

# Farm Labor Stabilization and Protection Pilot Program (FLSP)



November 2023

# Agenda

## FLSP Webinar Achieving Silver/Platinum Level Awards

Nov 8, 2023

- *USDA*: FLSP goals, structure, commitments, application types
- *USDA*: Incentives and details on commitment options for Silver/Platinum awards
- *Fair Food Program*: Understanding WSR
- *CA Labor Relations Board*: Understanding CBA and Neutrality/Access/Voluntary Recognition
- *Seso*: Overview of H-2A technical assistance
- *USAID*: Northern Central America Recruitment

### **Q&A**

- *USDA*: Steps to apply

### **Q&A**



# 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.

- 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.

# 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"> <li>Recruitment via NCA Ministries.</li> </ol>	<ol style="list-style-type: none"> <li>Overtime Pay</li> <li>Bonus Payment</li> <li>Paid Sick Leave</li> <li>Weekly Housing Maintenance Plan</li> <li>Collaborative Working Group</li> <li>Innovative External Partnership</li> </ol>	<ol style="list-style-type: none"> <li>Worker-Driven Social Responsibility (WSR) program</li> <li>Collective Bargaining Agreement (CBA)</li> <li>Committing to Neutrality, Access, and Voluntary Recognition</li> </ol>

# Supplemental Employee Commitments: Recruitment

## RESPONSIBLE RECRUITMENT

Silver: recommended, but not required

Platinum: required

1. Recruitment via Northern Central American (NCA) Ministries.

Grant applicants can recruit workers from US or any H-2A participating country. However, **additional incentives and increased application competitiveness** for NCA recruitment.

***Platinum commitment***: recruitment of any **new individual H-2A workers** via *Ministries of Labor* in Guatemala and Honduras, and the *Ministry of Foreign Affairs* in El Salvador. No-cost to employers.

*For grantees (of any award level)*: **NCA vetting and visa processing** is supported with free Consulate and Recruitment technical assistance.



# Supplemental Commitment Options: Pay, Benefits And Working Conditions

- **Overtime Pay.** Where not already required by state law.
- **Bonus Payment.** Clearly defined bonus payment to all employees transmitted at regularly scheduled intervals throughout the duration of the employee's contract.
- **Paid Sick Leave.** Paid sick leave plan that includes accruing at least 4 hours per (2-week/bi-monthly) pay period, with a minimum of 5 days leave per year.

## PAY, BENEFITS AND WORKING CONDITIONS

Silver: choose at least two

Platinum: choose at least three

1. Overtime Pay
2. Bonus Payment
3. Paid Sick Leave
4. Weekly Housing Maintenance Plan
5. Collaborative Working Group
6. Innovative External Partnership

# Supplemental Commitment Options: Pay, Benefits And Working Conditions (cont)

- **Weekly Housing Maintenance Plan** that works resolve issues in a timely fashion and address feedback or concerns from workers.
- **Collaborative Working Group(s)** of at least 50% workers that addresses issues such as workplace safety and health, pesticide safety, transportation safety, housing, reporting grievances or problems, etc.
- **Innovative External Partnership.** Implement or demonstrate a plan to support improving health, safety, worker representation, professional development, or other benefit or program, and note key partnership(s) that will help facilitate implementation.

## PAY, BENEFITS AND WORKING CONDITIONS

Silver: choose at least two

Platinum: choose at least three

1. Overtime Pay
2. Bonus Payment
3. Paid Sick Leave
4. Weekly Housing Maintenance Plan
5. Collaborative Working Group
6. Innovative External Partnership

# Supplemental Commitment Options: Partnership Agreements

## PARTNERSHIP AGREEMENTS

*Silver*: recommended, but not required

*Platinum*: choose at least one

1. Worker-Driven Social Responsibility (WSR) program
2. Collective Bargaining Agreement (CBA)
3. Committing to Neutrality, Access, and Voluntary Recognition

- Worker-driven Social Responsibility ([WSR](#)) program.
- Collective Bargaining Agreement ([CBA](#)).
- Committing to Neutrality, Access, and Voluntary Recognition (where permitted under state law).

# Project Evaluation Criteria

- Applications will be **reviewed and scored competitively** using the criteria listed below.
  - Alignment with FLSP Goals and complete Narrative Application Form
  - Responsible Recruitment
  - Supplemental Employee Commitments
  - Description of Employer Practices and Plans
  - Impact on your Operation
  
- See Section **6.0 Project Evaluation Criteria** in NFO for more details.

# Application Types



## Fixed-site Employer

Apply as an individual/  
individual business.

**Note:** The employer is solely responsible for ensuring compliance with the terms of the grant.



## Farm Labor Contractor (FLC or H-2ALC)

Apply as an individual/  
individual business.  
Applicant assumes  
responsibility for grant  
compliance at all  
work sites.

**Note:** As the single responsible employer, the FLC is responsible to ensure that all grant commitments are implemented at all the worksites on its H-2A application. FLCs may choose to sub-award to all worksites. DOL cannot process disparate employer commitments in a single job order, thus all worksites must comply with the same commitments to the FLSP grant. Growers that utilize FLCs (H-2ALCs) will only be eligible as sub-awardees, under the jurisdiction of their labor contractor that applies for the grant. FLCs must decide whether or not they will subaward to any or all work sites.



## Joint Employers (Non-Association)

Apply jointly for  
FLSP grant, with one  
primary applicant  
Authorized Organization  
Representative and  
another sub-awardee,  
both responsible for their  
respective operations.  
Submit H-2A job order  
certification of joint  
employment.

**Note:** Employers that typically apply as joint employers to H-2A but prefer to apply individually to FLSP will need to file a unique fixed-site H-2A application since DOL cannot process disparate commitments in a single job order.

# Application Types



Association Joint Employers



Apply jointly for grant, with one primary applicant (presumably the Association, though it may be any participant willing to assume the Authorized Organization Representative role) plus sub-awardee(s) that have all agreed to shared commitments and compliance on their respective operations. Submit H-2A job order certification of association joint employment.

A **portion** of the members of an association can apply jointly, with one primary applicant (presumably the Association though it may be any participant willing to assume the Authorized Organization Representative role) plus subawardees that have all agreed to shared commitments and compliance on their respective operations. In these instances, a master association could file multiple separate job orders for each group of employers applying to FLSP that have all agreed to shared commitments and compliance on their respective operations.

**Note:** Individual *members* of associations that prefer to apply to the USDA FLSP as an individual/individual farm business, thus assuming grant responsibility (and benefits) only for their individual operation will need to coordinate with their filing agent (association) to submit a **unique job order**, instead of a joint H-2A application, since DOL cannot process disparate employer commitments in a single job order.



# THE FAIR FOOD PROGRAM

THE POWER OF PREVENTION



FROM THE FIELD TO THE PRODUCE AISLE

# FAIR FOOD PROGRAM STRUCTURE

The Fair Food Program's **Participating Buyers** are retail food giants and foodservice companies, including Whole Foods Market, Compass Group, Walmart, Subway and McDonald's.

PBs agree to purchase from PGs that are in compliance with the Program's Code of Conduct, as certified by the Fair Food Standards Council, and to pay a premium to **Participating Growers** to be passed on to workers as a bonus in their paychecks, (growers receive a small percentage for administrative costs).





# THE FAIR FOOD CODE OF CONDUCT



90% is 'FOLLOW THE LAW'

- Zero tolerance for forced labor and child labor
- Work environment free of violence, sexual and verbal harassment, and discrimination
- Elimination of unsafe conditions, including exposure to pesticides, lightning, unsanitary water or bathrooms.

# THE FAIR FOOD CODE OF CONDUCT

## BEYOND THE LAW – PREVENTION OF VIOLATIONS

- Direct hire of all qualifying workers
- Workers control their registration devices for timekeeping systems
- Workers receive the Fair Food Program Premium bonus, paid by Participating Buyers
- Improvements in health and safety, including provision of shade, heat stress protocols, safe transportation, and field truck driving
- Health and Safety Committees



# THE FAIR FOOD CODE OF CONDUCT

- CIW and company training on Fair Food Program rights and responsibilities for supervisors and workers
- Cooperation with Fair Food Standards Council auditing and complaint procedures, free of intimidation or retaliation



# HOW DOES FAIR FOOD PROGRAM MONITORING WORK?

Monitoring by the Fair Food Standards Council consists of audits and a worker complaint mechanism.

Monitoring is **non-adversarial, confidential, and collaborative**.

Documentation requirements are straightforward and FFSC staff works closely with Participating Growers to make the program's mechanisms clear, user-friendly, and appropriate for the farm operation.

FFSC works with Participating Growers to come into compliance incrementally.

There is no charge for Fair Food Program certification or FFSC support for Participating Growers.



# WHAT ARE THE BENEFITS TO PARTICIPATING GROWERS?



- Better management and communication systems
- Improved employee retention as Participating Growers become employers of choice with improved work environments
- Identification of potential risks with corresponding reduction in workers' compensation cases as well as legal and administrative actions and fines.
- Fair Food Program farms have not been the subject of forced labor investigations, DOL judgments, class actions or EEOC cases



# WHAT ARE THE BENEFITS TO PARTICIPATING GROWERS?



Participating Growers receive the purchasing preference of Participating Buyers, are featured on the Fair Food Program website, receive a wage supplement for their workers and have access to the Fair Food Program label, demonstrating ethical business practices to increasingly aware consumers.

## Participating Buyers



## Consumer-Packaged Goods



# FAIR FOOD PROGRAM RECOGNITION



The Fair Food Program has earned recognition at the national and international level for its unique social responsibility model, including:

- **White House Presidential Medal for Extraordinary Efforts in Combatting Modern-Day Slavery** (January 2015)
- **MacArthur “Genius” Award** in 2017 for its “visionary strategy with potential to transform workplace environments across the global supply chain.”
- *New York Times* front-page feature, which called the Fair Food Program “**the best workplace-monitoring program**” in the US (April 2014)



# JOINING THE FAIR FOOD PROGRAM

A new grower commits to implement the FFP Code of Conduct and FFSC conducts an entry audit to confirm that:

- The grower has started to implement a direct hire system.
- The grower has started to implement a timekeeping system in which workers control their registration device.
- Workers have been provided with an education session by the CIW Education Committee.
- The grower's supervisors have been trained on FFP policies, by the company and the FFSC.
- The grower has purchased or ordered adequate shade structures
- Any known outstanding complaints have been resolved.
- Following the audit, FFSC and the grower then agree on a corrective action plan.

## Contact

[info@fairfoodstandards.org](mailto:info@fairfoodstandards.org)





**THE FAIR FOOD LABEL GUARANTEES**

**FAIRFOOD**

**DIGNITY FOR WOMEN IN THE WORKPLACE**

**A REAL VOICE FOR WORKERS IN THE FIELDS**



**CONSUMER POWERED  
WORKER CERTIFIED**



**RESPECT FOR HUMAN RIGHTS**

**FAIRFOODPROGRAM.ORG**

# Supplemental Commitment Options: Partnership Agreements

## PARTNERSHIP AGREEMENTS

*Silver:* recommended, but not required

*Platinum:* choose at least one

1. Worker-Driven Social Responsibility (WSR) program
2. Collective Bargaining Agreement (CBA)
3. Committing to Neutrality, Access, and Voluntary Recognition



### Neutrality

Neutrality means the employer *stays neutral* when its workers organize and takes no position—*for or against*—workers' free and fair choice to join or form a union.

### Access

Allow workers the discretion to allow advocacy organizations, union organizers, and other guests to visit with them (e.g. worker H-2A housing) outside of work hours.

### Voluntary Recognition

Voluntary recognition is a way of respecting your employees' choice to form a union and have collective bargaining representation based on a showing of majority support and without a formal election.



**ALRB**  
AGRICULTURAL LABOR  
RELATIONS BOARD

# Fairness in the Field



State of California |

# The California Agricultural Labor Relations Board (ALRB)

--Created in 1975 to enforce the Agricultural Labor Relations Act

--Mission to ensure peace in the fields by guaranteeing justice for all agricultural workers and stability in agricultural labor relations

--Fill gap in federal law as agricultural workers are excluded from National Labor Relations Act

**Calif. Gov. Brown Signs Historic Farm Labor Law**

SACRAMENTO (AP) — Gov. Edmund Brown Jr. signed his landmark farm labor bill yesterday and said, "This is the beginning, not the end."

The Democratic governor said he hopes state-supervised, secret-ballot labor elections will bring stability and peace to California agriculture after a decade of violence.

But the 52-year-old governor cautioned Californians not to expect an instant solution to California's farm labor troubles.

"We shouldn't overstate what is going on here today. This is the beginning, not the end," Brown told a packed press gallery at the bill-signing ceremony.

"The inevitable struggles that are going to occur and must occur will go on in an organized way. Let's not get ourselves on the back today. With a certain degree of humility, let's look to the future," Brown said.

The bill signing marked the most spectacular achievement of Brown's five-month administration.

Brown's negotiations on the compromise bill eventually won him endorsements of major growers and California's two major farm labor unions — Cesar Chavez' United Farm Workers and the Teamsters Union.

As he signed the landmark bill before television cameras across and the standing-memberly press gallery, Brown flashed a smile. But he was serious throughout most of the ceremonies.

The bill takes effect Aug. 26, in time to allow elections in two key fall harvests — the Salinas Valley lettuce crop and the San Joaquin Valley table grape crop.

Chavez has praised the Brown bill as "the best labor law ever." He has said he will demand elections under the new law early in September at U & J Groves. Chavez said that could lead to the end of his nationwide lettuce boycott.

"Whatever tactics may have been employed in the past, what is required now is that the unions must win over the hearts and minds of farm workers," Brown said.

Brown said he believes the federal government should follow California's lead and enact a national farm labor law.

The Brown bill was endorsed by all major elements of California agriculture. But it only shifts the farm labor conflict to a new, and presumably more peaceful arena, with state controls. It was clear that the harding in California agriculture is not over.

The new agriculture law outlaws recognition strikes, but it permits secondary boycotts by unions which that was recognition strikes. It also permits harvest-time strikes.



**'The Beginning'**

California Gov. Edmund C. Brown Jr., center, talks with reporters in Sacramento after signing the landmark farm labor bill. Lt. Gov. Mervyn Dymally, left, and Assemblyman Richard Rotundo flank Brown. Rotundo was one of the law's chief authors. (AP Wirephoto)

# Agricultural Labor Relations Board (ALRB)

Five Member Board



General Counsel



# Workers' Rights Under the Act



Collectively raise issues or concerns about working conditions

Be represented by, support or oppose a union

Participate in ALRB legal processes

# Workers are protected from retaliation and coercion for exercising rights – examples include:



Termination, layoff or failure to rehire

Punishment or unjust discipline

Reduction in pay or hours

Assign worse tasks or areas

Call police or immigration

Threats of any of the above



# Supplemental Employee Commitment options (for USDA grant)

- Neutrality – union campaigns
- Union access at agricultural worksites
- Collective Bargaining Agreements
- Voluntary Recognition (not in the ALRA)



# Thank You

For more information please contact: 1-800-449-3699

**Santa Rosa Office: (707) 527-3256**

**Oxnard Office: (805) 973-5062**

**Visalia Office: (559) 627-0995**

**Indio Office: (760) 996-9453**

**Salinas Office: (831) 769-8031**

**Sacramento Headquarters: (916) 653-3699**

**[www.alrb.ca.gov](http://www.alrb.ca.gov)**



**California Agricultural Labor Relations Board**

# Questions?



**ALRB**  
AGRICULTURAL LABOR  
RELATIONS BOARD



## Introducing Seso

FLSP Technical Assistance  
Provider



**Daniel Ross**  
H-2A Compliance  
Attorney

# Seso's Technical Assistance

Timeframe	Resources Available
During the FLSP application window	<ul style="list-style-type: none"> <li>• Webinars</li> <li>• Office Hours</li> </ul>
During the FLSP award performance period	<ul style="list-style-type: none"> <li>• Intake survey (to target your TA needs)</li> <li>• Webinars</li> <li>• Office Hours</li> <li>• 1:1 Consultation</li> <li>• H-2A Compliance Software</li> <li>• NCA Worker Recruitment</li> <li>• NCA Consulate Services</li> </ul>

**Bring all your H-2A questions to the Seso team of experts**

# H-2A Program Basics

The H-2A temporary agricultural program assists employers facing a shortage of domestic workers by allowing them to bring foreign workers to the U.S. for temporary or seasonal agricultural work, such as planting, cultivating, and harvesting.

Seasonal work is tied to specific times of the year due to events or patterns, like annual growing cycles.

To participate, you work with your State Workforce Agency to recruit U.S. workers. They will publicly post your job order, and you must accept eligible referrals and contact former U.S. employees. If a qualified U.S. worker applies, you must employ them for at least 50 percent of the work contract period. After reaching 50 percent, you have no further obligation to hire.

# Key H-2A Employer Obligations

- **Recruitment:** Employers must recruit and offer jobs to qualified US workers first, and continue recruiting until 50% of contract period
- **Corresponding Employment:** US and H-2A workers must receive same pay and benefits for same work, with no preferential treatment
- **Written Disclosure:** Disclose all terms and conditions of employment to applicants in writing
- **Wages:** Pay H-2A and US workers the highest of AEWR, prevailing wage, bargaining wage, or minimum wage
- **Housing & Transportation:** Provide free, approved housing and transportation to H-2A workers, and pay visa and inbound/outbound travel costs

# Our Shared Objectives

## 1. Qualified Workforce

Rigorous vetting process ensures workers not only meet the requirements to obtain an H-2A visa, but also have experience and skill sets appropriately matched to the requirements of the job.

## 2. On Time Arrival

End-to-end support provided by experienced professionals, from planning to scheduling, allowing for timely worker arrival.

## 3. Positive Experience

Transparent timelines and process provided upfront, and constant communication throughout the process, ensure a positive experience with no surprises.

### *Principles for Success:*

- ✓ Partnership and coordination across Seso, USAID, USDA and the NCA Ministries
- ✓ Proactive communication with employers and workers throughout each step of the process
- ✓ Technology enabled efficiencies for quickly and securely collecting worker information
- ✓ Vetting workers to reduce risk of denials or delayed processing
- ✓ Preparing workers for their consular interviews, as needed



# NCA Email Template

## Get started contacting NCA Ministries

Prior to the announcement of FLSP Grant Awards, you are kindly invited to reach out to Ministries of Labor in Guatemala and Honduras, and/or Ministry of Foreign Affairs in El Salvador directly. Including the following information to your inquiry will facilitate comprehensive and expedited responses:

### Key information to include in email inquiries:

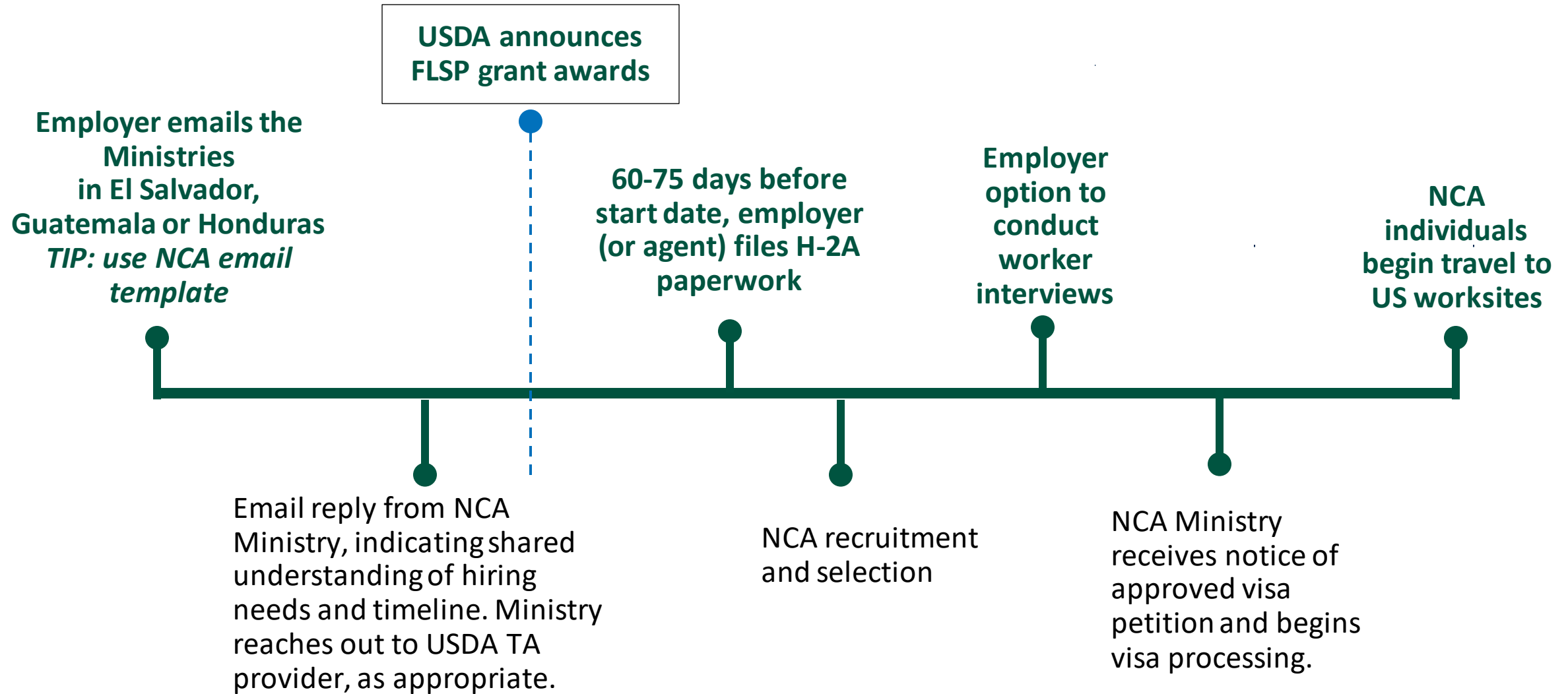
- ✓ **Estimated start date** (Date or Month)
- ✓ **Anticipated number of workers from NCA** (#)
- ✓ **Industry/Crop**
- ✓ **Intended worksite location** (City, State)
- ✓ **Is it your first time working with NCA?:** (Yes / No)
- ✓ **Would you need help with recruitment ?:** (Yes / No)
- ✓ **Country of interest:** (El Salvador / Guatemala / Honduras / Any)
- ✓ **Please add any specific questions you need assistance with**

**El Salvador:** [h2visas@escpvisas.com](mailto:h2visas@escpvisas.com) and [h2visa.elsalvador@rree.gob.sv](mailto:h2visa.elsalvador@rree.gob.sv)

**Guatemala:**  
[employersguatemala@mintrabajo.gob.gt](mailto:employersguatemala@mintrabajo.gob.gt)

**Honduras:** [pttusa@trabajo.gob.hn](mailto:pttusa@trabajo.gob.hn)

# NCA Recruitment Timeline





## Recruitment via government ministries of El Salvador, Guatemala and Honduras

- Full-service recruitment **at no cost to the employer**
- Ensure qualified workers are quickly matched to petitions
- Ongoing reductions in air travel, local taxes and fees, and other costs



USAID provides ongoing technical assistance to the governments of El Salvador, Guatemala, and Honduras to expand access to H-2 visas for their citizens.

*Each government is ready to help companies interested in hiring workers.  
Please reach out for more information.*



**El Salvador:** [h2visas@escpvisas.com](mailto:h2visas@escpvisas.com) and  
[h2visa.elsalvador@rree.gob.sv](mailto:h2visa.elsalvador@rree.gob.sv)



**Guatemala:** [employersguatemala@mintrabajo.gob.gt](mailto:employersguatemala@mintrabajo.gob.gt)



**Honduras:** [pttusa@trabajo.gob.hn](mailto:pttusa@trabajo.gob.hn)

*If we don't get to your question now, we will follow up by FAQs and/or email*

## **More Questions?**

- Attend USDA Office Hours
- Tune into weekly FSLP webinars
- Check the FAQs! Updated weekly: [www.ams.usda.gov/services/grants/flsp/faq](http://www.ams.usda.gov/services/grants/flsp/faq)
- Email [FLSPgrants@usda.gov](mailto:FLSPgrants@usda.gov)
- Additional TA Providers
  - Grants.gov technical issues: [www.grants.gov/web/grants/support.html](http://www.grants.gov/web/grants/support.html)
  - H-2A and NCA Recruitment: [www.sesolabor.com](http://www.sesolabor.com)

# 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.

# Key steps in applying to FLSP

## 2. Access and review FLSP materials.

- Visit the AMS website ([www.ams.usda.gov/flsp](http://www.ams.usda.gov/flsp)) or navigate to the opportunity in [Grants.gov](http://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.

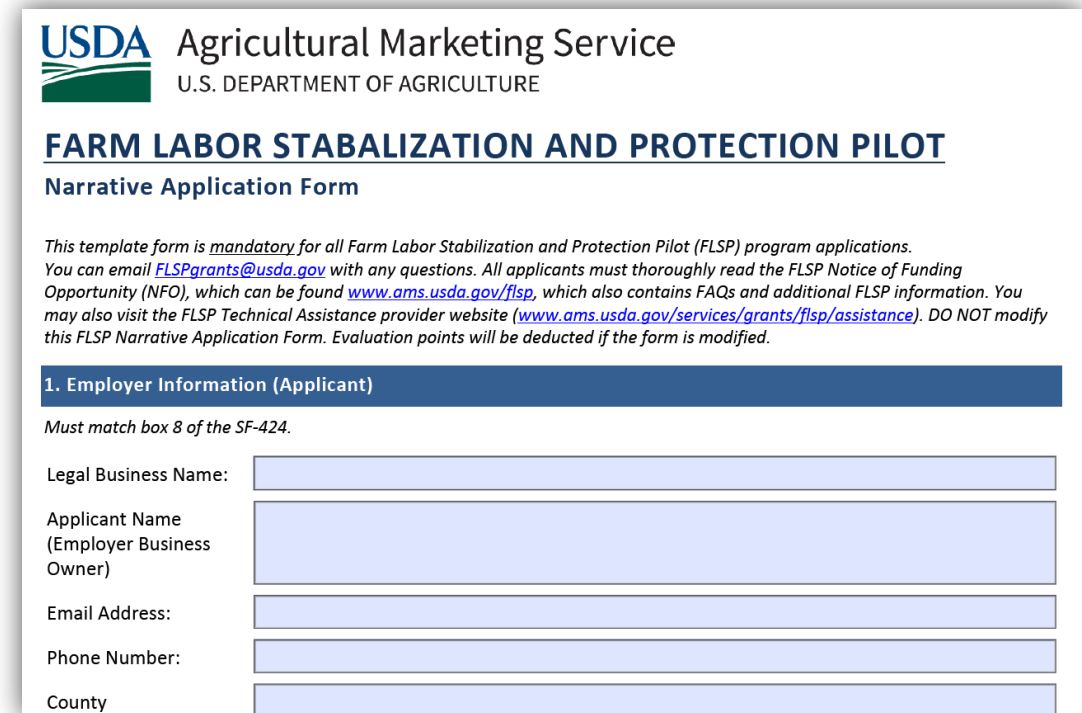
## 5. Decide on your desire Award Level (**Baseline, Silver or Platinum**)

- 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).

# Key steps in applying to FLSP

## 6. Fill out your application.

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



**USDA** 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](mailto: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](http://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](http://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

# Important Dates

**\*NOTE\***  
**application**  
**deadline**  
**extension!**

## Application Opens:

- September 22, 2023

## Application Closes:

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




# Technical Assistance

All Technical Assistance (TA) info at:

[www.ams.usda.gov/services/grants/flsp/assistance](http://www.ams.usda.gov/services/grants/flsp/assistance)

## TA tips

- Attend upcoming USDA Office Hours  see link for schedule
- Attend (or listen to recordings) of upcoming webinars
- Check the FAQs! (updated weekly) [www.ams.usda.gov/services/grants/flsp/faq](http://www.ams.usda.gov/services/grants/flsp/faq)
- Email [FLSPgrants@usda.gov](mailto:FLSPgrants@usda.gov)
- Additional TA Providers
  - Grants Solutions (Grants.gov related)
  - Seso (H-2A related)

## Webinar Dates

<u>Day</u>	<u>Date</u>	<u>Time</u>	<u>Type / Focus</u>
Wed	25-Oct	2:00pm EST	Basic Program Overview
Tues	31-Oct	2:00pm EST	NCA Recruitment
Wed	8-Nov	2:00pm EST	Achieving Silver/Platinum
Wed	15-Nov	2:00pm EST	en Español
Mon	27-Nov	2:00pm EST	Small Growers
Wed	6-Dec	2:00pm EST	H-2A overview

Updates at

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

# TA: Office Hours

<u>Day</u>	<u>Date</u>	<u>Time</u>
Thursday	9-Nov	4:00pm EST
Friday	17-Nov	2:00pm EST
Monday	27-Nov	4:00 pm EST
Thursday	7-Dec	4:00 pm EST
Friday	15-Dec	2:00pm EST
Thursday	21-Dec	4:00 pm EST
Thursday	28-Dec	4:00 pm EST
Tuesday	2-Jan	2:00pm EST

Updates at  
[www.ams.usda.gov/  
 services/grants/flsp  
 /assistance](http://www.ams.usda.gov/services/grants/flsp/assistance)

*If we don't get to your question now, we will follow up by FAQs and/or email*

## **More Questions?**

- Attend USDA Office Hours
- Tune into weekly FSLP webinars
- Check the FAQs! Updated weekly: [www.ams.usda.gov/services/grants/flsp/faq](http://www.ams.usda.gov/services/grants/flsp/faq)
- Email [FLSPgrants@usda.gov](mailto:FLSPgrants@usda.gov)
- Additional TA Providers
  - Grants.gov technical issues: [www.grants.gov/web/grants/support.html](http://www.grants.gov/web/grants/support.html)
  - H-2A and NCA Recruitment: [www.sesolabor.com](http://www.sesolabor.com)

## ■ What is considered an **FTE**? How do I know which Award Amount I am eligible for?

- To calculate “Full-Time Equivalency” (FTE) for the year, **sum total annual farmworker (“agricultural workers”) hours** worked by all directly hired farmworkers, and then **divide by 2080** (which assumes a 40-hour workweek for 52 weeks of the year).
- On the [Narrative Application Form](#), applicants will need to provide cumulative FTE annual totals of both H-2A and domestic worker for all sub-awardee partners/worksites.
- For example,
  - If you employ 100 H-2A farmworkers and 50 U.S.-based farmworkers throughout the year, you will first add up all H-2A farmworker hours (all 100 workers) for the year and divide that total number by 2080. Then, will you add up all the total hours for the 50 U.S.-based workers, and divide that sum total by 2080. There is a box on the **Narrative Application Form (Question 5)** where you will enter total annual FTEs totals H-2A and for U.S.-based workers.
  - If you apply as Joint Employer and your operation employs 5 U.S.-based farmworkers and the secondary employer employs 10 U.S.-based farmworkers, and collectively you hire 100 H-2A farmworkers, you will first add up all hours worked by both operations’ U.S.-based workers (total annual hours from all 15 U.S.-based workers) and divide that total number by 2080; then, add up all the hours worked throughout the season by the 100 H-2A workers jointly hired and divide that total number by 2080.

- **Can I recruit from any country, like South Africa, Mexico or otherwise?**
  - Assuming FLSP employers meet all H-2A requirements (including effort to effectively recruit U.S. based workers), they may recruit from any participating H-2A country. However, all applicants should note the benefits of recruiting from NCA countries within the FLSP program:
    - **More competitive score on application** (see *Section 6.1 Project Evaluation Criteria in the [NFO](#)*.)
    - **Higher award**, if combined with the other Supplemental Options (See *Table 3* in [NFO](#)).
    - **NCA Ministry Recruitment is free**, resulting in potential significant financial savings for employers.
    - **Free NCA technical assistance** for all grant awardees on free recruitment and consulate support technical assistance for any workers recruited via the government Ministries in North Central America.
  
- **Can the FLSP grant be used to search for any type of worker where we are unable to fill jobs? (e.g. domestic workers, production, etc).**
  - No, the grant is not open to any type of employee. The purpose of this program is to improve food and agricultural supply chain resiliency by addressing the challenges agricultural employers face with labor shortages and instability.
  - The program is open to all **agricultural employers**, who hire **agricultural employees** - also known as farmworkers or farm labor workers. Please see *Section 9 Definitions* of the [NFO](#) for specific definitions for both terms.

- **I'm an FLC but not a direct employer. Can I apply?**
  - You must be a **direct employer** to be eligible to apply directly to the grant. However, an applicant may choose you as their recruitment partner.
  - If you partner with an Applicant, you will need to submit a [Recruiter Organizations Template Letter](#).
  
- **Does the program help increase the availability of farmworker housing and help employers find and provide housing?**
  - Awardees are responsible for finding housing and maintaining its compliance with all local, state and federal regulations related to farmworker housing.
  - Can use to rent an apartment or other housing complex for seasonal workers but *lease agreements to own (i.e., lease-to-own or rent-to-own) are not allowable*. Any lease or rental agreement must terminate at the end of the FLSP grant period of performance.
  - Anything over \$5,000



# What Can The Funding Be Used For?

## ■ Broad categories include:

- Costs related to **hiring and onboarding** U.S. and H-2A workers including, for example but not limited to recruitment, applications, attorneys, and other consulting fees, etc.
- Costs related to **wages, business and administrative costs** related to compliance with the program commitments, etc.

See **Section 6.0** in [FLSP General Terms and Conditions](#) for more details on Allowable Costs.

## • Housing maintenance costs

- *Allowable* for rental costs. However, lease agreements to own are not allowable. The lease or rental agreement must terminate at the end of the grant FLSP period of performance.
- Rearrangement and reconversion costs are *allowable*, including those incurred in restoring or rehabilitating the awardee's facilities to approximately the same condition existing before the start of the grant agreement, less costs related to normal wear and tear ([2 CFR § 200.462](#)).
- Any alterations to housing, or reconversion must ensure compliance with the National Environmental Policy Act (NEPA) - [7 CFR § 1\(b\)](#).



**Questions?**

**Please email**  
[FLSPgrants@usda.gov](mailto:FLSPgrants@usda.gov)