

e. **Agricultural Outreach Plan (AOP)**. Each State agency must develop an AOP every four years as part of the Unified or Combined State Plan required under sections 102 or 103 of WIOA. The AOP must include an assessment of need.

1. Assessment of Need. Provide an assessment of the unique needs of farmworkers in the area based on past and projected agricultural and farmworker activity in the State. Such needs may include but are not limited to: employment, training, and housing.

Agriculture is a vital part of the economy in North Dakota (ND). The need for farmwork labor in the State increases every year and the H2A program has an enormous impact on the State. Several employers also require workers across multiple States, which makes finding and retaining American workforce a continued struggle. H2A bridges the gap in these occupations as well as the thousands of additional farm labor openings the State has each year.

Most of the agricultural activity continues to be from small family farm producers. However, ND also has many larger agricultural employers needing more than 1-2 dozen foreign labor workers each year. As such, the need for clean, safe, and habitable housing is of utmost importance to the State and the farmworkers inhabiting these dwellings.

Housing inspections are conducted by the 9 workforce centers across ND, ensuring compliance with both ETA and OSHA guidelines. Worker rights information is passed along to the employers and farmworkers (if present) at the time of inspection. Information is also given to farmworkers about the services the ND SWA provides at the workforce center nearest to them. This includes information on training and employment opportunities.

The ND SWA will continue efforts to create and strengthen relationships with farmworkers, employers, other State agencies, non-profit and private organizations to ensure compliance and continued development of the outreach plan. These efforts will provide the basis for continued outreach to farmworkers and assess and address their employment, training, and housing needs.

2. Provide an assessment of the agricultural activity in the State: 1) identify the top five labor-intensive crops, the months of heavy activity, and the geographic area of prime activity; 2) Summarize the agricultural employers' needs in the State (i.e. are they predominantly hiring local or foreign workers, are they expressing that there is a scarcity in the agricultural workforce); and 3) Identify any economic, natural, or other factors that are affecting agriculture in the State or any projected factors that will affect agriculture in the State.

According to the 2022 State Agriculture Overview by the National Agriculture Statistics Service (NASS) of the United States Department of Agriculture (USDA) showed North Dakota's 25,900 farm and ranch operations occupy 39.2 million acres of land in North Dakota.

North Dakota is a very diverse state in the number of commodities produced. In 2017, North Dakota led the nation in the production of all dry edible beans, navy beans, pinto beans, canola, flaxseed, honey, dry edible peas, Durum wheat, and spring wheat. North Dakota was the No.2 producer of lentils, black beans, great northern beans, all wheat, and sunflowers. North Dakota was in the top five for the production of several other crops as well.

North Dakota sold almost \$8.2 billion worth of agricultural products in 2017 (the most recent Agricultural Census). Of these sales, \$6.7 billion – or just over 81 percent of the total agricultural sales – came from crops. Soybeans had the largest amount of sales at \$2.1 billion, which accounted for one-fourth of all agricultural sales. North Dakota is the main producer of flaxseed and canola in the United States; the 2017 census showed that 87 percent of the country's flaxseed was grown in the state and 81 percent of the canola.

In the Red River Valley, sugar beets and potatoes are widely grown. In 2017, North Dakota was the third largest producer of sugar beets in the country and the fourth largest producer of potatoes. Also, producers in the state are proud of the fact that North Dakota is the largest honey producing state in the nation. Approximately, 33.7 million pounds of honey was collected in North Dakota in 2017, or 23 percent of the total collected in the United States.

According to the North Dakota Department of Agriculture, there are about 1.8 million beef cattle and calves in North Dakota. That's more than two cattle for every person in the state. Beef cattle are raised in every North Dakota county. *Cattle production* has traditionally ranked second only to wheat farming as the most important sector in North Dakota's agriculture economy. Based on USDA data, North Dakota consistently ranks 15 in annual cattle and calf livestock inventory. Based on past and projected agricultural activity in North Dakota, we do not anticipate the above acreage or cattle inventories to change significantly in this plan modification period.

Based on agricultural employer activity with Job Service North Dakota for federal fiscal year 2023, agricultural employers placed 1107 seasonal job orders requesting 3582 seasonal agricultural workers (3572 H2A openings and 10 non-H2A). The top five labor-intensive crops in North Dakota include wheat, corn, soybeans, barley and sunflowers. In order of need, the majority of job orders recruit for farm equipment operators, beekeepers, animal ranch workers, general farm workers and truck drivers.

Statewide labor shortages in most industries, including agriculture, have caused agriculture employers to use the H2A program to meet labor needs. This is reflected in the high proportion of H2A openings in 2023. Job Service North Dakota remains dedicated to working with agricultural employers to locate qualified farm laborers and equipment operators to assist with the spring to fall farming seasons.

Because of the North Dakota short growing season, the number of seasonal farmworkers in November through February is relatively small. In March, the numbers increase as farmers prepare to begin planting in April. In April through October, numbers reach their highest levels as crops are planted, sprayed, cultivated, harvested, and transported to storage or market. This cycle repeats every year, giving a wide variance in numbers needed by North Dakota farmers at

any given point in time.

3. Provide an assessment of the unique needs of farmworkers by summarizing

Migrant and Seasonal Farm Worker (MSFW) characteristics (including if they are predominantly from certain countries, what language(s) they speak, the approximate number of MSFWs in the State during peak season and during low season, and whether they tend to be migrant, seasonal, or yearround farmworkers). This information must take into account data supplied by WIOA Section 167 National Farmworker Jobs Program (NFJP) grantees, other MSFW organizations, employer organizations, and State and/or Federal agency data sources such as the U.S. Department of Agriculture and the U.S. Department of Labor (DOL) Employment and Training Administration.

The number of migrant farm workers traveling to and within North Dakota continues to decrease. This can be attributed to farmers' use of technology and the use of modern farming practices. The transient nature of seasonal farm workers and established working relationships with agricultural employers in North Dakota makes it difficult to develop accurate demographic data and consistent estimates of MSFW's in the state.

H2A Foreign Labor Certification Agents reported the majority of the H2A workers are from the following countries: South Africa, Ukraine, Mexico, Honduras, Philippines, Bulgaria, Australia, Moldova, France, Ireland, England, Brazil, Peru, Guatemala, Dominican Republic, Haiti, Germany. The majority of H2A workers speak English, and those who do not speak English, speak Spanish.

Job Service North Dakota had 95 new MSFW in 2023. Many of the positions are given to returning workers not registered with Job Service North Dakota or to foreign workers under the H2A program. WIOA Section 167 grantee (Motivation, Education and Training Inc. (MET) reports Hispanic groups and families from southern states and North Dakota Hispanic families, who have made North Dakota their permanent home, are the majority of non-H2A MSFWs.

4. Outreach Activities. The local offices outreach activities must be designed to meet the needs of MSFWs in the State and to locate and contact MSFWs who are not being reached through normal intake activities. Describe the State agency's proposed strategies for:

1. Contacting farmworkers who are not being reached by the normal intake activities conducted by the employment service offices.

MSFW Outreach Staff will focus outreach efforts to known establishments where MSFW's frequent. Outreach Staff will make efforts to have a presence at events where there is a chance even a small number of MSFW's will attend. Examples include, but are not limited to, childcare orientations, parent/teacher conferences, County Social

Services offices/events, in-field trainings, field visits or community gatherings. A variety of virtual efforts for outreach are also practiced.

2. Providing technical assistance to outreach staff. Technical assistance must include trainings, conferences, additional resources, and increased collaboration with other organizations on topics such as one-stop center services (i.e. availability of referrals to training, supportive services, and career services, as well as specific employment opportunities), the Employment Service and Employment-Related Law Complaint System (“Complaint System” described at 20 CFR 658 Subpart E), information on the other organizations serving MSFWs in the area, and a basic summary of farmworker rights, including their rights with respect to the terms and conditions of employment. (3) Increasing outreach staff training and awareness across core programs including the Unemployment Insurance (UI) program and the training on identification of UI eligibility issues.

To support the Job Service North Dakota Workforce Centers MSFW Outreach Workers, the State Workforce Agency (SWA) and State Monitor Advocate (SMA) provides the MSFW Outreach Workers with a variety of resources and assistance throughout the year:

- 1.) Monthly, Wagner-Peyser registration reports are distributed to Workforce Centers for review to determine if newly registered MSFW’s eligible for additional assistance;
- 2.) The State Monitor Advocate visits each Job Service North Dakota Workforce Center at least annually to meet with the MSFW Outreach Workers, discuss local trends, and to determine if MSFW Outreach Staff have necessary tools and resources;
- 3.) Workforce Center staff (including MSFW Staff) are provided training on the Complaint System;
- 4.) To meet equity indicators, the SMA reviews monthly and quarterly MSFW activity reports and based on these reports provides guidance as necessary to the Job Service North Dakota Workforce Centers;
- 5.) The SMA attends State Monitor Advocate National Training conferences. After each conference, the SMA advises the state’s MSFW Outreach Workers on any regulation changes or new requirements;
- 6.) Any new directives or MSFW guidance disseminated by the National Office are promptly forwarded to MSFW Outreach Workers.
- 7.) North Dakota has the MSFW complaint and the farmworkers rights poster posted at each Workforce Center and translated into Spanish. A complaint system is implemented and is followed by training for the complaint system contacts within each workforce center. The complaint system incorporates ETA forms and follows the law as described in 20 CFR 648 subpart E. The SMA partners with Southern Minnesota Regional Legal Services to provide training to refresh the knowledge of seasoned outreach workers and to fully inform new staff of farm worker legal rights.

4. Providing outreach staff professional development activities to ensure they are able to provide high quality services to both jobseekers and employers.

Because North Dakota MSFW Outreach Workers also perform Wagner-Peyser duties, staff assigned as outreach workers receive training and professional development in the provision of high-quality services to job seekers and employers through in-person and virtual Wagner-Peyser training sessions. In addition, the State Monitor Advocate advises the state's MSFW Outreach Workers on regulation changes and/or new requirements. The State Monitor advocate will disseminate training materials to the outreach workers, including training on sexual harassment and human trafficking. ND partners with Southern Minnesota Regional Legal Services (SMRLS) to assist foreign workers in understanding their rights. SMRLS provides agricultural workers services in the following areas:

- Employment
 - Wage theft (nonpayment of wages, overtime violations, unlawful deductions, contract violations, etc.)
 - Workplace health and safety concerns (workplace injuries, lack of access to bathrooms/drinking water, pesticide exposure, break violations, etc.)
 - Unlawful discrimination or retaliation (discriminatory termination, sexual harassment, retaliation for using workers' compensation system or complaining about working conditions, etc.)
 - Issues related to recruitment (false promises, unlicensed farm labor contractors, etc.)

ND works closely with SMRLS on data requests pertaining to farmworker complaints or suspected violations. ND also attends meeting and presentations with SMARLS, when possible, including the Agricultural Worker Project's Annual Networking Meeting. These meetings include discussion of services and resources available to Migrant and Seasonal Farmworkers as well as to other low-income individuals.

5. Coordinating outreach efforts with NFJP grantees as well as with public and private community service agencies and MSFW groups.

Motivation, Education and Training Inc. (MET), operator of the National Farmworker Jobs Program(NFJP) in eastern North Dakota, and Job Service North Dakota maintain an on-going partnership to provide MSFW's additional opportunities for employment and training. MET maintains offices in the Red River Valley cities of Grafton, Fargo, and Wahpeton, North Dakota. MET employees are co-located in the JSND Fargo Workforce Center. This collaboration continues to grow and to provide services to MSFW's in the respective areas. Tying the various service agencies together promotes a "one-stop" concept. MSFW Outreach Workers from the Red River Valley offices attend networking meetings sponsored by farm worker advocacy groups. Agencies in attendance

have included: 1.) Motivation, Education and Training Inc. (MET); 2.) The Agricultural Worker Project of Southern Minnesota Legal Services; 3.) County Social Service agencies; 4.) Migrant Health Services; 5.) Migrant and Seasonal Head Start agencies; 6.) Emergency food pantries; and 7.) Salvation Army organizations. At these networking meetings, participating members provide information about the services they offer to MSFW's and their families and the efforts they make in locating MSFW's in order to promote their services.

5. Services provided to farmworkers and agricultural employers through the one-stop delivery system. Describe the State agency's proposed strategies for:

- A. Providing the full range of employment and training services to the agricultural community, both farmworkers and agricultural employers, through the one-stop delivery system. This includes:
- i. How career and training services required under WIOA Title I will be provided to MSFWs through the one-stop centers; and
 - ii. How the State serves agricultural employers and how it intends to improve such services.

North Dakota is not designated as a "Significant State" and does not have "Significant Bilingual" offices. However, all nine Job Service North Dakota Workforce Centers have designated Business Services Representatives and Complaint System Representatives. For the January 1, 2026 period, there will be two designated MSFW Outreach Workers to service the State; one in the East and one in the West. The Grand Forks Workforce Center has a Spanish speaking staff member who assists with interpretation and all Workforce Centers have access to telephone interpreting services. Job Service North Dakota Workforce Centers, in coordination with other strategic partners, provide MSFW's and Limited English Proficient individuals with the full range of employment and training services including, but not limited to the following:

- Assistance with the Wagner-Peyser registration process in order to receive the full array of services
- Resume assistance
- Online job search assistance
- Provision of information on services available in the Job Service North Dakota AJCs and contact information for partner agencies
- Provision of basic information on labor rights, protections and responsibilities with respect to terms and conditions of employment
- Assistance in reviewing job orders
- Assessment and referral to agriculture and non-agricultural jobs, training, and support services
- Provision of assessments, counseling, and other job development services
- Assistance with submission of complaints to the State Monitor Advocate
- Refer any apparent violations to Federal agencies
- Referrals to local community service organizations
- Assistance to Limited English Proficient individuals encountering language barriers
- Assistance with career guidance and other job development contact strategies
- Provide follow-up services as necessary and appropriate.

Special emphasis is placed on the identification of MSFW customers. Job Service North Dakota recognizes the importance of the agricultural industry to North Dakota and the large economic contribution made to the state's economy. Therefore, Job Service North Dakota ensures agricultural employers receive all the services provided to non-agricultural employers (see WIOA/WP Plan for services to employers).

Job Service North Dakota provides agricultural employers the full range of employer services and some specialized services including, but not limited to the following:

- Assistance with the online employer registration process in order to access the full array of employer services provided by Job Service North Dakota
- Assistance with the placement of job orders
- Access to online labor market information
 - Access to online searches for qualified candidates registered with Job Service North Dakota
 - Assistance with assessing labor needs
 - Opportunities to participate in job/career fairs
 - Recruitment activities to find and refer qualified MSFW's and other domestic candidates to fill job order positions
 - Assistance with the H2A temporary labor certification program for agricultural employers experiencing a shortage of workers
 - Provision of housing inspections
 - Provision of information for compliance with labor laws and regulations
 - Assistance with information on employment and training programs, tax incentives (WOTC), and bonding services;

In addition, Job Service North Dakota staff identifies employers who employ MSFW's and promote the recruitment and hiring of domestic workers when they are available. Job Orders created for the H2A program are placed online in accordance with USDOL guidelines to attract and refer U.S. workers. If a job seeker is interested and meets the minimum qualifications for the opening, the Job Service ND staff member will create a referral in the system which will be sent to both the employer and USDOL.

When U.S. workers are not available, agricultural employers may utilize the H2A Labor Certification Program administered by Job Service North Dakota. The H2A program is a resource for agricultural employers to use when an employer anticipates sufficiently qualified workers will not be found in the local labor market. Job Service North Dakota's priority for all agricultural job orders is the recruitment and hiring of qualified and available U.S. workers. As North Dakota is a major agricultural state, Job Service North Dakota Workforce Centers are dedicated to the provision, and continual improvement of services provided to MSFW's and employers.

B. Marketing the Complaint System to farmworkers and other farmworker advocacy groups.

Job Service North Dakota has nine Workforce Centers across the state. Each has a Complaint System Representative. Additionally, for the January 1, 2026 period, there will

be two designated MSFW Outreach Workers to service the State; one in the East and one in the West. The Complaint System Representatives assists MSFW's to file complaints (both ES and non-ES related), file apparent violations, coordinates with 167 grantees, other MSFW services providers, and forwards any apparent violations or complaints to the State Monitor Advocate. Marketing of the Employment Service Complaint System is the responsibility of the MSFW Outreach Workers by in-person and virtual meetings with MSFW's.

C. Marketing the Agricultural Recruitment System for U.S. Workers (ARS) to agricultural employers and how it intends to improve such publicity.

The purpose of the ARS is to meet the labor needs of agricultural employers, provide job opportunities to farm workers and protect the domestic agricultural workforce. The ARS ensures proper disclosure of the terms and conditions of employment to seasonal workers who are recruited from outside the local commuting area. Job Service North Dakota, Wagner-Peyser staff, and MSFW Outreach Workers will continue efforts to strengthen its working relationships with MSFW's and employers so each better understands how the Labor Exchange System and outreach services can be of assistance. Efforts will continue to include promoting the use of the Agricultural Recruitment System (ARS) to employers and the full range of Wagner-Peyser Labor Exchange services delivered by Job Service North Dakota.

6. Other Requirements.

A. *Collaboration.* Describe any collaborative agreements the State Workforce Agency (SWA) has with other MSFW service providers including NFJP grantees and other service providers. Describe how the SWA intends to build upon/increase collaboration with existing partners and establish new partners over the next four years (including any approximate timelines for establishing agreements or building upon existing agreements).

Motivation, Education and Training Inc. (MET) operates the National Farmworker Jobs Program (NFJP) in eastern North Dakota. Partnership with MET has proven to be key to meeting MSFW needs and providing outreach. There is a current Memorandum of Understanding in place with MET and continuation of this partnership is vital and of high priority. Ongoing efforts will be made to strengthen relations with Southern Minnesota Regional Legal Services' Agricultural Worker Project and other MSFW agencies.

B. *Review and Public Comment.* In developing the AOP, the SWA must solicit information and suggestions from NFJP grantees, other appropriate MSFW groups, public agencies, agricultural employer organizations, and other interested organizations. In addition, at least 45 calendar days before submitting its final AOP, the SWA

must provide a proposed plan to NFJP grantees, public agencies, agricultural employer organizations, and other organizations expressing an interest and allow at least 30 days for review and comment. The SWA must: 1) Consider any comments received in formulating its final proposed AOP; 2) Inform all commenting parties in writing whether their comments have been incorporated and, if not, the reasons therefore; and 3) Transmit the comments and recommendations received and its responses with the submission of the AOP.

- i. The AOP must include a statement confirming NFJP grantees, other appropriate MSFW groups, public agencies, agricultural employer organizations and other interested employer organizations have been given an opportunity to comment on the AOP. Include the list of organizations from which information and suggestions were solicited, any comments received, and responses to those comments.

The following MSFW related organizations and agencies, were given the opportunity to provide information and comment on the WIOA Unified Plan modifications within the Agricultural Outreach Plan:

Motivation, Education, and Training, Inc. (MET) 45 West 6th St. Grafton, ND 58237 (WIOA Section 167 Grantee)

Tri-Valley Opportunity Council, Inc. 102 N Broadway P.O. Box 607 Crookston, MN 56716

Community Health Service, Inc. 810 4th Ave. South. Suite 101 Moorhead, MN 56560

Agricultural Worker Project - Southern Minnesota Regional Legal Services, 1015 7th Avenue North Moorhead, MN 56560

C. *Data Assessment.* Review the previous four years Wagner-Peyser Act data reports on performance. Note whether the State has been meeting its goals to provide MSFWs quantitatively proportionate services as compared to non-MSFWs. If it has not met these goals, explain why the State believes such goals were not met and how the State intends to improve its provision of services in order to meet such goals.

Upon review of the Wagner-Peyser data from the last four years, on average, equity ratios were met. It is challenging to meet these ratios quarter to quarter due to the low number of MSFW's accessing services at Job Service North Dakota Workforce Centers. Job Service North Dakota and the State Monitor Advocate will continue to place special emphasis on the identification of MSFW customers. Outreach efforts will continue in the future to ensure MSFW employment and training needs are met. This will be done by continuous monitoring of MSFW activity and providing guidance and training to Job Service North Dakota Outreach Workers and other strategic partners.

D. *Assessment of progress.* The plan must include an explanation of what was achieved based on the previous AOP, what was not achieved and an explanation as to why the State believes the goals were not achieved, and how the State intends to remedy the gaps of achievement in the coming year.

Job Service North Dakota (JSND) provided equitable services to North Dakota's MSFW population. A Memorandum of Understanding is in place to solidify and maintain the partnership with Motivation, Education and Training Inc. (MET). Outreach efforts continue to be conducted throughout the State of North Dakota. North Dakota is a non-significant MSFW state and North Dakota's MSFW population primarily consists of H2A workers. New agriculture technology and farm practice changes continue to have a significant effect on the number of MSFW's in North Dakota. A continued decline is expected, but North Dakota will strive for continuous improvement in outreach efforts to MSFW's.

E. *State Monitor Advocate.* The plan must contain a statement confirming the State Monitor Advocate has reviewed and approved the AOP.

State Monitor Advocate has reviewed and approved this plan.