

Farm Labor Stabilization and Protection Pilot Program (FLSP)



December 2023

Agenda

FLSP Webinar Know Your Rights & Resources

Dec 21, 2023

- Introduction of KYRR Partner
- Employer experience with Alianza network
- KYRR Curriculum overview
- KYRR process overview for employers
- Employer representatives

Q&A

- Reminder of Steps to Apply – Deadline Jan 3



- FLSP separate and distinct from H-2A Program.
- H-2A requirements:
Employers must demonstrate to Department of Labor (DOL) that:
 1. There are **insufficient U.S. workers** available to perform the labor or services in the labor certification application (Job Order), and
 2. That the employment of foreign workers will not adversely affect the wages and working conditions of workers in the U.S. similarly employed.

Program Goals

- The FLSP program aims to improve food and agricultural supply chain resiliency by addressing challenges agricultural employers face with labor shortages and instability.
 - **Goal 1:** Drive U.S. economic recovery and safeguard domestic food supply by addressing current labor shortages in agriculture.
 - **Goal 2:** Reduce irregular migration from Northern Central America through the expansion of regular pathways.
 - **Goal 3:** Improve working conditions for all farmworkers.

Eligibility & Award Amounts

- Up to \$65 million in **competitive** grants for **agricultural employers**
- The award amounts will be determined based on the
 - 1) projected number of full-time equivalent agricultural employees (**FTEs**) and
 - 2) requested award level (**Baseline, Silver or Platinum**).
- Fixed-Award grant over 24-month grant period

Table 1. Award structure, based on FTEs and applicant commitment level.

Award amount	1-10 FTEs	11-25 FTEs	26-75 FTEs	76-200 FTEs	201-500 FTEs	501-2000 FTEs	2001+ FTEs
→ Baseline	\$ 25,000	\$ 50,000	\$ 100,000	\$ 150,000	\$ 180,000	\$ 215,000	\$ 250,000
→ Silver	\$ 100,000	\$ 200,000	\$ 400,000	\$ 600,000	\$ 720,000	\$ 860,000	\$ 1,000,000
→ Platinum	\$ 200,000	\$ 400,000	\$ 800,000	\$ 1,200,000	\$ 1,440,000	\$ 1,720,000	\$ 2,000,000



Baseline Requirements (for all award levels)

1. Universal protections and benefits

- All commitments must be applied **universally to all applicant's agricultural employees**, H-2A or otherwise at each work site within the applicant's operation. If awarded, all commitments in the Awardee's application must be included in their H-2A Job Order.

2. Participation in FLSP research and reporting

- Awardees must **participate in research** conducted by a non-partisan, third-party university partner selected by USDA. USDA requires that all Awardees agree to grant access to their full agricultural workforce (or contractors).



3. Participation in Know Your Rights and Resources (KYRR) access and training

- In-person **2-hour KYRR session** conducted by USDA cooperator partner at start of workers' contracts, on-site in a conducive environment **scheduled within two weeks** of employees' start date.

4. Responsible Recruitment

- Describe recruitment methods for U.S. and foreign workers.
- If using a private recruiter:
 - Disclose of the name of all agents and sub-contractors,
 - Recruiter is **registered in the country in which they recruit**, if available.
 - Submit **Recruiter Partner Letter** with recruiter's complete written responses

Supplemental Employee Commitments for *Silver* and *Platinum*


 Award Level


<u>RESPONSIBLE RECRUITMENT</u>	<u>PAY, BENEFITS AND WORKING CONDITIONS</u>	<u>PARTNERSHIP AGREEMENTS</u>
<p><i>Silver</i>: recommended but not required</p> <p><i>Platinum</i>: required</p>	<p><i>Silver</i>: choose at least two</p> <p><i>Platinum</i>: choose at least <i>three</i></p>	<p><i>Silver</i>: recommended, but not required</p> <p><i>Platinum</i>: choose at least one</p>
<ol style="list-style-type: none"> 1. Recruitment via NCA Ministries. 	<ol style="list-style-type: none"> 1. Overtime Pay 2. Bonus Payment 3. Paid Sick Leave 4. Weekly Housing Maintenance Plan 5. Collaborative Working Group 6. Innovative External Partnership 	<ol style="list-style-type: none"> 1. Worker-Driven Social Responsibility (WSR) program 2. Collective Bargaining Agreement (CBA) 3. Committing to Neutrality, Access, and Voluntary Recognition

About Alianza Nacional de Campesinas



First national farmworkers' organization (501(c)(3) of current and former women farmworkers, and women who hail from farmworker families. Alianza network has active presence across 20 states.

- Mission:** to unify the struggle and promote leadership of campesinas in a national movement to create major visibility and advocate for changes that ensure their human rights.



COVID-19 Vaccine and Community Health Support

- Administers a Department of Health and Human Services grant to raise vaccination rates among immigrant and migrant farmworkers, and rural communities of color.
- Trained and engaged more than 264 community health outreach workers (across 141 counties in 20 states and 78 municipalities in Puerto Rico)
- Reached more than 2 million farmworkers, farmworker family members, rural farmers, meatpackers and other essential workers





COVID-19 Relief Payments

- Alianza is one of the implementors of the Farm and Food Workers Relief Grant Program (FFWR).
- Providing relief funds to more than 64,000 farm and meatpacking workers who incurred pandemic-related health and safety costs.
- Alianza and its partners are assisting eligible workers to apply for the one-time relief payment of \$600.

Mandilitos (Little Aprons) Campaign

■ Mandilitos (Little Aprons)

Campaign on Gender-Based Violence

- Started in 2008 with a focus on women's safety, security and well-being
- In CA, over 500, and about 1 million reached – in addition to the national campaign beyond



Morralitos (Satchels) Campaign

Morralitos (Satchels) Campaign

- Founded in 2009 as effort to raise awareness about health risks of pesticides
- Reaches > 1 million annually, informing workers about the dangers of, how to protect themselves and their families, what to do if contaminated by pesticides



Mother Earth Campaign



Mother Earth Campaign

- Draws on farmworkers' knowledge and supports socially disadvantaged farmers, tribal and other land-based people.
- Began with 3 organizations → now 8 partner organizations engaging 20+ families with their own small backyard farms / several acres of land.
- Organizations are involving more with their community farms.

Dave Murray

California Grower

Raul Pena Lazaro

Farm Labor Contractor

KYRR Process Overview

Outreach

- At the start of each grant, USDA will confirm each grantee's estimated worker start dates, number of workers to be trained, and expected location(s) of where training will take place.
- Once grantees have their start dates, they will contact the Alianza scheduling team.

Scheduling

- Alianza will respond to grantees with proposed times and dates; if these times are acceptable to the employer, they will confirm with Alianza
- Once the KYRR session(s) are scheduled, Alianza will notify USDA

Training

- Alianza will email each scheduled employer an itinerary of the training and confirm details.
- On the day of, the trainers will arrive on site up to 2 hours before the scheduled start time to set up. Employers must be available to meet the trainers and situate them in the training space for set up and preparation.

Overview of KYRR Curriculum

- About FLSP
- Recruitment rights (*fraud, discrimination, contract transparency, fees, and coercion*)
- Rights under the H-2A program regulations (*reimbursable expenses, housing, visa fraud*)
- Minimum wage and hours (*pay rates and payment methods, documentation, piece rate, paystubs, deductions, OT*)
- Health & Safety (*heat stress, injuries and falls, pesticides, emotional/mental health, safety complaints*)
- Workers Compensation laws
- Discrimination Sexual harassment and/or abuse
- Retaliation
- Regional resources and contact information

Federal Requirements & Protections

DOL H-2A regs, Equal Employment Opportunity Commission (EEOC), etc.

State and Local Requirements & Protections

State specific heat stress regulations, minimum wage, worker's comp, etc.

FLSP specifics

*Baseline requirements, Research, KYRR training
Silver/Platinum: commitments specific to operation*

Local Farmworker Resources

Healthcare, housing organizations, financial, tax clinics, legal services, interpretation, food banks, social service providers, etc.

National curriculum designed by Alianza, USDA approved.

Best Practices for KYRR: Employers

<i>Engagement with Alianza</i>	<i>Conducive Environment</i>
<ul style="list-style-type: none"> - Respectful communication - Respond to emails/calls in a timely fashion - Be flexible on scheduling, and clear about any major conflicts - Meet the trainers day of training to situate them in the training space - Ensure all workers know what time and place they're assigned to arrive 	<ul style="list-style-type: none"> - Relatively quiet space - Temperature regulation - Chairs or seating area - Electricity access - No surveillance and ensure an environment without supervisory employees*

Best Practices for KYRR: Trainers & Learning

<i>Engagement with Employers</i>	<i>Training tools and skills</i>
<ul style="list-style-type: none"> - Respectful communication - Respond to emails/calls in a timely fashion - Be flexible on scheduling, and clear about any major conflicts - Set up the training space for timely start/end times - Help field questions, and provide referrals for employers, when appropriate 	<ul style="list-style-type: none"> - Imagery and accessible, translated materials - Interactive learning activities - Conducted in workers' primary language (simultaneous interpretation, if necessary) - Trust and relationship building

Employer Representatives

Michael Marsh

National Council of Agricultural Employers

Layla Soberanis

National Farmers Union

More Questions?

- ❑ Check the FAQs! www.ams.usda.gov/services/grants/flsp/faq

- ❑ Email FLSPgrants@usda.gov

- ❑ H-2A and NCA Recruitment related-questions:
 - ❑ Contact the Northern Central American Ministries
 - ❑ NCA@sesolabor.com

Important Dates

Application Opens:

- September 22, 2023

Application Closes:

- January 3, 2024, at 11:59 p.m. Eastern Time

A red starburst graphic with a jagged, multi-pointed border, containing the text "New date!" in white. It is positioned to the left of the application closing date.

New date!

Key steps in applying to FLSP



1. Set up your required accounts.

- Obtaining/existing UEI number (allow 7-10 days)
- Active Sam.gov account (allow 7-10 days)
- Obtaining/existing TIN/EIN (allow 2 weeks)
- Creating Grants.gov profile (allow 4 weeks)



**** NOTE: Cannot apply to the program without these preliminary steps ****

Please begin these steps if you are **considering** applying to FLSP to prevent hiccups before 11/28 deadline. Begin these ASAP.

2. Access and review FLSP materials.

- Visit the AMS website (www.ams.usda.gov/flsp) or navigate to the opportunity in Grants.gov (Assistance Listing 10.978).
- Read the [FLSP Notice of Funding Opportunity \(NFO\)](#) and determine if you are eligible (**Section 3.0**), [Narrative Application Form](#) and the [FLSP General Terms and Conditions](#).

3. Determine Application Type

- Review **Section 3.3 Application Types**.
- Consider implications of each option if you are part of an association (that is your agent) or typically apply for H-2A through a joint employment partnership.
- If part of an association or joint employer relationship, discuss their interest in the program and determine if you will apply together and at what level.



Fixed-site
Employer



Farm Labor
Contractor
(FLC or H-2ALC)



Joint Employers
(Non-Association)



Association Joint Employers



4. Determine the **range of awards** you are eligible for based on FTEs


- Calculate how many annual FTEs you have. To get FTE for the year, divide the total annual worker hours worked by 2080 (which assumes a 40-hour workweek for 52 weeks of the year).
- See **Table 1 (Section 1.3** in [NFO](#)) with range of awards available, depending on the size of your operation and commitment level. Your FTE total tells you which **column** in the table you are eligible for.

5. Decide on your desire Award Level (**Baseline, Silver or Platinum**)

- Determine which commitments your operation would like to choose and consider how to implement each one based on the ***Supplemental Employee Commitments describe*** in NFO (Table 3).

6. Fill out your application.

- All application forms/templates available on the FLSP website:
www.ams.usda.gov/flsp and Grants.gov
 (Assistance Listing 10.978).
- All applications **must** be submitted electronically. Paper/mailed applications will not be accepted.



Agricultural Marketing Service
U.S. DEPARTMENT OF AGRICULTURE

FARM LABOR STABILIZATION AND PROTECTION PILOT

Narrative Application Form

This template form is mandatory for all Farm Labor Stabilization and Protection Pilot (FLSP) program applications. You can email FLSPgrants@usda.gov with any questions. All applicants must thoroughly read the FLSP Notice of Funding Opportunity (NFO), which can be found www.ams.usda.gov/flsp, which also contains FAQs and additional FLSP information. You may also visit the FLSP Technical Assistance provider website (www.ams.usda.gov/services/grants/flsp/assistance). DO NOT modify this FLSP Narrative Application Form. Evaluation points will be deducted if the form is modified.

1. Employer Information (Applicant)

Must match box 8 of the SF-424.

Legal Business Name:	
Applicant Name (Employer Business Owner)	
Email Address:	
Phone Number:	
County	

How to Apply: review FLSP Webinars

<u>Date</u>	<u>Type / Focus</u>
25-Oct	Basic Program Overview
31-Oct	NCA Recruitment
8-Nov	Achieving Silver/Platinum
15-Nov	en Español
27-Nov / Dec 4	Small Growers
6-Dec	H-2A overview



Final FLSP Office Hours immediately following this webinar

<https://www.ams.usda.gov/services/grants/flsp/assistance>

Questions?

Please email
FLSPgrants@usda.gov

More Questions?

- ❑ Check the FAQs! www.ams.usda.gov/services/grants/flsp/faq

- ❑ Email FLSPgrants@usda.gov

- ❑ H-2A and NCA Recruitment related-questions:
 - ❑ Contact the Northern Central American Ministries
 - ❑ NCA@sesolabor.com