

**Virginia Migrant and Seasonal
Farmworkers Board**

and

**Interagency Migrant Worker
Policy Committee**

**Biennial
Report**

2004

**VIRGINIA EMPLOYMENT COMMISSION
703 East Main Street
Richmond, Virginia 23219**

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COMMONWEALTH of VIRGINIA

Virginia Employment Commission

*Dolores A. Esser
Commissioner*

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December 15, 2004

Memorandum

To: Governor Mark R. Warner
Members of the General Assembly

From: Dolores A. Esser

Subject: Biennial Report: Migrant and Seasonal Farmworker Board and Interagency Migrant Worker Policy Committee

Dear Governor Warner and Members of the General Assembly:

On behalf of the Migrant and Seasonal Farmworkers Board and the Interagency Migrant Worker Policy Committee, we would like to say thank you and express our appreciation for the opportunity to serve the Commonwealth's migrant and seasonal farmworker population and the agricultural community in Virginia.

For the past two years, we have endeavored to address issues regarding migrant and seasonal farmworkers and the agricultural industry. We have sought resolution to problems in order to benefit the migrant and seasonal farmworker population and the agricultural community in Virginia.

The results of our efforts have been compiled and we are pleased to present them to you and to the Commonwealth as the combined 2003-2004 Biennial Report.

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Throughout the history of Virginia, agriculture has remained a leading industry and today, the migrant and seasonal farmworkers are an integral part of its success. Each year in Virginia there are approximately 20,000 migrant and seasonal and H2A farmworkers who work in the fields to plant, cultivate, and harvest Virginia's labor intensive crops, including fruits, vegetables and tobacco. Without the workers, many of the approximately 8,000 Virginia agricultural employers would not be able to produce some of the best agricultural commodities in the United States.

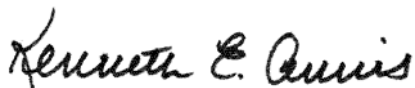
Therefore, we are grateful that we have been tasked to assist the migrant and seasonal farmworker population by identifying and addressing problems and issues and, by means of cooperation among our state agencies and other interested parties, offering solutions which will benefit the workers, employers, and the Commonwealth.

In your capacity as Governor, you have appointed individuals to the Migrant and Seasonal Farmworkers Board and you oversee the Interagency Migrant Worker Policy Committee. As you are aware, the primary focus of these groups is to identify, evaluate and address the issues regarding the Commonwealth's migrant and seasonal farmworkers. Over the past two years, the Board, comprised of 15 Gubernatorial appointees, has met quarterly. The Committee, made up of representatives of 16 state agencies, has also met quarterly. On behalf of all the members, we would like to express our sincere gratitude to the Department of Labor and Industry (DOLI) and to its Commissioner, Ray Davenport for the efforts, contributions and achievements made by the Interagency Migrant Worker Policy Committee while under DOLI's guidance and commend the agency on a job well done. Effective July 1, 2004, the MSFW Board and the Interagency Migrant Worker Policy Committee were transferred to the Virginia Employment Commission. The VEC Commissioner, Dolores Esser, is committed to continuing the effectiveness in the administration of the Board and the Interagency Migrant Worker Policy Committee.

In the 2003-2004 Biennial Report you will find listings of Board and Committee members, descriptions of agency and other provider services, activities undertaken, issues discussed and our conclusions and recommendations regarding the migrant and seasonal farmworkers toiling in the fields of the Commonwealth.

Again, thank you for the rewarding opportunity to serve you and the Commonwealth's migrant and seasonal farmworker population and the agricultural community. If you have questions or need additional information, please feel free to contact us. We look forward to being able to assist in making the Commonwealth of Virginia a better place to work and live.

Sincerely,



Kenneth Annis, Chairman
Migrant and Seasonal
Farmworker Board



Dolores Esser, Chairman
Interagency Migrant Worker
Policy Committee

BOARD MEMBERSHIP

Kenneth E. Annis, Chairman
Exmore, Virginia

G. Mario Moreno, Vice-Chairman
Alexandria, Virginia

Elisia Almendarez-Moore
Chester, Virginia

R. Hart Hudson
South Hill, Virginia

Richard D. Cagan
Hadensville, Virginia

Adrian David Reddington
Portsmouth, Virginia

Veronica L. Donahue
Amherst, Virginia

J. Kelly Robinson
Winchester, Virginia

Thomas E. Kellum
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Sharon Saldarriaga
Richmond, Virginia

Tupper H. Dorsey
Berryville, Virginia

Christian P. Schweiger
Winchester, Virginia

Richard F. Hall, III
Accomac, Virginia

J. M. Scott
Harrisonburg, Virginia

INTRODUCTION

The Migrant and Seasonal Farmworkers Board was established by the Legislature in 1978 with staff support assigned to the Virginia Employment Commission. In 1987, the Legislature transferred staff support to the Department of Labor and Industry where it remained until July, 2004. Effective July 1, 2004, the Legislature returned staff support to the Virginia Employment Commission. The following report provides a summary of issues addressed and activities conducted by the Board for the biennium ending June 30, 2004.

The Board serves to advise the Governor and General Assembly on matters relating to the migrant and seasonal farmworker (MSFW) population and the agricultural community in Virginia. Furthermore, it provides a public forum for the sharing of information and concerns amongst those who employ and provide services to the farmworker population. Board members appointed by the Governor and approved by the General Assembly may include migrant and seasonal farmworkers and crewleaders, representatives from the grower community, public and private agencies and interest groups or citizens concerned with migrant and seasonal farmworkers.

The Board has the authority to request and receive information, assistance and cooperation from public or private agencies, boards or individuals; to distribute or publish information; to request, receive and enter into agreements associated with grants or funding to further its purposes; and to establish citizen panels.

RESPONSIBILITIES OF THE BOARD

In accordance with section 2.2-2100 of the code of Virginia, the four primary responsibilities of the Board shall be to:

1. Provide for the coordination and evaluation of state and federal services and, to the degree feasible, other governmental, public and private agency services to migrant and seasonal farmworkers within the Commonwealth;
2. Identify and evaluate the needs of migrant and seasonal farmworkers, and the needs of employers of such workers;
3. Study problems of the target population, provide background information, and recommend options for solutions along with impact projections of such recommendations, to the General Assembly, governmental, public and private agencies; and
4. Encourage and foster the development of area migrant and seasonal farmworker councils for the purpose of seeking problem resolution and communication at the local level.

In the performance of its duties, the Board held four meetings in 2003: January 29, April 30, July 16, and October 29. In 2004, one meeting was held on April 7, 2004. It should be noted that the meeting that was scheduled for January 2004 was postponed on two separate occasions due to

snow.

This Biennial Report provides a summary of migrant and seasonal farm labor issues addressed and activities conducted by the Board during the aforementioned dates.

ISSUES AND ACTIVITIES

Presentations and Reports to the Board

- Copies of the Migrant Health Network annual service provider report were distributed to the Board by the RN Program Coordinator for the Migrant Health Network. An informational video of the Migrant Health Network was shown also.
- The Executive Director of the Virginia Primary Care Association, Inc. explained that the goal of his organization is to ensure access to health care through community health centers. The Board was given a booklet entitled “An opportunity For Unprecedented Growth”.
- An Environmental Manager of Virginia Department of Agriculture and Consumer Services discussed the pesticide program in Virginia. He explained that written exams and all federally approved pesticide labels are required by law to be in English.
- The Regional Agricultural Coordinator for the Wage and Hour Division of the U.S. Department of Labor discussed the three district offices, which cover all Virginia counties. He stated that their emphasis is now on compliance rather than enforcement. Compliance Partnership Agreements (CPAs) with agricultural businesses and associations will be negotiated to accomplish the desired compliance. He explained that Christmas trees are forestry products and are not considered agricultural commodities within the meaning of the Fair Labor Standards Act.
- The Chief Executive Officer of Eastern Shore Rural Health described their program, which has existed for 27 years. It remains committed to enhancing the quality of life for people, including migrants, on the Eastern Shore. A significant problem identified is that of dual identity among the farmworker population when obtaining health care services.
- The Eastern Shore Migrant Farmworker Service Council addressed the Board to explain that the council works to ensure that services are provided to area farmworkers. A number of organizations, including the VEC, Health Department, Migrant Head Start, Social Services, Telamon Corp., and several area churches work together to assist the migrant farmworkers upon their arrival for work.
- The Board approved motions to notify the Governor and General Assembly about the gap in overseeing H-2B worker issues and to request a clarification of the MSFW Board’s mission.
- The Deputy Counselor and Policy Assistant for the Governor’s Office responded to the

Board's concerns about its scope of jurisdiction. It was noted that the Board is a statutory board set up to provide services only to migrant and seasonal farmworkers and that the authority of the Board would not be expanded to include H-2B issues.

- The Deputy Commissioner of the Department of Motor Vehicles identified issues related to the issuance of Virginia driver's licenses. He indicated that the Governor had requested him to address the impact of security measures on the immigrant and non-immigrant populations in Virginia. He further indicated that the legal presence law would become effective January 1, 2004.
- The Deputy State Director of Telamon Corp. distributed information on Telamon's Farmworker Housing Development Program. All of the projects will incorporate principles of sustainable design, with some units also utilizing straw bale construction.
- The Migrant Education Specialist of the Virginia Department of Education gave the annual service provider report for DOE.

AREA COUNCILS

There are seven migrant and seasonal farmworker area councils in the Commonwealth: the Albemarle Regional Migrant Advisory Council, the Eastern Shore Migrant Farmworkers Service Council, the Harrisonburg Area Hispanic Services Council (Migrant Subcommittee), the Migrant Health Network (Southwest Virginia), the Nelson County Summit, the Rappahannock Migrant and Seasonal Workers Council, and the Winchester Migrant Services Council.

The area farmworker councils meet on a regular basis to share information, coordinate activities and projects, discuss and resolve local problems, and serve as a valuable link between the Board and farmworkers, agricultural employers, and service agencies throughout the Commonwealth.

Below is a list containing the seven area councils' contact information:

Albemarle Regional Migrant Advisory Council

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Eastern Shore Migrant Farmworkers Service Council

Contact Person: **James Albright**

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Migrant Subcommittee, Harrisonburg Area Hispanic Services Council

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Nelson County Summit

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Winchester Migrant Farmworkers Services Council

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Board Actions, Discussions, and Ongoing Projects

- The Commissioner for the Department of Labor and Industry advised the Board that an informal conference was held to begin a settlement agreement with an employer. The employer had been issued citations for lack of toilet and hand-washing facilities, failure to provide single-use drinking cups, and failure to report a fatality within the specified eight-hour period to DOLI. The heat stroke death of a migrant worker during the previous summer initiated the actions of DOLI.
- The Board agreed to ask a regional representative of the U.S. Department of Labor Wage and Hour Division to speak to them regarding enforcement activities in Virginia.
- The Board discussed the need for an initiative to buy Virginia products.
- It was noted that the Governor proposed a tracking method to determine how agencies and institutions spend state money.
- The Board noted the need for the Mexican Embassy to visit various locations around the Commonwealth to issue and distribute identification cards to farmworkers, which would be accepted by some financial institutions in Virginia.
- A discussion was initiated regarding a study of the number of migrant and seasonal farmworkers and their family members in Virginia.
- The Board was requested to address issues concerning pesticide application licensing and Virginia driver's licensing being offered in Spanish.
- The need to track legislation for the Board was recognized and a member volunteered to undertake the legislation updates to the Board.
- An overview of the Governor's Latino Summit was provided by the Chairman and Vice Chairman, both of whom attended.
- The Board approved a motion to endorse Telamon's applications to HUD, DOL's farmworker housing program, and the DOL WIA 167 National Farmworker Jobs Program.
- A motion was approved to send letters to the area councils regarding the Mexican Embassy's matricula program, Mexican Communities Abroad. The program offers migrants from Mexico the opportunity to apply for identification.
- The Commissioner of DOLI reported that due to staffing reductions, there was a slight decline in inspection levels in 2002, but since the Governor had reinstated five benchmark positions, the number of inspections would increase.

- Medicaid reciprocity was discussed at length and the Board agreed to draft a letter in order to identify the medical providers who are not being reimbursed for services provided.
- An overview of the USA Patriot Act, Section 326, which addressed the issue of customer identification rules, was presented to the Board by the Vice Chairman. The Board moved to send a letter, with a copy to the Governor, to the Treasury Department stating the Board's preference to not make changes to Section 326.
- The Board approved a request from the Virginia Cooperative Extension Service to send a letter of endorsement to the Secretary of Agriculture requesting her approval of funding for the Migrant Housing Section of the Delmarva Conservation Corridor.
- The Board was introduced to the Regional Director, Manager and bilingual staff of the Eastern Shore office of the VEC and was apprised of the office's status as a federally recognized significant, bilingual office that provided services to more than 3,250 migrant and seasonal farmworkers during the previous season.
- The Board toured the Eastern Shore Farmers Market, Taylor and Fulton Packing Facility and Labor Camp, and Six L's Farm. In addition, the Board visited William Hughes Apartments in Eastville, which is one of the Eastern Shore's only apartment complexes developed solely for use by qualified farmworkers.
- The Board discussed the results of the JLARC study.
- A motion was presented by the Vice Chairman that the Board support the Agricultural Jobs Opportunity, Benefits, and Security Act of 2003 (AgJOBS), Senate Bill 1645 and House Bill 3142, with a letter to the Governor encouraging him to support it. The motion carried.
- After lengthy discussion concerning the elimination of \$300,000 in migrant education funds from Virginia's budget, the Board agreed to send a letter to the Governor urging him to take any action possible to reinstate the migrant education funds of \$300,000 plus an additional \$150,000 recommended in the 2000 Migrant Worker Policy Committee Annual Report.
- The Board was notified that legislation in the form of Senate Bill 363, which would transfer the Migrant Board support from DOLI to the VEC passed the House and Senate and the Governor's signature was expected. Commissioner Esser of the VEC addressed this subject with the Board and advised that her agency welcomed the opportunity to work with the Board.
- The Chairman of the Board updated the members in regard to the status of recent immigration legislation, including the AgJOBS Bill and the Goodlatte Bill.

MISCELLANEOUS

Opportunities for public comment were provided at each Board meeting and public interest in the Board's actions remained steady.

VIRGINIA INTERAGENCY MIGRANT WORKER POLICY COMMITTEE

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AGENCY SERVICES FOR MIGRANT AND SEASONAL FARMWORKERS

Virginia Department of Agriculture and Consumer Services (VDACS)

The mission of VDACS is to promote the economic growth and development of Virginia agriculture, encourage environmental stewardship and provide consumer protection.

To protect farmworkers from pesticides, VDACS's Office of Pesticide Services is charged with ensuring that agricultural workplaces comply with the federal Worker Protection Standard. This federal regulation provides MSFWs and other agricultural workers with safeguards against pesticide exposure by requiring agricultural employers to provide workers with pesticide safety training, information about pesticide applications, decontamination supplies, and personal protective equipment. VDACS also helps the agricultural industry to comply with the federal Worker Protection Standard by working with Virginia Cooperative Extension, grower associations, and others to provide compliance information and educational materials to producers and pesticide applicators. In this way, migrant workers are protected by VDACS from unnecessary exposure to pesticides.

The agency's Office of Consumer Affairs is available to all Virginia consumers, including MSFWs, to provide protection against fraudulent, deceptive and illegal practices. Any worker needing assistance or advice concerning a consumer purchase can contact the Office of Consumer Affairs using the consumer hotline at 1-800-552-9963.

Each year the agency's Office of Commodity Services, which administers the distribution of USDA donated foods, distributes USDA donated commodities to eligible summer feeding programs in Virginia, including those that feed children of migrant and seasonal farmworkers. During the summer of 2004, donated commodities were used in providing approximately 54,130 meals for 912 children of migrant workers in Accomack County.

Virginia Department of Environmental Quality (DEQ)

The Department of Environmental Quality does not provide services to migrant and seasonal farmworkers directly, although it does have an indirect impact on MSFW living and work environments.

DEQ and its regulatory boards establish water quality standards and air quality standards to protect human health and the environment. The agency also issues permits to and inspects waste-water treatment plant, factories, and other operations to ensure these standards are met.

Virginia Department of Health (DOH)

The Virginia Department of Health is in charge of controlling public health threats to all of Virginia. Regulating migrant labor camps is an important part of this responsibility. Since an outbreak at a camp potentially affects the public health of the entire state, it falls within DOH's domain to ensure healthy living conditions for workers and their families while they are employed and living in Virginia.

Essential to this are safe and adequate drinking water and the proper disposal of sewage. The Occupational Safety and Health Administration and the State Board of Health have set standards for hazardous material storage, building and structure construction, and the handling of solid waste, in addition to regulating water supplies and sewage disposal. In pursuing compliance with these standards, state law requires camp operators to apply for a permit to operate a migrant labor camp. Application should be made to the local health department in the area where the camp is located.

Once a permit application has been received, an environmental health specialist performs a preoccupancy inspection of living quarters, kitchen and dining areas, water and sewage facilities, and the surrounding environment.

Growers found to be in compliance are issued a permit, although they continue to be monitored. These growers are subject to unannounced health inspections while camps are occupied. Growers with serious violations are ordered to take immediate action; those with less severe infractions are given more time.

In addition to regulating the health aspects of migrant labor camps, local health departments provide other health services to the migrant population. Specifically, Virginia's local health departments identify diseases early. They spot trends and introduce preventive strategies to reduce the occurrence of infections and chronic disease. Individuals and groups receive education and services promoting good nutrition, prevention of unintended pregnancies, child safety techniques, and immunizations. When a migrant becomes ill or injured, an emergency medical system and high quality health care facilities are available. Many migrants receive some type of medical care directly from health departments. For example, prenatal services, dental services or treatment for AIDS or tuberculosis (TB) are provided.

It is the goal of the Department of Rehabilitative Services to improve the lives of the disabled (including MSFWs) by helping them to gain full inclusion into society. This means maximizing their independence, which involves helping to make it possible for them to be employable. “Rehabilitation” means to restore to useful life through education and therapy. In other words, it means to teach people to be productive despite serious obstacles, in this case, disabilities. The agency also seeks to adapt the environment to be more user-friendly to such individuals.

Every Virginia locality, urban and rural, is covered by DRS’s four divisions: Central Office, Consumer Services, Disability Determination Services, and the Woodrow Wilson Rehabilitation Center. A farmworker who becomes disabled while temporarily residing in Virginia is an example of a person who could be serviced by the DRS.

First, this person would be eligible for a physical and/or psychological examination to determine the extent of the disability, and the potential for improvement. If necessary, medical, surgical or hospital care would be provided.

Once this person is in a position to deal with the business of becoming re-employed, a vocational evaluation would identify his/her skills. Next, job counseling would be made available, followed by vocational training. Then, perhaps maintenance and transportation during the training would be offered and, finally, job placement services, which might include follow-up to make sure there is a good adjustment to the new job.

Beyond medical and vocational support, special services are also offered to make life a little easier during this difficult transition time. For example, interpreting and note taking for the deaf is available, as well as the providing of occupational licenses and tools.

Virginia Department of Alcoholic Beverage Control (DABC)

The Department of Alcoholic Beverage Control does not serve MSFWs in a direct way. However, there can be some circumstances, such as the illegal sale or handling of alcoholic beverages, which would fall under the purview of this department.

The DABC is a regulatory agency which controls the sale of alcoholic beverages through licenses and allows the manufacture, bottling, sales, advertising and transportation of alcoholic beverages. The department also operates state stores for the sale of beverages other than beer to consumers and licensees.

Virginia Department of Mental Health, Mental Retardation and Substance Abuse Services (DMHMRSAS)

The Department of Mental Health, Mental Retardation and Substance Abuse Services operates 15 state mental health and mental retardation facilities and also administers public community mental health, mental retardation, and substance abuse services provided by community services boards (CSBs), behavioral health authorities, or local government departments with policy-advisory CSBs. These community-based organizations function as the single points of entry into the public mental health, mental retardation, and substance abuse services system, including access to needed state mental health and mental retardation facility services. CSBs also perform as service providers; advocates for consumers and individuals in need of services; community educators, organizers, and planners; advisors to the local governments that established them; and the primary focus of programmatic and financial accountability.

CSBs are not part of the Virginia Department of Mental Health, Mental Retardation and Substance Abuse Services. The Department funds, monitors, licenses, regulates, and provides consultation to CSBs which are key operational partners with the Department and its state facilities in Virginia's system of public mental health, mental retardation, and substance abuse services.

Currently, 40 CSBs provide services to residents of all 134 cities or counties in Virginia. CSBs exist to provide individualized, effective, flexible, and efficient treatment, rehabilitation, and prevention services in the most accessible and integrated yet least restrictive settings possible to improve the quality of life for people with mental illnesses, mental retardation, or alcohol or other drug addiction (dependence) or abuse. CSBs draw upon all available community resources and support systems, such as family, friends, co-workers or school mates, to ameliorate the effects of mental disabilities and substance addiction or abuse problems; to encourage growth and development; to support recovery; and to assist in attaining full potentials.

Community services are provided through a diverse network of CSBs and their directly operated and contractual services. Community services boards offer varying combinations of six core services: emergency, local inpatient, outpatient and case management, day support, residential, and prevention and early intervention. Core services are defined in the Core Services Taxonomy 6, available on the Department's Web site, www.dmhmrzas.state.va.us.

Virginia Department of Medical Assistance Services (DMAS)

The Department of Medical Assistance Services (DMAS) administers the Medicaid program in Virginia. Medicaid is a medical assistance program available to U.S. citizens or legal aliens under Title XIX of the Social Security Act. Eligibility is available to low-income persons who are aged, blind, or disabled, as well as children and adults with children. Aliens who do not qualify for full Medicaid benefits due to their alien status may be eligible for Medicaid coverage of emergency services if they meet all other Medicaid eligibility requirements. The Virginia Medicaid program also covers "grandfathered" groups with state-only funds: (1) aliens who were receiving Medicaid and residing in long-term care medical facilities or receiving Medicaid home and community based waiver services on June 30, 1997, who were eligible for full Medicaid benefits on June 30, 1997 and who continue to be eligible for full benefits; and (2) aliens under the age of 19 years who would be eligible for full Medicaid benefits if the alien requirements prior to July 1, 1997, were still in effect. In eligibility determination, residency is currently

considered for non-institutionalized adults as the State where the individual is living with the intent to remain permanently or indefinitely or living and entered for employment, whether employed or not.

DMAS also administers Virginia's Title XXI program, Family Access to Medical Security Insurance (FAMIS). This program provides health insurance coverage for children under the age of 19 whose family income does not exceed 200% of poverty. The FAMIS citizenship/alienage requirements are different from the Medicaid requirements. Qualified aliens who entered the country before August 22, 1996 meet the alien requirements and are not subject to time limitations. Unqualified aliens, including illegal and non-immigrant aliens do not meet alien requirements for FAMIS. Some Qualified Aliens, such as refugees, asylees, veterans or active duty military, deportees whose deportation is withheld and victims of a severe form of trafficking, who enter the United States on or after August 22, 1996, meet alien requirements and may be eligible for FAMIS benefits without regard to time limitations. Other Qualified Aliens, such as lawful permanent residents, conditional entrants, parolees, and battered aliens, who enter the United States on or after August 22, 1996, meet alien requirements after five years of residence in the United States and may be eligible for FAMIS benefits at the end of that five year period.

DMAS currently offers two managed care programs. MEDALLION is a primary care case management program. Each recipient has a primary care physician who provides services to the recipient and coordinates care. The second program is Medallion II which is a capitated managed care program. Medallion II was created for the purposes of further improving access to care, promoting disease prevention, ensuring quality care, and reducing Medicaid expenditures. The program requires mandatory enrollment into a contracted Managed Care Organization (MCO) for certain groups of Medicaid recipients. It has provided the Commonwealth with the most value per taxpayer dollar for the provision of high quality health care and provides an integrated, comprehensive delivery system to recipients.

Under federal law, migrant and seasonal farmworkers who are enrolled in the Medicaid program are entitled to medical coverage. DMAS provides reimbursement for a broad range of medical services. The coverage for the enrollees includes; inpatient and outpatient hospital services, emergency room services; nursing facility services, physician services, hospice services, laboratory and x-ray services, transportation, mental health and mental retardation services, podiatry services, physical therapy and related services, prescribed drugs, and case management services. FAMIS enrollees have a similar coverage package.

Virginia Department of Social Services (DSS)

The Virginia Department of Social Services (DSS), local departments of social services, and Community Action Agencies form a social services system that helps people overcome poverty, achieve self-sufficiency and shape strong futures for themselves, their families and communities.

Local offices of the Department of Social Services make a range of services available to those deemed eligible, including migrant and seasonal farmworkers. Such services comprise Temporary Assistance to Needy Families (TANF), food stamps, Medicaid, State and Local

Hospitalization (SLH), and General Relief. Eligibility for all services is determined through local DSS offices.

TANF provides direct financial help to needy families with children. Assistance is provided to income-eligible citizens or legal aliens for single-parent and two-parent families in which both parents are unemployed, or if the principal wage earner is underemployed according to federal guidelines.

Food stamps are provided to income-eligible persons and families for the direct purchase of food and related nutritional products. Most migrant workers meeting income criteria are eligible for expedited food stamps. This means that the 30-day lead-in time is waived, and applications are processed immediately upon receipt.

SLH provides the payment of in-patient and outpatient hospitalization fees, ambulatory surgery and Health Department clinic visits for income-eligible persons. On the Eastern Shore, limited funds are available to migrant workers for the payment of tolls on the Chesapeake Bay Bridge-Tunnel. These funds are made available by the Chesapeake Bay Bridge-Tunnel Authority for those requiring medical assistance across the Bay. The funds are administered through Eastern Shore Rural Health Centers (main telephone number (757) 414-0400).

General Relief is a one-time payment financial assistance program available to persons who confront emergencies or unexpected hardships. The program is available on the Eastern Shore, although it is optional and therefore not available at every location.

Community Action Agencies (CAAs) are nonprofit private and public organizations established under the Economic Opportunity Act of 1964 to fight America's War on Poverty. Core funding for CAAs is provided by the Department of Social Services through the Community Services Block Grant (CSBG). In Virginia there are 26 local agencies and three statewide programs that offer assistance to more than 110,000 poor and low-income Virginians annually. Community Action Agencies offer a variety of programs and services. These services may include emergency rental assistance, food pantries, childcare, cars to work programs, credit counseling, parenting classes or elder care services.

The Department of Social Services also promotes the development of healthy families and protects the Commonwealth's children from abuse and neglect with programs such as Child Protective Services, Domestic Violence Prevention and Child Support Enforcement. Additionally, local departments of social services often partner with community and faith-based organizations to deliver services to meet specific needs of migrant and seasonal farmworkers

Virginia Workers' Compensation Commission (VWC)

The Workers' Compensation Commission administers the Virginia Workers' Compensation Act. Workers' compensation is a no-fault system providing medical and wage indemnity benefits to eligible employees whose injury or occupational disease "arises out of and in the course of employment." Other benefits available include vocational rehabilitation, indemnity for the loss

of use of a scheduled body member, and death benefits paid to dependents.

Generally, farm or horticultural laborers are covered when the farm regularly employs more than two full-time employees. Migrant workers, whether lawfully or unlawfully employed, can be eligible for workers' compensation benefits. However, once medically released to return to work, an illegal alien may not be eligible for wage indemnity benefits or vocational rehabilitation services if the injured employee is not eligible for lawful employment.

When claims or benefits are disputed, the VWC conducts hearings at one of its six offices or at other convenient hearing locations throughout the Commonwealth. Although the Commission does not provide interpreters for any language, the use of interpreters in Commission proceedings is welcomed when necessary.

The Ombudsman's office provides assistance to employees and employers, ranging from answering questions about claims to providing informal dispute resolution and mediation services. In addition, the VWC has an informative and helpful Web site (<http://www/vwc/state.va.us>) that includes guides and forms for employees and employers. The Workers' Compensation Notice (Form VWC1) advising workers of their rights under the Virginia Workers' Compensation Act, and required to be posted by employers under the Act, is published in Spanish and is available by request from the Commission or through its Web site.

The VWC also administers the Criminal Injuries Compensation Fund (CICF), which could provide benefits to migrant workers who are victims of violent crimes. Additional information about CICF and benefits available under the Compensating Victims of Crime Act are available through the agency's Web site.

Virginia Department of Housing and Community Development (DHCD)

Unlike most other contemporary employers, Virginia growers provide worker housing. With limited capital and uneven cash flows, many find this difficult. In the past, the Virginia Housing Partnership Fund at DHCD provided a potential source of funding. However, since the sale of the Partnership's Funds assets in 2003 as part of the effort to close the state's budget gap, this source is no longer available. At present, DHCD continues to administer federally-funded Community Development Block Grants that help primarily rural communities address facility and service needs that may be related to the housing needs of MSFWs. Because certain types of farm operations need worker housing, the availability of a funding source for housing and related needs remains a critical concern for growers hoping to sustain or expand their operations.

DHCD had been virtually the only source of low-cost funds that could be used to improve or construct housing. In November 2004, DHCD signed an agreement with Telamon Corporation of Richmond to provide leverage and matching funds for a grant from the U.S. Department of Housing and Urban Development's Rural Housing and Economic Development program targeted towards providing MSFW housing. DHCD set aside \$300,000 in HOME money to match the grant funds. The Northern Neck Growers Association members are providing the land as part of this partnership, and construction is scheduled to start in February 2004 on a series of MSFW housing units on the Northern Neck of Virginia.

Virginia Department of Labor and Industry (DOLI)

The Virginia Department of Labor and Industry has a central office in Richmond and four regional offices throughout the state. This department enforces compliance with Virginia Occupational Safety and Health (VOSH) laws, which provide job safety and health protection for workers, including MSFWs. Within VOSH, the Virginia Safety and Health Codes Board promotes and adopts job safety and health standards that employers and their employees are expected to follow.

Compliance staff ensure field sanitation requirements are met and, through an agreement with the Virginia Department of Health, assure that farm labor camps are maintained in compliance with standards. This is done through random inspection of farm camps and the processing and investigation of valid complaints regarding camp safety and health conditions. Local environmental health specialists in various geographical areas make bi-weekly inspections of occupied camps both prior to and during occupancy. All camp residents of any county are eligible for services.

In addition to obtaining information through random inspections, the DOLI handles job safety and health complaints that are under VOSH jurisdiction. Written complaints are preferred; however, telephoned complaints are also accepted and investigated. Both types of complaints should be made by the employee or his/her representative.

The Labor and Employment Law Division administers the state's labor laws, including minimum wage, payment of wages, child labor and right to work, among others.

Virginia Employment Commission (VEC)

The Virginia Employment Commission is one of the main nexus for both migrant and seasonal farmworkers (MSFWs) and for agricultural employers seeking labor. Its primary responsibility lies in making employment-related matches between those who offer jobs, and those seeking work in agriculture and in non-agricultural employment. The VEC also assists qualified crew leaders to register with the US Department of Labor under the provisions of the Migrant and Seasonal Agricultural Worker Protection Act.

Under the Workforce Investment Act of 1998 (WIA), the VEC has joined other WIA partners to build a statewide system of One-Stop Centers. Through these centers, most of which have VEC staff and services available, and through other stand-alone VEC field offices, the Virginia Employment Commission maintains an extensive program to provide appropriate employment-related services to MSFWs. Statewide coverage for farmworkers is provided through, and managed by, nine field offices staffed by eleven Farm Placement Specialists. Two field offices, one located at Winchester and one on the Eastern Shore at Onley, are federally designated as "MSFW Significant Field Offices" due to the especially large number of MSFWs they could potentially serve. The Onley Field Office registered and served 3,455 farmworkers for the program year ending June 2004.

Services are available in most offices in Spanish, both from VEC farm placement staff and through the agency's computerized job search system. Real-time interpreter and the professional translation services of "LanguageLine Services" (<http://www.languageline.com/>) are available electronically in all field offices and most operating units of the VEC. Improvements are continuously being made to serve jobseekers with limited English proficiency.

For the program year ending June 2004, of the estimated 16,673 MSFWs in Virginia (excluding H-2A workers) 3,625 were registered with the VEC for service, 3,405 were referred to a job, and 2,632 found jobs through its program.

Virginia Department of Education (DOE)

Virginia's educational reform consists of four major elements: high academic standards; measuring student achievement; ensuring the accountability of schools for increasing student achievement; and communicating with parents and the community at large. The purpose of the Migrant Education Program (MEP) is to design and support high-quality, comprehensive educational programs that provide migratory children with the same opportunity to meet the challenging state academic content and student achievement standards that are expected of all children. Federal funding is dependent upon timely identification of eligible migratory students within the state.

Services are provided to approximately 2,400 migratory students around the state through 10 local and regional programs (see chart). Priority for services goes to migratory children who are failing, or most at risk of failing, to meet the Virginia Standards of Learning (SOL), and whose education has been interrupted during the regular school year. Strategies for providing services vary to match the needs of the population, availability of other programs and services, and fiscal resources of the MEP. Depending upon the seasonal changes and the number of migratory students in school divisions, programs are offered year-round and during the regular or summer term sessions. Supplemental services may include but are not limited to: ESL instruction, computer literacy classes, family literacy, GED preparation, and outreach to increase the quality of educational, nutritional, health and dental care. Tutorial services are provided in migrant programs based upon the needs of the children and the resources available to the school division. Migrant programs supplement services provided through the school division to help ensure migrant children are successful in school.

The Virginia Migrant Education program is designed to: 1) identify, enroll, and serve eligible migratory students in the Commonwealth; 2) support high-quality, comprehensive educational programs for migratory children to help reduce the educational disruptions and other problems that result from repeated moves; 3) ensure that migratory children who move among the states are not penalized in any manner by disparities among academic content and student academic achievement standards; 4) ensure that migratory children are provided with appropriate educational services, including support services, that address their special needs in a coordinated and efficient manner; 5) ensure that migratory children receive full and appropriate opportunities to meet the same challenging state academic content and student academic achievement standards that all children are expected to meet; 6) design programs to help migratory children overcome educational disruptions, cultural and language barriers, social isolation, various health-

related problems, and other factors that inhibit their ability to do well in school, and to prepare them to make a successful transition to postsecondary education or employment; and 7) ensure that migratory children benefit from state and local systemic reforms.

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Virginia Migrant Education Program Directory

COORDINATOR	PROGRAM NAME	SCHOOL DIVISIONS SERVED (Services vary within each locality.)	TELEPHONE NUMBER FAX E-MAIL
Mark Nowak	Accomack Migrant Education Program	Accomack County	Phone: (757) 787-5754 Fax: (757) 787-2951 E-mail: mnowak@sbo.comack.k12.va.us
Sharon Root	Albemarle Regional Migrant Education Program	Albemarle, Augusta, Culpeper, Fluvanna, Greene, Madison, Orange, & Rockbridge Counties; Charlottesville, Staunton, & Waynesboro Cities	Phone: (434) 296-3872 Fax: (434) 972-4077 E-mail: root@albemarle.org
Howard Amoss	Southwestern Regional Migrant Education Program	Carroll, Floyd, Giles, Grayson, Lee, Patrick, Pulaski, Scott, Smyth, Russell, & Washington, Counties; City of Galax	Phone: (276) 728-3191 Fax: (276) 728-3195 E-mail: hamoss@ccpsd.k12.va.us
Laly E. Westendorf	Town of Colonial Beach Regional Migrant Education Program	Town of Colonial Beach, King George, Essex, Middlesex, Northumberland, Richmond, Spotsylvania, & Westmoreland Counties	Phone: (804) 224-9897 Fax: (804) 224-0304 E-mail: west@crosslink.net
Joe Griles	Halifax Migrant Education Program	Halifax County	Phone: (434) 476-2171 Fax: (434) 476-1336 E-mail: jgriles@halifax.k12.va.us
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Sandra Drummond	Northampton Migrant Education Program	Northampton County	Phone: (757) 678-5151 Fax: (757) 678-7267 E-mail: sdrummond@ncps.k12.va.us
Michelle Wallace	Nottoway Regional Migrant Education Program	Amelia, Cumberland, Lunenburg, Nottoway, & Prince Edward Counties	Phone: (434) 645-9596 Fax: (434) 645-1266 E-mail: mwallacegsd@yahoo.com
Rebecca Smith	Pittsylvania Migrant Education Program	Pittsylvania County	Phone: (434) 432-2761 Fax: (434) 432-9560 E-mail: Rebecca.smith@pcs.k12.va.us
Jane Hubbell	Shenandoah Valley Regional Migrant Education Program	Clarke, Fauquier, Frederick, Loudoun, Page, Rappahannock, Rockingham, Shenandoah, & Warren Counties; Harrisonburg and Winchester Cities	Phone: (540) 568-2558 Fax: (540) 568-7014 E-mail: hubbeljx@jmu.edu

Virginia Cooperative Extension Service (VCE)

The aim of the VCE is to help solve agriculture-related problems and promote educational programs to foster more productive lives, families, farms and forests, as well as a better environment. These efforts are directed to both businesses and private individuals. Agricultural Extension Agents located in 107 offices throughout the state provide useful information, guidance and assistance to all citizens, including growers and consumers.

Virginia Department of Motor Vehicles (DMV)

The goal of the Virginia Department of Motor Vehicles is to accommodate all customers as efficiently and pleasantly as possible. Toward this goal, the DMV makes special efforts for the needs of foreign-born customers, including MSFWs.

For example, many DMV offices in Northern Virginia, Richmond and Tidewater have bilingual customer service representatives (English/Spanish). These employees provide free, in-person translation services when needed. Spanish-speaking employees are also available on the telephone (in the Customer Contact Center).

In addition to bilingual service representatives, special options are available for the Driver's License Knowledge Test. This can be administered by computer or telephone on a system known as KATS (Knowledge Automated Test System). If the applicant chooses to take an oral test, the telephone is used in the preferred language (English or Spanish); if the computer is chosen, questions are displayed on the screen and answered on a keypad.

In the event that the KATS is not a viable option, DMV has a printed version of the test in both English and Spanish. Migrant and seasonal farmworkers may bring in translators to assist with other languages. The 2003-2004 Virginia Driver's Manual is available in Spanish.

Virginia Department Of Business Assistance

The Virginia Department of Business Assistance (DBA) is the state agency devoted to the growth and success of the Commonwealth's business community. DBA provides financing assistance and incentives for workforce training and recruiting for eligible businesses. DBA supports migrant workers indirectly through programs designed to assist firms employing this transient workforce. Each of the agency's three divisions is charged with unique responsibilities directed at benefiting businesses of all sizes.

For example:

Workforce Services Division-This division offers a Train-the-Trainer Program that equips full-time employees to administer custom-designed training programs that often benefit migrant workers. Apple processing operations in the Winchester area have been among the beneficiaries of the program.

Financial Services Division- This division provides financing assistance through several

financing programs for qualifying small businesses which are creating or saving jobs in Virginia. Marketing materials and applications for the programs are written in English, Spanish and Korean, and are available in electronic form through DBA's website at www.dba.state.va.us or by calling the Virginia Business Information Center at 1-866-248-8814.

Existing Business Services Division- This division offers several programs that address the needs of Limited English Proficiency (LEP) Virginians who are either entrepreneurs or who are members of the Commonwealth's workforce. Members of the migrant community have been among those benefiting from these services.

Virginia Business Information Center (VBIC)- This is a one-stop resource for business information and problem solving. VBIC representatives can be reached via email or toll-free telephone—multilingual assistance is available.

Multilingual Program- This program is designed to assist the entire agency with its outreach to the LEP community. Services include presentations to relevant groups in languages other than English—principally Spanish; development of multilingual materials on DBA's website, as well as in printed form and in a CD; development of a consultancy product aimed at Virginia businesses who employ LEP workers, to assist these businesses in dealing with cultural and language issues in the workplace; development of an ESL Resource Reference Users Guide according to locality, and posted on DBA's website; participation in VA Department of Education's ESL Resource Task Force; work with other agencies to address the issue of language access for businesses and workforce members in the Commonwealth.

Outreach Program- Agency economic development professionals work with different regions of the state to provide information, facilitate the use of available resources and generally promote the success of Virginia businesses.

SIGNIFICANT ACTIVITIES

The Interagency Migrant Worker Policy Committee held seven meetings during the biennium ending June 30, 2004. The activities undertaken by the Committee include the following:

DMV Representative discussed the issues surrounding the legal presence requirements for the issuance of Virginia Driver's Licenses.

DMAS Representative brought forth the initiative regarding Medicaid reciprocity and the potential impact on Virginia migrant farmworkers.

VEC staff initiated a discussion regarding the plight of H-2B (nonagricultural, nonimmigrant temporary) workers, and the apparent lack of enforcement activities related to that program.

DOLI Commissioner advised the policy committee that JLARC had been approved to study the foreign born population in Virginia.

The Interagency Policy Committee discussed the potential impact of the funding reduction for migrant education and what could be done to assist in its restoration.

MSFW Board Chairman described the issues related to the current guestworker legislation pending in the U.S. Congress.

DOLI Commissioner confirmed the passing of legislation transferring the MSFW Board and the Interagency Migrant Worker Policy Committee from DOLI to the VEC, effective July 1, 2004.

Limited English Proficiency initiatives and implementation were discussed among the Committee membership.

CONCLUSIONS AND RECOMMENDATIONS

The Board and the Interagency Migrant Worker Policy Committee have been increasingly challenged to handle the wide range of issues relative to farmworkers. There are continued, growing similarities in the needs and concerns of migrant and seasonal farmworkers, H-2A farmworkers, and H-2B (non-agricultural, although may be agricultural-related) workers. Immigration-related issues such as program access, translation/interpretation services, safety, health, welfare, housing, employment, transportation and education transcend farmworkers and continue to expand, as does Virginia's immigrant population.

The Board and the Policy Committee wish to thank the numerous state, federal and private agencies for their assistance, cooperation and dedication in identifying problems and addressing the needs of the Commonwealth's migrant and seasonal farmworkers. Through continued coordination and communication, it is the Board and the Policy Committee's ongoing objective to contribute to the enhancement of the Commonwealth's agricultural economy.

Based on their ongoing meetings, site visits, public comments, and area council reports, the Board and Policy Committee make the following recommendations to the Governor and General Assembly:

Access to necessary services for customers with Limited English Proficiency (LEP) continues to present a challenge. We strongly hope that the General Assembly will undertake a study among state agencies receiving federal funding to determine their compliance with Title VI of the Civil Rights Act of 1964 and Executive Order 13166. We further suggest that those entities not in compliance shall be required to develop and to submit corrective action plans to ensure that LEP farmworkers and others seeking government services in Virginia are provided with reasonable program access and translation services.

The need for adequate and affordable farmworker housing constitutes a crucial factor in the ability of employers to recruit and retain the agricultural workers they need. The Board recommends that the Virginia Department of Housing and Community Development include in its annual plan a section that identifies farmworkers as a special needs population and that an annual set-aside of funds for the development of farmworker housing be provided.

The Department of Medical Assistance Services is considering the findings and recommendations from the Migrant Health conference regarding the issue of Medicaid reciprocity and portability for eligible farmworker families. This conference was convened in

2003 by the Virginia Department of Health. It is recommended that the Governor and General Assembly provide the necessary support to ensure that adequate resources are provided to support the provision of Medicaid benefits which may be recommended by the Department.

The number of immigrant workers required to meet the needs of agricultural employers continues to expand. These workers increasingly are not lawfully within the U.S. This places them and their employers in a very untenable position. It is recommended that the Governor and the General Assembly actively support appropriate Guest Worker legislation, such as (but not limited to) the Agricultural Jobs Opportunity, Benefits, and Security Act (AgJOBS), which has strong support among agricultural employers, farmworkers, and advocacy organizations.