information contact: Majed Ghussaini at (517) 284-5621



## Migrant Labor Housing Inspection and Licensing Program 2013 Annual Update

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2013 was a revitalization year for the Migrant Labor Housing Program. With the support of agricultural producers, migrant advocates, our legislature, and administration we are back to full staffing levels. A manager, secretary, and three inspectors were hired and began training in 2013.

### Milestones / Accomplishments

Key milestones and efforts of the MLH team in 2013 are listed below:

- Pre-season inspection protocols updated and vetted by staff
- Established new inspector service areas to balance workloads and travel times
- Used cross-training to ensure uniform inspection and licensing procedures
- Completed implementation of an electronic document management system allowing staff to spend more time working with housing providers
- Returned to conducted programmed in-season inspections and resolving occupancy based violations via compliance assistance
- Continued work with U.S. Department of Labor on differences in standards and enforcement critical to resolving the overlap between our two programs

### Programmatic Metrics

MLH Metrics	2009	2010	2011	2012	2013
<b>Applications</b>					
Not Opening	41	71	61	108	82
Opening	843	808	794	748	777
<b>Inspections</b>					
Licensing	845	891	895	797	935
H2A	58	39	34	34	51
Occupancy	-	-	9	79	694
Referral	30	-	3	12	14
Enforcement				4	4
Plan Review	59	12	8	19	22
Total	975	973	1,028	914	1,648
<b>Licensing</b>					
Camps	801	788	777	704	755
Units	3,863	3,798	3,749	3,404	3,723
Capacity	22,673	22,857	22,820	21,005	22,747

Prior to 2013 occupancy inspections were conducted primarily on a complaint basis with none in 09 & 10 when staffing was at its lowest. Referral numbers were not tracked in 2010 due to limited staff time. Enforcement actions tracked separately starting in 2012.

Performance reported in Departmental Scorecard rated at 110%, 90%, 107%, and 144% for quarters 1 through 4 respectively.

Congratulations Migrant Labor Housing Staff.

**Michigan Department Of Civil Rights**  
**Community Relations Division**  
**2014 MSFW Recommendations Status Report**

The Michigan Department of Civil Rights enforces one of the most comprehensive civil rights acts in the state and nation - the Elliott Larson Civil Rights Act and the Persons with Disabilities Civil Rights Act. These acts prohibit discrimination in employment, education, housing, public accommodation, public services and law enforcement on the basis of religion, race, color, national origin, sex, age, weight, height, marital status, disability, or arrest record. The Michigan Department of Civil Rights accepts complaints based on any of the forms of discrimination covered in Public Acts 220 and 453 as amended.

The Michigan Department of Civil Rights (MDCR) has always provided unlawful discrimination investigative services to Migrant and Seasonal Farmworkers (MSFW) and also supports other service providers and advocates for MSFW in Michigan by being a member of the Interagency Migrant Services Committee and other organizations and coalitions. In August of 2009, the Michigan Civil Rights Commission (MCRC) unanimously voted to investigate the allegations about conditions being faced by Michigan's MSFW, and to report on what they discovered. MDCR staff and MCRC Commissioners conducted seven public forums to gain a clear understanding of the concerns and challenges faced by MSFW, the Commissioners felt it was essential to hear directly from farmworkers.

A report entitled "MDCR Report on the Conditions of Migrant and Seasonal Farmworkers in Michigan" was composed and the MCRC released this report at the March 2010 Commission in Lansing. The 102 page report contained fifteen recommendations that addressed the most pressing issues confronting MSFW in the Michigan. The then current MDCR director created a group entitled "MSFW State Agency Director Level Work Group." This group was given the responsibility to follow-up on the 15 recommendations and work on resolving them for the benefit of bettering the lives of MSFW in the state. Various state departments and non-profit service providers became members of this group as they continued their work on the recommendations. The MDCR Director chaired the meetings and MDCR staff was responsible for assuring that regular meetings and sub-committee meetings were conducted.

The MSFW State Agency Director Level Work Group submitted a "MSFW Report Recommendations Status Report" to the MCRC at their meeting in March of 2013. There will be a recommendations status report submitted annually to the MCRC at their commission meeting every March and it will be the responsibility of the MDCR - MSFW Liaison to assure that this report is compiled and submitted.

The MSFW State Agency Director Level Work Group was disbanded by the MDCR Director and its responsibilities were transferred and accepted by the Interagency Migrant Services Committee (IMSC) in 2013. The IMSC Civil Rights Report Recommendations Sub-committee has been chaired by the MDCR – MSFW Liaison and has met monthly in 2013. The Liaison reports to the IMSC at their monthly meetings regarding the challenges and progress on the MSFW Report recommendations.

**Deficiencies**

- It has been challenging to bring in some state departments staff to work on the recommendations
- The chairperson of the IMSC and Director of the DHS Office of Migrant Affairs was bumped and laid off resulting in the appointment of a new chairperson

**Achievements**

- Were able to obtain \$50,000. In funding to conduct a second MSFW Enumeration Profiles Study in Michigan
- Successful in creating a partnership with the Secretary of State to begin the process of working out problems confronting MSFW
- Continued coordinating meeting logistics and getting members of the IMSC Civil Rights Report Recommendations Sub-committee to monthly gatherings
- Continued MDCR – MSFW Liaison and other staff membership in all IMSC Sub-committees
- Successful in establishing that the role of the MDCR – MSFW Liaison will be written into the Performance Objectives Evaluation Plan of that particular person

**Metrics**

Recom #	Activity	2010	2011	2012	2013
6	MDCR staff members of Outreach & Ed. Sub-committee	1	1	1	1
7	MDCR staff members of Housing Sub-committee	1	1	1	1
8	Meetings coordinated by MDCR with State Police	2	2	1	0
9	Meetings with Legislators to amend laws	0	0	0	1
10	Successful in obtaining funding for Enumeration	0	0	1	0
11	Meetings coordinated by MDCR with Sec. of State	0	0	5	2
12	MDCR staff members of Child Taskforce Sub-committee	1	1	1	1
15	-Meetings coordinated by MDCR Liaison regarding recommendations -Reports coordinated by MDCR Liaison regarding report and recommendations status report -MDCR Liaison responsibilities as part of Performance Evaluation Objectives	10 1	10	10	7 1 1

Michigan Department of Human Services

**Office of Migrant Affairs**

Authorized under the Federal Social Security Act and DHS 2013 Public Act No. 200, Article X

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DHS was designated by Governor Milliken as the lead state agency responsible for the assessment, development and coordination of services for Michigan's approximately 49,000 migrant and seasonal farmworkers, their family members and dependents. DHS responsibilities are accomplished through the Office of Migrant Affairs (OMA). OMA directs the Migrant Program, which provides a quick-response, human services safety net through a DHS staff of 29 seasonal and 23 full-time bilingual (English/Spanish) workers in 2014. Migrant Program staff is housed in 13 counties and provide outreach and services to a total of 33 counties.

OMA enhances the delivery of DHS services to migrant families by:

- Analyzing, recommending and advocating improvements in DHS program policies and procedures that affect migrant families.
- Coordinating the allocation, recruitment, testing, hiring and training of DHS bilingual (English/Spanish) Migrant Program seasonal and year-round staff.
- Advocating on behalf of migrant families.

OMA provides statewide, interagency leadership on coordination of services to farmworkers through the:

- Michigan Interagency Migrant Services Committee (IMSC): The Director of the OMA is the permanent Chair of the IMSC, comprised of state and federal departments, educational institutions and statewide nonprofit partners that provide services to migrant and seasonal farmworkers. The committee meets monthly to coordinate services, analyze data, identify and take appropriate action on unmet needs, establish interagency goals, track progress on goals, and to formulate recommendations on farmworker issues.
- Regional Migrant Resource Councils (MRC): OMA established a network of nine councils and oversees these councils. They are comprised of local representatives from public and private migrant service agencies, growers, farmworkers, church groups and concerned citizens who meet regularly to establish referral networks and coordinate services to farmworkers at the regional level.

Michigan has the fifth-largest farmworker population registered with the state for agricultural employment. A 2013 estimate listed the farmworker population at over 94,000 farmworkers, non-working family members and dependents, with more than 42,000 children and youth ages 0-19. In 2013, DHS programs were provided to 14,928 individual migrant farmworkers and family members (unduplicated total). From January to October 2013, DHS programs were provided to 6,803 individual seasonal farmworkers and family members (unduplicated total, first year for which seasonal farmworker data is available). Food Assistance, Medicaid, and Child Care were the most common DHS programs used by this client population.

For additional information, contact Dale Freeman at (517) 335-6432.

## Office of Migrant Affairs/MI Department of Human Services **2013 Annual Update**

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2013 was a successful year for the DHS Migrant Program. Staff was equipped with the technology to become mobile workers, allowing them to better serve the migrant and seasonal farmworker population by taking DHS services to them, such as applying for public benefits, processing redeterminations, accessing correspondence, and processing verifications. Outreach efforts were also increased to communicate DHS programs to growers and service providers.

### **Accomplishments in 2013**

- Developed new training for Migrant Program staff and supervisors on DHS policy, processing migrant cases, conducting outreach, mobile technology
- Offered a cross-training webinar on migrant labor housing regulations with MDARD and a webinar on the 2013 farmworker enumeration study results
- Completed three onsite county visits to provide further technical assistance to Migrant Program staff
- Expanded upon DHS Policies pertaining to Limited English Proficient clientele, the agriculture employment definition, and Voter Registration training
- Strengthened the 9 Regional MRCs throughout the state by holding two officer meetings, providing newly developed tools, and issuing an MRC newsletter
- Developed comprehensive program metrics that will enable OMA to track benefits cases with greater accuracy, identify trends, trainings, and collaborations with partners outside DHS thru the IMSC and MRCs
- Obtained DHS program data on number of seasonal farmworkers receiving benefits. Prior to 2013, this data was available for migrant farmworkers only
- Developed a survey to capture information on non-English speaking DHS clientele and numbers of local staff with foreign language skills.

## Office of Migrant Affairs and DHS Metrics

OMA/DHS Metrics	2010	2011	2012	2013
<b>Migrant Program Cases</b>				
Unduplicated Total of Migrant Benefits Cases	3,744	3,846	3,524	3,920
Unduplicated Total of Migrant Individual Recipients	11,771	12,092	10,694	14,928
Unduplicated Total of Seasonal Benefits Cases	n/a	n/a	n/a	1,623
Unduplicated Total of Seasonal Individual Recipients	n/a	n/a	n/a	6,802
<b>Migrant Program Internal Trainings</b>				
# Bridges and Policy Trainings	-	-	-	6
# Outreach Trainings	-	-	-	4
# Mobile Technology Trainings	n/a	n/a	2	1
<b>DHS Staff Outreach</b>				
Migrant Camp Visits	n/a	n/a	n/a	2,747
Grower Outreach	n/a	n/a	n/a	392
Agency Educational Visits	n/a	n/a	n/a	543
Migrant Program Caseworkers (FTEs)	37.90	35.88	36.96	32.69
Migrant Program Year-round Caseworkers	13	12	17	16
Migrant Program Seasonal Caseworkers	39	38	29	25
Migrant General Office Assistants	7	7	7	8
Migrant Program Supervisors	4	4	4	4
<b>Referrals</b>				
DHS Staff Trained on Interagency Referral Form	n/a	n/a	-	51
Interagency Referral Forms Submitted	n/a	n/a	n/a	5
Total Number of Referrals	67	n/a	n/a	26
<b>Foreign Language Skills</b>				
Postings Requiring a Foreign Language	n/a	n/a	n/a	10
Postings--Foreign Language Skills Preferred	n/a	n/a	n/a	2
New Hires with Foreign Language Skills	n/a	n/a	n/a	14
<b>Migrant Resource Councils</b>				
MRC Meetings	76	76	76	77
Member Agencies on MRCs (approximate)				172
Interagency Meetings/Events				29
Newsletters Published	-	-	-	7
Newsletter Distribution (approximate)	-	-	-	400
Local Agency Guides Created			5	8

Seasonal farmworker data was for Jan-Oct 2013. Child welfare and DV training was scheduled for 2013, but had to be canceled due to State travel restrictions.

Staff trainings and outreach efforts will continue in 2014 to enhance services to Michigan's migrant and seasonal farmworkers and their families.

## **Michigan Interagency Migrant Services Committee**

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The Michigan Interagency Migrant Services Committee (IMSC) provides a forum at the state level for communication among state agencies, resolution of problems, development of a state strategy, and provide recommendations to policy makers. Agriculture is the second biggest industry in Michigan, and farm labor is vital to the agricultural industry and therefore the state's economy. The mission of the IMSC is to coordinate the delivery of services for migrant and seasonal farmworkers and to serve as a clearinghouse for the exchange of views, problems and solutions between all parties concerned with migrant and seasonal farm labor and related services to improve the quality of life for farmworkers.

IMSC membership consists of state and federal agencies, educational institutions, agricultural industry representatives, and farm labor advocacy organizations. Services provided by member agencies to migrant and seasonal farmworkers range in areas as in health, education, public benefits, employment, child care, and child labor among others. Member organizations are statewide in scope with their purpose and functions compatible with the stated mission of the IMSC. When organizations work together, Michigan's farmworker families receive the services they need.

The IMSC structure is as follows:

- Convene monthly meetings.
- Establish and maintain subcommittees for specific projects and areas of concern.
- Share agency information through agency updates and member agency profile document.
- Provide technical assistance and mutual support to member agencies in their work with farmworkers/farm labor issues through cross-education and other means.
- Promote exchange of information between the IMSC and the Migrant Resource Councils.
- Make recommendations to policy makers regarding migrant programs
- Educate the general public and policy makers about farmworkers and farm labor issues.
- Annual report on progress made by each subcommittee member agency.

### **Accomplishments in 2013**

- Bylaws were revised and approved
- Three new member organizations were added as permanent voting members
- First IMSC meeting held in Hart, MI, with events surrounding the meeting, such as a film screening, a Civil Rights 50<sup>th</sup> Anniversary event, and a farmworker exhibit to increase community awareness of the importance of farmworkers

For additional information, contact Dale Freeman at (517) 335-6432.

Michigan Department of Human Services  
Office of Migrant Affairs

## **Michigan Interagency Migrant Services Committee**

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### **IMSC Subcommittees and Task Forces**

#### **Civil Rights 15 Recommendations Subcommittee**

Purpose - To convene state agencies and non-state partners to ensure progress toward fulfilling the 15 Recommendations outlined in the 2010 Civil Rights Report

Goals/Priority Areas - Complete the stated agency Goals in the 2013 Civil Rights Recommendations Update

Strategies - Develop metrics to measure agency progress. Report annually on agency progress to the Civil Rights Commission.

Membership - State and non-state agencies with Goals in the 2013 Update; also open to all other IMSC member organizations.

#### **Accomplishments for 2013**

- Completed the 2013 Update to the 2010 Civil Rights Report with 15 Recommendations to improve conditions for farmworkers and their families, adopted by the Civil Rights Commission in March 2013

For additional information, contact Alberto Flores at (517) 373-1189.

#### **Data Task Force**

Purpose – To convene state agencies and non-state partners to support the collection and analysis of data to improve service delivery and advocacy.

Goals/Priority Areas - Pursue funding for enumeration of migrant and seasonal farmworkers in animal agriculture, and statewide data integration of agency data on farmworkers.

Strategies – Promote opportunities to IMSC members and other partners to share program and services data to membership. Pursue resources for enumeration of migrant and seasonal farmworkers in animal agriculture, and statewide data integration of agency data on farmworkers. Facilitate presentations at monthly IMSC meeting to encourage data sharing and building program awareness. Provide tool/resources to support sharing of data findings from Enumeration Studies and other relevant reports.

## **Michigan Interagency Migrant Services Committee**

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Membership - IMSC member agencies and other partners.

### **Accomplishments in 2013**

- Completion of the 2013 Update to the Migrant and Seasonal Farmworker Enumeration Profiles Study
- Events surrounding the study to communicate the results included a press conference, a webinar and presentations by the author, Dr. Alice Larson, and presentations by Civil Rights at eight Migrant Resource Council Meetings

For additional information, contact Tom Thornburg at (269) 492-7190 or Lynda Meade at (517) 827-0470.

### **Housing Subcommittee**

Purpose - To convene state agencies and non-state partners to identify issues, share best practices and develop solutions related to availability and quality of migrant housing.

Goals/Priority Areas - Identify housing needs and issues related to housing availability and quality. Ensure that migrant housing is inspected and licensed.

Strategies - Share information regularly to identify housing needs and issues; collaborate among partners and further develop processes to increase efficiency of inspections, and extend inspection activity to off-farm and other housing not currently licensed; collaborate regarding loans, grants, and cooperative agreements to increase quality, availability and use of housing.

Membership - IMSC member agencies that inspect, monitor or subsidize farmworker housing. Also open to IMSC member agencies and non-IMSC agencies with an interest in farmworker housing issues.

For additional information, contact Majed Ghussaini at (517) 284-5621.

### **Michigan Migrant Child Task Force**

Mission - To promote the well-being of Michigan's Migrant children through the education of their caregivers, advocacy for effective public policy, and collaboration with community partners.

Vision - Healthy Migrant children today. Strong communities tomorrow. Cultivating hope.

## **Michigan Interagency Migrant Services Committee**

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Purpose - To convene partners and stakeholders to identify issues, share best practices and develop solutions related to the children (ages 0-21) of migrant and seasonal farmworkers.

Goals/Priority Areas - Increase public awareness about the needs of farmworker children; increase access to quality education, healthcare, public benefits, and other community services; advocate for public policy that supports farmworker children; increase access to caregiver development and supports.

Strategies – Convene regular meetings; conduct camp visits each season as funding allows, distribute materials to families, and make referrals; identify gaps in service and make recommendations to relevant groups; collaborate at the state level to increase access to community services; strengthen relationships at the local level between the MRCs and service providers, i.e. Great Start Coalitions and Collaboratives.

Membership - IMSC member agencies and non-IMSC member agencies with goals and purpose similar to those of the Migrant Child Task Force.

Outreach Events - Estimated Families Helped – 152. Each family receives a bag of information regarding services in Michigan for farmworkers, health care tips, legal rights, etc. Referrals to local services – Head Start, DHS, etc. Signed up for the high school equivalency program and classes for caregivers.

### **Accomplishments for 2013**

- Four Outreach Events across the state reaching 152 families

For 2014, the MCTF will be presenting for the first time at several Grower Meetings across the state on topics such as services available to migrant and seasonal farmworker families and how growers can increase employee retention.

For additional information, contact Patricia Raymond at (517) 323-7002.

### **Outreach and Education Subcommittee**

Purpose - To provide training and resources to ensure effective and safe services to Migrant and Seasonal Farmworkers by service providers and community members.

Goals/Priority Areas - Plan training opportunities on outreach for state and non-state service providers; coordinate the planning of the annual statewide event.

## Michigan Interagency Migrant Services Committee

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Strategies - Provide in-person training and webinars for outreach workers; develop a Questionnaire for feedback from outreach workers; plan annual statewide event; create an Outreach Resource Guide for outreach workers.

Membership - Open to agencies and service providers with an interest in the training and safety of outreach workers.

### Accomplishments in 2013

- Subcommittee was reconvened in October 2013
- Post-season Questionnaire for Outreach Workers completed in November 2013, with 34 responses across four different service providers

Upcoming Goals for 2014 include reproducing the *Outreach Worker Educational Webinar Series* with topics such as ACA and its Impact on Migrant and Seasonal Farmworkers; Supervising Outreach Workers, Personal Safety for Outreach Workers, Reporting Apparent Violations and Complaints, Farmworker Legal Rights, and Camp Access and Child Labor. The Outreach and Education Subcommittee will also oversee the planning of the Farmworker Conference in November 2014.

For additional information, contact Audra Fuentes at (269) 615-6308.

### IMSC Metrics

IMSC Metrics	2010	2011	2012	2013
<b>Meetings</b>				
IMSC Full Committee Meetings	11	11	11	12
Civil Rights Subcommittee Meetings	9	10	10	9
Data Task Force Meetings	-	2	9	7
Housing Subcommittee Meetings	9	7	5	3
Migrant Child Task Force Meetings	7	9	6	8
Outreach & Education Subcommittee Meetings	8	8	-	3
<b>Agency Cross Training</b>				
Cross-training Events	4	4	-	2
Agencies Presenting	9	7	-	2
Total Participants	n/a	187	-	93

We anticipate another successful year with the IMSC, subcommittees and task forces. Thank you to all members for your hard work and collaboration.

Michigan Department of Human Services  
Office of Migrant Affairs

## Michigan Interagency Migrant Services Committee

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### DHS and 2013 Recommendations Progress Report

#### **Recommendation #6 Goals**

DHS & Outreach Subcte training for outreach wkrs 2014	In progress
Outreach Subcte to reinstitute Webinars	Not started; but OMA offering Webinars

#### **Recommendation #12 Goals**

DHS to recruit MI Bridges partners (access to benefits)	In progress
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#### **Recommendation #13 Goals**

DHS recruitment bilingual staff & target increases	In progress
DHS to disseminate tools to offices, I Speak cards, etc.	In progress
DHS to achieve full compliance with 2010 LEP policy	Even better outcome in progress*

\* OMA & Refugee Svcs. working on significant improvements to LEP policy, expected release early 2014

### IMSC and 2013 Recommendations Progress Report

#### **Recommendation #4 Goals**

Review and update 5 Year Strategic Plan	Not started
Create Recommendations Subcommittee	Completed
Establish metrics and issue annual report	In progress
Housing Subcte to work on Recs #1 & #2	Not started
Outreach Subcte to give notice of grower events, etc.	OMA took over this function.
Completed	
Outreach Subcte to provide more grower education	Not started
Outreach Subcte to advance use of IRF	Not started; but OMA promoting IRF
Migrant Child TF to continue coordinating services	Completed
IMSC to review all services to MSFWs	In progress
Data TF to ensure completion of enumeration study	Completed

**Strategy #2:** Rep from Gov's Immigration Workgroup on the IMSC—Completed; Mollie is on GIW

#### **Recommendation #5 Goals**

IMSC to position itself to advise Gov, Leg, on reorgs	In progress
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Michigan Department of Human Services  
Office of Migrant Affairs  
**Michigan Interagency Migrant Services Committee**

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***Recommendation #6 Goals***

IMSC to create system to track referrals & disseminate      Not started\*

*\*This function likely should be assigned to WDA State Monitor Advocate*

Outreach Subcte & DHS training for outreach wkrs 2014      In progress

Outreach Subcte to reinstitute Webinars      Not started; but OMA offering  
Webinars

***Recommendation #9 Goals***

Housing Subcte to identify amendments to MI law re: housing      Not started

***Recommendation #10 Goals***

IMSC comprehensive report release plan      Completed

**Strategy #2:** Data TF get funding for dairy, data integrat.      In progress

**August 20, 2013**

Michigan Department of Human Services  
Office of Migrant Affairs  
**Michigan Interagency Migrant Services Committee**

MDCR 15	DHS, OMA & Migrant Program Metrics	Units	Calendar Year			
			2010	2011	2012	2013
<b>4</b>	<b>Interagency Migrant Services Committee</b>					
4	Full Committee Meetings	n=	11	11	11	12
1, 2, 4, 9	Housing Subcommittee Meetings	n=	9	7	5	3
4, 6	Outreach & Education Subcommittee Meetings	n=	8	8	-	3
4, 10	Data Task Force Meetings	n=	-	2	9	7
4	Migrant Child Task Force Meetings	n=	7	9	6	8
4, 14	Civil Rights Subcommittee Meetings	n=	9	10	10	9
<b>6</b>	<b>Migrant Resource Councils</b>					
6	MRC Meetings	n=	76	76	76	77
6	Member Agencies on MRCs	n=				172 Approx
6	Interagency Meetings/Events	n=				29
6	Newsletters Published	n=	-	-	-	7
	Newsletter Distribution	n=	-	-	-	400 Approx
6	Local Agency Guides Created	n=			5	7
	Capital Area MRC used a community agency guide for 2013					
<b>6</b>	<b>Migrant Program Cross Training</b>					
6	Cross-training Events	n=	4	4	-	2
6	Agencies Presenting	n=	9	7	-	2
6	Total Participants	n=	n/a	187	-	93
	<b>Migrant Program Cases</b>					
	Total Migrant Benefits Cases	n=	3,744	3,846	3,524	3,810
	Total Migrant Individual Recipients	n=	11,771	12,092	10,694	11,468
	Total Seasonal Benefits Cases	n=	n/a	n/a	n/a	1,623
	Total Seasonal Individual Recipients	n=	n/a	n/a	n/a	6,802
12	Migrant Cases Child Development & Care	n=	484	444	304	177
12	Migrant Individual Recipients of CDC	n=	1,080	794	546	311
12	Seasonal Cases CDC	n=	n/a	n/a	n/a	12
12	Seasonal Individual Recipients of CDC	n=	n/a	n/a	n/a	165
12	<b>DHS Staff Outreach</b>					
12	Migrant Camp Visits	n=	n/a	n/a	n/a	2,747 **
12	Grower Outreach	n=	n/a	n/a	n/a	392 **
12	Agency Educational Visits	n=	n/a	n/a	n/a	543 **
12	Migrant Program Caseworkers	FTE	37.90	35.88	36.96	32.69
12	Migrant General Office Assistants	n=	7	7	7	8
12	Migrant Program Supervisors	n=	4	4	4	4
	**Missing Lapeer data Only					
<b>4, 6</b>	<b>Referrals</b>					
4, 6	DHS Staff Trained on Interagency Referral Form	n=	n/a	n/a	-	51
4, 6	Interagency Referral Forms Submitted	n=	n/a	n/a	n/a	5
4, 6	Total Number of Referrals		67	n/a	n/a	26
<b>13</b>	<b>Foreign Language Skills</b>					
13	Postings Requiring a Foreign Language	n=	n/a	n/a	n/a	10 ***
13	Postings--Foreign Language Skills Preferred	n=	n/a	n/a	n/a	2 ****
13	New Hires with Foreign Language Skills	n=	n/a	n/a	n/a	14
12, 13	Benefits Access Partners Serving Spanish-speakers	n=				
	***Only postings for the Migrant Program					
	****Ongoing postings for Assistance Payments Workers and Services Workers					

**Michigan Department of Licensing and Regulatory Affairs (LARA)  
Michigan Occupational Safety and Health Administration (MIOSHA)**

**MIOSHA Update for the Michigan Civil Rights Commission Annual Report on  
Migrant Seasonal Farmworkers (MSFW)**

MIOSHA was established by Act 154 of 1974 as amended, with the basic purpose of helping employers and employees reduce injuries, illnesses, and deaths for employees in all Michigan workplaces. As of December, 2013, according to State of Michigan labor market statistics, there are more than 4,000,000 workers employed in Michigan who are covered by MIOSHA occupational safety and health regulations. According to the [Michigan Migrant and Seasonal Farmworker Enumeration Profiles Study 2013](#), approximately 49,000 MSFWs are employed in Michigan. Although this is a small percentage of the total number of Michigan workers who are protected by MIOSHA regulations, the health and safety of MSFWs is very important to MIOSHA. MSFWs are particularly important because these workers frequently move from one farm to another one. They are also much less likely to be familiar with or understand their rights to a safe and healthy workplace than other workers. Two MIOSHA Standards in particular, address hazards unique to MSFWs: Occupational Health Standard Part 500, Field Sanitation, and Occupational Health Standard, Part 511, Temporary Labor Camps.

There are three strategies that MIOSHA uses to reduce injuries, illnesses and deaths in the workplace. They are:

- Enforcement – making sure occupational safety/health regulations are followed;
- Assistance – outreach & training to employers, employees, and MSFW outreach workers; and
- Cooperation – partnerships and alliances through voluntary programs.

All of these strategies are used by MIOSHA to ensure that MSFWs have a safe and healthy workplace, and in the case of employer provided migrant housing, a safe and healthy housing environment. The following table shows MIOSHA program accomplishments, using the above three strategies, for MSFW related activities in fiscal years 2010 through 2013 (October 1 through September 30).

<b>STRATEGY/ACCOMPLISHMENT</b>	<b>2010</b>	<b>2011</b>	<b>2012</b>	<b>2013</b>
<b>Enforcement</b>				
Developed special emphasis program to ensure rapid response to complaints related to Part 500, Field Sanitation Standard (no water or toilets to MSFWs performing hand labor in fields)	Yes	Ongoing	Ongoing	Ongoing
MSFW onsite inspections conducted in response to complaints/referrals/accidents	12	12	6	5
MSFW on-site programmed inspections (no complaint or referral received.)	0	0	1	1
MSFW letter investigations initiated in response to referrals	2	0	2	4
Citations issued (Serious/other-than-serious)	10/7	5/5	9/2	5/0

<b>STRATEGY/ACCOMPLISHMENT</b>	<b>2010</b>	<b>2011</b>	<b>2012</b>	<b>2013</b>
Industrial Hygienists & Safety Officers cross-trained on enforcement of Parts 500 and 511	44	41	42	41
GPS units provided to measure exact distance of toilet facilities in farm fields	0	1 per IH/SO	1 per IH/SO	1 per IH/SO
Heat stress monitors available in all district offices to measure heat stress for individual employees, including MSFWs	Yes	Yes	Yes	Additional monitors purchased
Retained professional translator services	0	0	0	yes
<b>Assistance</b>				
Outreach letters sent to owners of temporary labor camps (TLC) and employers of MSFWs	>1,400	>1,400	>1,400	>1,400
Cross-train SOM workers from Workforce Development	1	1	2	2
Participate in grower/other agriculture related seminars	1	5	3	3
MIOSHA documents available in Spanish	8	9	9	12
Special emphasis program on heat stress developed to track and provide outreach services on heat stress – includes MSFW	-	-	Yes	Yes
<b>Cooperation</b>				
New MIOSHA Strategic Plan Goal developed for a MIOSHA Agriculture Outreach Initiative beginning FY 2014	-	-	-	Yes
MIOSHA Alliance formed with Mexican Consulate	-	-	-	Yes
Active Member of Interagency Migrant Services Committee (IMSC)	Yes	Yes	Yes	Yes
Active Member of IMSC Housing Subcommittee	Yes	Yes	Yes	Yes
Participated on committee with MDARD and USDOL Wage and Hour, or held regular phone calls, to improve consistency in enforcement of migrant housing rules between the 3 enforcement agencies	-	Yes	Yes	Yes
Member of MDARD sponsored Pesticide Advisory Committee – includes agricultural and other types of pesticide application issues	-	-	Yes	Yes



## **Michigan Payment of Wages & Fringe Benefits Act**

**Department of Licensing and Regulatory Affairs  
Michigan Occupational Safety and Health Administration  
Technical Services Division  
Wage and Hour Program  
2013 Update**

**Wage and Hour Program Mission Statement:** It is the mission of the MIOSHA Wage and Hour Program to provide public service through the fair, effective, and efficient administration of laws which protect the wages and fringe benefits of Michigan's workers.

The Wage and Hour Program investigates complaints alleging non-payment of wages and fringe benefits, state minimum wage, overtime, equal pay, and prevailing wage disputes. To accomplish this, the program administers and enforces Act 390 the Payment of Wages and Fringe Benefits Act, Act 154 the Minimum Wage and Overtime Act, and Act 166 the Prevailing Wages on State Funded Construction Projects Act. The program also educates employers and employees in the areas covered by these Acts.

Wage complaints under Act 390 typically occur when workers do not receive their paycheck on the regular payday, have unauthorized deductions made or are not paid fringe benefits pursuant to the employers' written policy or contract. Only five items are defined as fringe benefits under Act 390, vacation pay, sick pay, holiday pay, bonuses and authorized expenses pursuant to the employer's written policy. Employees have 12 months from the date the wages or fringe benefits were due to file a wage claim with the Wage and Hour Program. Under Act 390 either party can appeal the decision made. A hearing will be scheduled before an Administrative Law Judge. If the parties disagree with that decision, they can appeal to Circuit Court.

When a covered employee is not paid the Michigan Minimum Wage of \$7.40 per hour or not paid overtime when working over 40 hours in a work week this is covered by Act 154

Michigan Minimum Wage and Overtime. This act generally applies to businesses in Michigan with two (2) or more employees age 16 and older and that have a gross annual dollar volume under \$500,000 a year. Employees have three (3) years to file a minimum wage or overtime claim.

Act 166 Michigan Prevailing Wage requires payment of the prevailing rate to construction employees on state funded construction projects. Claims from 3<sup>rd</sup> parties or individuals are accepted and must be filed within three (3) years.

Employees can file wage claims, in English or Spanish, either online at the Wage and Hour Website or they can complete a paper complaint form and mail or fax the form to the Wage and Hour office. Both the paper and the online complaint forms ask for the same basic information: worker's name, address, phone number, county of residence, employer's name and address, an explanation of the wage issue and the time period covered by the wage dispute.

Once the complaint is received by the Wage and Hour Program, it is assigned to a wage and hour investigator for review. The investigator determines if all the necessary information is in the complaint and if it is something the division has the authority to investigate. Claims are handled on a first-in, first-out basis, which means it could be 30 to 60 days before an investigation begins once the Program receives a complaint. The goal is to try to resolve claims within 90 days.

The program resolves about 75% of all claims informally. When formal orders become final, the cases are referred to the Michigan Attorney General for enforcement. While the majority of cases are resolved informally not every case is collectable. Employers can file for bankruptcy, have no assets or leave the state making collection difficult.

The Wage and Hour Program currently has 17 investigators, 3 regional managers, 6 support staff, 1 office manager, 1 analyst, 1 program specialist and 1 program manager.

The Wage and Hour Program can be contacted by telephone at 517-322-1825 or at our new toll free number is 1-855-464-9243. The Wage and Hour Program Manager is Jennifer Fields 517-636-4753.

#### **MILESTONES AND ACCOMPLISHMENTS**

1. *Insure farmworkers are paid at least \$7.40 per hour as required by Michigan Minimum Wage and Overtime law.*

**Action Taken:** The Wage and Hour Program has submitted recommendations on rule changes that eliminate the piece rate schedule in Act 154 and update other rules. A Public Hearing on the proposed changes will soon be advertised on the Wage and Hour Program website: [www.michigan.gov/wagehour](http://www.michigan.gov/wagehour).

2. *Increase number of bilingual staff.*

**Action taken:** Wage and Hour Program has established a purchase order with Interpreter Network LLC for translation services as needed to communicate with claimants and employers regarding Wage and Hour issues.

3. *Provide on-line Spanish Claim form.*

**Action taken:** The wage claim form is now available in Spanish online. Information brochures are available online in English, Spanish and Arabic.

4. *More outreach to migrants.*

**Action taken:** The Wage and Hour Program Manager has attended migrant outreach programs in Lawrence, Adrian and Lansing. When Wage and Hour is aware of events, staff can attend to provide information. For fiscal year ending September 30, 2013, seven (7) migrant events were attended.

5. *Increase collection on claims.*

**Action taken:** Currently 73% of Wage and Hour claims are resolved within 90 days; 72% are resolved informally. The Wage and Hour Program regularly assesses civil penalties when a formal determination order is issued.

6. *Keep statistics reflecting how many claims are received from employees involved in agricultural employment.*

**Action taken:** As of May 1, 2013 all incoming claims are recording the type of employer from the North American Industry Classification System (NAICS) 111 Crop Production, 112 Animal Production and 115 Support Activities for Agriculture. For Fiscal year ending September 30, 2013, a total of 17 claims were received against agricultural employers.

## METRICS

*Fiscal year 2013:* 4548 Total claims accepted, 72% claims resolved within 90 days, 81% informal, \$2.2 million collected

*Fiscal Year 2012:* 5241 total claims accepted, 67% claims resolved within 90 days, 78% informal, \$2.6 million collected

*Fiscal Year 2011:* 5184 total claims accepted, 73% claims resolved within 90 days, 76% informal, \$2.1 million collected

*Fiscal Year 2010:* 4892 total claims accepted, 74% claims resolved within 90 days, 80% informal, \$2.2 million collected

**Workforce Development Agency**  
**Migrant and Seasonal Worker Services Division**  
**Agricultural Field Services**

Services to Migrant and Seasonal Farmworkers as prescribed by Title 20 of the Federal Code of Regulations Section 653, Part 107

The Migrant, Immigrant and Seasonal Worker Services Division of the Workforce Development Agency provides a complete range of employment services to Michigan's agricultural industry, with an emphasis on services to Migrant and Seasonal Farm Workers (MSFWs). Fifteen (15) full-time, year-round outreach workers, designated as Agricultural Employment Specialists (AES), conduct vigorous outreach activities throughout the Lower Peninsula, with a concentration on the significant MSFW areas, in order to reach the highest number of the MSFW population. In collaboration with partners located at Michigan Works! One-Stop Centers, the full range of employment services is offered to MSFWs.

While conducting outreach to migrant camps and other locations where migrants gather, the AES explain all of the services available at the One-Stop Centers. Services at the One-Stop include, but are not limited to, job referral and placement; testing; career guidance; training; referral to supportive services, such as health clinics and food pantries; job development for those who have skills that may be needed by an employer who does not have an opening posted; provision of farmworker rights information; and an explanation of the complaint system, with assistance to file a complaint if needed or requested. The AES in Michigan are committed to providing services to MSFWs equitable to those provided by the Employment System to non-MSFWs, as prescribed in the Code of Federal Regulations.

Additionally, services such as registration in the State's Talent Connect system ([mitalent.org](http://mitalent.org)), referral to jobs, resume preparation, and referral to supportive services can all be conducted while on outreach, as each AES is equipped with a laptop with an Internet connection. MSFWs are encouraged to visit the One-Stops to receive a full range of services; however, because all are not able to visit a One-Stop Center, it is important that, at a minimum, resume and referral to employment services be provided outside of the office.

Because Michigan is nationally in the top five (5) states for MSFW registrations in the State's reporting system, it has been deemed a significant state by United States Department of Labor (USDOL). Within the State, there are seven (7) MSFW Significant Sites, where one or more AES is located. This designation is deemed when at least 10% of the Employment Service registrations in the office are MSFW registrations. Michigan's Significant Site Offices are located in Dowagiac, Fremont, Holland, Ludington, Paw Paw, Sparta and Shelby. AES staff are also located in One-Stop Centers in Lapeer and Traverse City.

### Accomplishments

- Continuation and expansion of Project Respeto, a program that establishes understanding and positive relationships between state and local law enforcement, including Michigan State Police (MSP) and MSFWs. An AES and two MSP Officers presented the program at the national MAFO Conference.
- “La hora del campesino,” a bi-lingual radio program sponsored by the Workforce Development Agency, broadcasts on Sunday evenings and features health and education programs for MSFWs in addition to announcements of available work.
- AES work with immigrant service agencies to place immigrants in agriculture positions.
- Members of the Hispanic Commission were hosted by AES staff and visited three migrant camps.

### Challenges

- Budget cuts led to staff reduction from 17 to 15 AES. AES have had to allocate their time to cover more geographical area, impacting services provided to MSFWs.
- Due to various factors, fewer Migrant Farmworkers came to Michigan in 2013. This led to a labor shortage in some crops, especially apple harvesting.
- Introduction and growth of new crops, such as lavender and hops, provide a need for more labor.

### Program Metrics (Source: Monthly Outreach Logs)

WDA Metrics	2009	2010	2011	2012	2013* through Jan. '14
MSFW Contacts	16,624	13,674	12,508	9,334	8,298 *
Outreach Days	1,023	940.6	954.5	875	503 *
Referrals to Supportive Services	4,673	4,156	3,620	3,430	1,327** through Dec. '13
Entered Employment	2,790	2,361	2,169	1,611	1,650** through Dec. '13
Significant Site Offices	7	7	7	7	7
Employer Contacts	5,421	4,258	4,871	4,290	1,644 *

## Project “Respeto” (Respect)

Project Respeto began in November, 2000 with the purpose of bridging the gap between law enforcement and migrant communities in Mason and Manistee Counties. WDA’s Agricultural Employment Specialist Rose Rangel, along with local Michigan State Police Troopers and the Mason County Sheriff met and developed a program whose mission was and is to bring law enforcement and the migrant population together to develop trust and a better and more trusting relationship. According to MSP, these areas have seen a significant drop in law enforcement issues with the migrant population. Employers are also supportive of this effort, as this has, often times, allowed for their workforce to stay on the job and out of issues involving law enforcement.

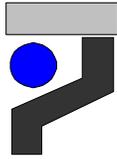
The three components of the program are as follows: cultural training for law enforcement, which helps them gain knowledge and understanding of the migrant culture; an employer contact card, which is a “business card” that lists the employer’s name, address and contact information, which has proven to be very useful during a traffic stop when there is a language barrier; and, migrant housing (camp) visits, which allow for direct, non-threatening and comfortable contact between migrant workers and law enforcement officers. These visits are arranged and led by the AES staff and allow for the uniformed officers to talk with migrant workers. These visits have proven to be a cornerstone to better understanding and better relationships between the two groups.

A meeting with the Michigan State Police Community Service Troopers and the WDA / MISWS Director and management was held on April 25, 2013 to plan expansion of the Project to other areas of the State and include the Community Service Troopers in addition to the Road Patrol Officers. Oceana, Benzie and Berrien Counties were planned for expansion, but nothing was developed in 2013. At the meeting, there was also a marked interest from officers in the Coldwater and Ionia areas; AES met with additional law enforcement in those areas to introduce the program.

In March of 2013, Inspector David Roesler, F/LT Kevin Levitt and AES Rose Rangel presented Project Respeto at the National Farmworker Conference in San Antonio, Texas. Also in 2013, additional cultural training was held in Ludington for Mason, Manistee and Oceana County law enforcement, as there were new officers and deputies who had not received the training. There were about 20 MSP Officers and County Sheriffs in attendance. Camp visits were conducted in Mason and Oceana County in June of 2013.

Key Staff: Workforce Development Agency, State of Michigan  
Rose Rangel, Agricultural Employment Specialist  
Judy Ezop, Field Services Manager

Michigan State Police  
Inspector David Roesler  
F/LT Kevin Leavitt  
Scott Nichols, Department Analyst, Grants and Community Services Division  
Sheriff Kirk Myers, retired, Mason County Sheriff



**Telamon Corporation**  
Michigan Migrant Head Start  
National Farmworker Jobs Program  
*Empowering Individuals, Improving Communities*

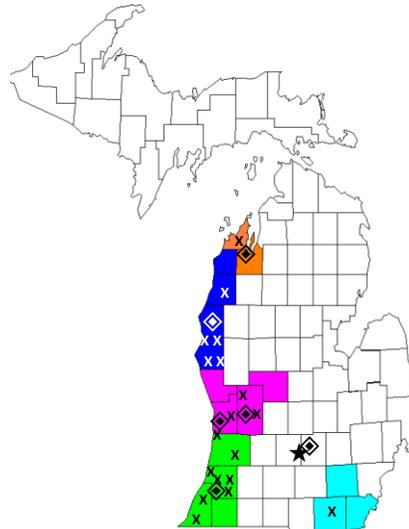
**Telamon Corporation** - Since 1965 Telamon Corporation has administered programs to serve those in need. Telamon provides a variety of services including: literacy and early childhood education; job training; emergency services; temporary or permanent housing opportunities; etc. to people and communities in twelve states. In 2012, Telamon Corporation received \$61.1 million in funding and \$7 million in in-kind and provided services to 27,641 people.

### Telamon in Michigan

**Michigan Migrant Head Start** - Since 1992, Telamon Corporation has offered Head Start early childhood education services to migrant and seasonal farmworker families in Michigan. The program employs nearly 600 staff, is funded to serve 1,249 children (ages 0-5 years) and pregnant women, and offers exceptional learning environments that help children to grow mentally, socially, emotionally, and physically. In addition to early childhood education, Michigan Migrant Head Start (MMHS) offers children: preventive health and oral health care; disabilities screenings, assessment and services; nutritious meals and nutrition education; and social support for the entire family. Services include parenting, health, and nutrition education; family goal setting; and community referrals for health care, food, clothing, emergency services, and other social supports.

#### Telamon's MMHS and NFJP Locations and Service Areas

<u>MMHS/EHS Center</u>	<u>Counties Served</u>
X MMHS Center Locations	★ State Office
Adrian MHS	Lenawee, Monroe, and Washtenaw
Bear Lake MHS	Manistee and Benzie
Buen Pastor MHS and EHS	Ottawa
Chase MHS	Oceana and Mason
Conklin MHS	Ottawa, Kent, and Muskegon
Decatur MHS	Van Buren and Cass
Hart MHS	Oceana and Mason
Keeleer MHS	Berrien, Cass, and Van Buren
Kent City MHS	Kent and Muskegon
Mears EHS	Oceana and Mason
New Era MHS and EHS	Oceana and Mason
Pullman MHS	Allegan and Van Buren
Sodus MHS and EHS	Berrien
Sparta MHS	Kent and Montcalm
Suttons Bay MHS	Leelanau
Watervliet MHS	Berrien and Van Buren
South Haven MHS and EHS	Van Buren
Spinks EHS	Van Buren



NFJP Locations and Information

NFJP has six offices (indicated by a  $\diamond$ ), which are located in areas where the highest concentration of farmworkers reside. NFJP offers services throughout Michigan where farmworkers who are in need of services are identified.

**National Farmworker Jobs Program (NFJP)** - Since 1991, Telamon Corporation has provided employment and training services to farmworkers and their dependents who are seeking a better future. The NFJP program offers services for eligible individuals seeking education, occupational skills training and more. NFJP's primary services include:

- **Employment and Training Services** – Individualized Employment Plans; On-the-Job Training; Job Placement Services; English as a Second Language (ESL) Instruction; GED Completion; and more.
- **NFJP Housing Program** – Support in achieving financial goals (i.e. budgeting, banking, credit, etc.) that may ultimately lead to homeownership.
- **Emergency Assistance** – Food and gas vouchers; Temporary housing assistance; etc.

**Telamon Corporation**  
Michigan Migrant Head Start  
National Farmworker Jobs Program  
*Empowering Individuals, Improving Communities*

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**Telamon Corporation’s Mission...**

We are committed advocates for people in need. Our mission is to promote the development of human potential by providing resources and creating opportunities in the communities we serve.

**Michigan Migrant Head Start (MMHS) Accomplishments** - In 21 years of service, the MMHS program has grown from 9 to 18 locations throughout Michigan. **MMHS’s mission states** “As advocates for farmworker families in Michigan, we provide exceptional learning environments to promote school readiness and act as a bridge to connect families and resources within their communities.” In order to prepare children for entry into school, MMHS has implemented a school readiness plan that guides MMHS in the provision of comprehensive services. In addition, MMHS values parent, family, and community engagement. MMHS is proud that 1,547 parent and community volunteers supported the program in 2013.

<b>MMHS Services:</b>	<b>2009</b>	<b>2010</b>	<b>2011</b>	<b>2012</b>	<b>2013</b>
<i># of Children Served</i>	1,511	1,406	1,514	1,220	1,245
<i># of Infants/Toddlers Served</i>	912	860	947	660	690
<i># of Preschool Children Served</i>	599	546	552	549	555
<i># of Pregnant Women Served</i>	N/A	11	15	11	19
<i># of Families Served</i>	1,022	975	925	847	858
<i>% of Children Served With Diagnosed Disability</i>	7.88%	10%	10%	10.4%	9.3%
<i>% of Children Up-to-date on Health Screenings</i>	78%	94%	94%	91%	94%

**National Farmworker Job Program (NFJP) Accomplishments** - During the past three years Telamon NFJP has conducted training conferences for Farm Managers, Crew leaders and Farm Labor Contractors in the blueberry industry. On average we have between 55-65 people in attendance; agencies providing information include Telamon Migrant Head Start (MHS), Western Michigan University’s College Assistance Migrant Program (CAMP) program, Intercare, Workforce Development Agency-State of Michigan (WDASOM), MBG Marketing and legal counsel.

NFJP staff will continue to provide information about Migrant Head Start services and Migrant Education programs while conducting outreach activities. Wherever possible we will provide opportunities for employment and training customers to become licensed child care providers and will utilize the Great Start to Quality orientation training classes. Telamon NFJP is also actively seeking out grant opportunities that will lead to the development of safety committees being organized and operated by farmworkers. Keeping migrant children safe will be a top priority of the safety committees.

The primary challenge that Telamon NFJP faces is funding. While we will not be impacted by sequestration cuts in Fiscal Year (FY) 2014, there is no guarantee that the NFJP program will not be negatively impacted by sequestration in subsequent years.

1. Listed below are numbers from the MDE-Office of Field Services Consolidated State Performance Report.
  - a) 2011-12 Regular Year Served 3,189; Summer 3,416
  - b) 2010-11 Regular Year Served 2,932; Summer 3,290
  - c) 2009-10 Regular Year Served 4,030; Summer 3,745

DHS, OMA & Migrant Program Metrics	Recommendation	2010	2011	2012	2013
<b>Interagency Migrant Services Committee</b>	<b>4</b>				
Full Committee Meetings	4	11	11	11	10
Telamon NFJP at Housing Subcommittee Meetings	1, 2, 4, 9	0	0	1	1
Telamon NFJP at Outreach & Education Subcommittee Meetings	4, 6	0	0	1	1
NFJP Staff at Data Task Force Meetings	4, 10 (Completed)	0	0	1	1
Telamon NFJP at Migrant Child Task Force Meetings	4	0	0	0	0
Telamon NFJP Staff AT Civil Rights Subcommittee Meetings	4, 14	0	0	1	1
<b>Migrant Resource Councils</b>	<b>6</b>				
Telamon NFJP Attendance at MRC Meetings	6	all	all	all	all
# Member Agencies on MRCs	6	Telamon NFJP Present	Telamon NFJP Present	Telamon NFJP Present	Telamon NFJP Present
# Interagency Meetings/Events	6				
Newsletter - # of Issues	6				7
# Local Agency Guides Created	6				
<b>Migrant Program Cross Training</b>	<b>6</b>				
MOUs w/ Partner Agencies	6			WDA, DHS, MDARD, MSU	WDA, DHS, MDARD, MSU
Staff Retreat w/WDA	6			2/Year	2/Year
# Farmworker Interns	6			12	
<b>Telamon Services &amp; Demographics</b>					
Migrant Farmworkers Receiving Services		120	319	289	176
Seasonal Farmworkers Receiving Services		130	221	145	73
Total Farmworkers Receiving Services		250	540	434	249
Total Males Receiving Services		92	208	134	75
Total Females Receiving Services		158	332	300	174
<b>Education Status:</b>					
No School		1%	1%	2%	3%
Elementary/Secondary		62%	61%	59%	49%
High School Graduate		26%	26%	27%	34%
GED		5%	5%	5%	4%
AS/AA, College, Tech/Voc		7%	6%	8%	9%
Bachelors		0%	0.20%	1%	1%
Beyond Bachelors		0%	0.40%	0.20%	0%
<b>Other Barriers:</b>					
LEP		33%	45%	39%	44%
Disability		3%	2%	1%	1%
Long-Term Agriculture		67%	72%	79%	80%
Offender		3%	2%	2%	1%
Lacks Work History		70%	68%	67%	67%
Lacks Transportation		18%	12%	8%	4%
Single Parent w/Dep		7%	11%	8%	6%
Homeless		5%	2%	2%	1%
Literacy		34%	47%	40%	45%
<b>Telamon NFJP Outreach</b>					
# of Camps Visited					
# of Grower Outreach					
# of Agency Educational Visits					
<b>Referrals</b>	<b>4, 6</b>				
# Staff Trained on Interagency Referral Form	4, 6				51
# of Interagency Referral Forms Submitted	4, 6				
<b>Foreign Language Skills</b>	<b>13</b>				
All Telamon NFJP Staff Bilingual	13	100%	100%	100%	100%
# Benefits Access Partners Serving Spanish-speakers	12, 13				

## Press Releases

U.S. Department of Labor  
Wage and Hour Division  
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### **Judge orders Darryl Howes Farms to stop misclassifying migrant workers as independent contractors and comply with the FLSA and the MSPA**

**GRAND RAPIDS, Mich.** – A federal judge has ordered Darryl Howes and his business, Darryl Howes Farms, located in Copemish, to stop misclassifying his migrant workers as independent contractors, to comply with the record-keeping provisions of the Fair Labor Standards Act and housing standards of the Migrant and Seasonal Agricultural Worker Protection Act, and to cease interfering with U.S. Department of Labor investigations.

When investigated, Darryl Howes Farms employed approximately 38 workers for the 2011 harvest. The migrant agricultural workers were incorrectly classified as independent contractors rather than employees entitled to minimum wage and other provisions of the FLSA and MSPA.

The opinion and accompanying order, issued by U.S. District Court Judge Gordon J. Quist, upholds the department's findings of record-keeping and housing violations at Howes' 60-acre cucumber farm and migrant housing camp during the 2011 harvest. The department filed a complaint in federal court in 2012 alleging minimum wage, record-keeping, and housing violations following investigations conducted by the Wage and Hour Division. The minimum wage violations remain in litigation now that the threshold issue of employment status has been determined.

"The nature of migrant agricultural work makes the migrant farm worker vulnerable to unfair and unsafe labor practices. The misclassification of these workers as independent contractors cheats them of their rightfully earned wages and gives the employer an unfair competitive edge in the marketplace," said Karen Chaikin, regional administrator of the Wage and Hour Division in the Midwest. "These actions put agricultural employers on notice that the department is committed to protecting the many low-wage and vulnerable migrant workers, who are susceptible to exploitation and unfair treatment."

The court also found that Howes controlled a housing camp, known as the "Green Camp," and provided substandard housing to migrant workers, in violation of the MSPA's housing standards. The violations include failure to provide adequate shelter; prevent insect or pest infestation; remove standing wastewater; repair broken screen doors and showers; and maintain toilets in a sanitary condition. The court has ordered Howes to ensure all MSPA housing he owns or controls complies with the MSPA.

In addition to the labor violations, the court also found that Howes had interfered with the department's investigation. The complaint mentioned four instances when interviews of agricultural workers had to be terminated because Howes or one of his employees attended the interviews with cameras and refused to leave. The order requires Howes to not interfere with future investigations.

The Wage and Hour Division enforces the MSPA, which protects migrant and seasonal agricultural workers by establishing employment standards related to wages, housing, transportation, disclosures and record keeping. The division also enforces the FLSA, which requires covered employers to pay nonexempt farmworkers at least the federal minimum wage for all hours worked. For more information about the MSPA and FLSA, visit <http://www.dol.gov/whd> or call the division's toll-free helpline at 866-4US-WAGE.

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Perez v. Darryl Howes, individually and doing business as Darryl Howes Farms 1:12-cv-00888

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