



**Florida
ID&R Office**

Temporary Employment

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Goals for this session

Recruiters will:

- ▶ Understand the regulations related to Temporary Employment
 - ▶ Identify the best questions for determining eligibility
 - ▶ Review documentation requirements for completing COEs on Temporary Employment
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Current Regulations on Temporary

- ▶ Latest Regulations came out in 2008
- ▶ § 200.81(k) (pages 44109 – 44113)

Current Guidance on Temporary

- Updated Chapter 2 (2010)
- Sections H and I





H5. What is temporary employment?

According to § 200.81(k) of the regulations, temporary employment means “employment that lasts for a limited period of time, usually a few months, but no longer than 12 months.”



H6. How may an SEA determine that a worker's job is "temporary employment"?

- A. Employer Statement - The employer states that the worker was hired for a limited time frame, not to exceed 12 months;
 - B. Worker Statement - The worker states that he or she does not intend to remain in that employment indefinitely (*i.e.*, the worker's employment will not last longer than 12 months);
 - C. State Determination - The SEA has determined on some other reasonable basis that the employment will not last longer than 12 months.
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I2. May SEAs consider employment that appears to be constant and available year-round to be temporary employment?

Yes. The Department recognizes that some agricultural and fishing jobs, for example certain jobs at processing plants or dairy farms, may appear to be constant and available year-round, but, perhaps because of the nature of the work, workers typically do not stay long at these jobs.



I2. May SEAs consider employment that appears to be constant and available year-round to be temporary employment? (cont.)

In cases of employment that appears to be constant and available year-round, recruiters can base their determination that the employment is temporary on:

1. the worker's or the employer's statement that even though the work appears to be constant and available year-round, he or she intends to remain no longer than 12 months, or
 2. the SEA's determination
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FARM
Beefmasters
KENNETH
THRASH



ATTENTION
Unauthorized Personnel
DO NOT ENTER
Biosecurity Area

The Tyson logo, featuring the word 'Tyson' in white serif font inside a red oval with a yellow border, is located at the bottom of the sign.



Documenting Temporary Employment

III. QUALIFYING MOVE & WORK

5. The qualifying work,* _____ was:(make a selection in both a. and b.)

- Describe agricultural or fishing work
- a. seasonal OR temporary employment
- b. agricultural OR fishing work

* If applicable, check:
 personal subsistence (provide comment)

6. (Complete if "temporary" is checked in #5a) The work was determined to be temporary employment based on:

- a. worker's statement, OR
- b. employer's statement, OR
- c. State documentation for _____
Employer

IV. COMMENTS (Must include 2bi, 4c, 5, 6a and 6b of the Qualifying Move & Work Section, if applicable.)

A comment that clearly illustrates the time period of 12 months or less. For example, number of months, range of dates, date of possible next move.



Red flags



“Worker states work is temporary. The family arrived on 12/22/13 and found work deboning chicken at the local chicken plant.”

“Work got slow and the worker went to El Salvador and came back with the whole family.”

“Worker moves to NC because work gets slow during summer time.”

“The worker states that she’ll quit a job after she finds a better paying job”



Other red flags



“Worker stated he will stay at dairy farm until they call him for a job on a ranch in Arcadia. Worker has prior history of agricultural move in Georgia.”

“Temporary pine straw workers may not have benefits and can be laid off with little or no notice.”

Examples of Complete Worker Statements:

“The worker stated that he plans to leave after seven months to return with his family back to FL.”



“The worker works 8 months then migrates to Mexico and returns to the planting season.”



“The worker was told work was available only for the high demand period which lasts until December 2011.”



Examples of Complete Employer Statements:

“Employer stated that he will hire the worker only for February through May to accommodate the increase in floral growing around Valentine’s Day, Easter, and Mother’s Day.”



“Farmer Jones states that he needs the worker for only 5 months to repair all the fences around his dairy farm.”







Special Circumstances with Temporary Employment

- ▶ “I will work for as long as I can.”
 - ▶ Is staying longer than planned.
 - ▶ Moved for any work and obtained temporary work.
 - ▶ Moved for specific temporary work but did not obtain work.
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“I will work as long as I can”

What kind of questions can you ask?

“Ideally how long would you like to work here?”

“Where did you live/work in the past three years?”

“How long have you worked in each plant?”

“Thinking back on your work history, how long do you plan on staying at this plant?”



“I will work as long as I can”

- ▶ Is it really temporary work or a permanent job?
 - ▶ The worker has intentions of working for more than 12 months if possible.
 - ▶ You can not determine them eligible for the MEP.
 - ▶ Look into previous moves.
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“as long as possible”



Aug. 2013

Worker and children moved into your district. Worker obtained job at local poultry plant .

Nov. 2013

During the interview, worker states, “will work for as long as possible.”

Nov. 2014

Followed up to see if worker is still working at poultry plant.
Worker was let go in January 2014.

“As long as possible” = permanent employment.

Length of time supersedes the workers intent.

Staying longer than 12 months



Feb. 2013

Worker and children moved into your district. Worker obtained job at local poultry plant.

May 2013

During the initial interview, worker states that he plans to work for only 6 months.

March 2014

During a home visit, worker states that he is still working at poultry plant.

The length of time meets temporary criteria. Children are still eligible for 36 months.

Timing matters...



January 2013

A youth (20 years old) moved into your district. Youth obtained job at local poultry plant. He was planning to work for only 10 months.

April 2014

During the initial interview, OSY states he is stilling working at the same poultry.

The length of time supersedes the worker's initial intent of wanting to work there for only ten months.

The youth is not eligible for the MEP.



Moved for any work and obtained temporary work

Document correctly:

- ▶ 4b – Soon after – Work must have obtained qualifying work 30 days from arriving.
 - ▶ Temporary work
 - ▶ Worker statement
 - ▶ Employer statement
-



Moved for temporary work but did not obtain work.

Document correctly:

- ▶ 4c – Did not obtain
 - ▶ 4ci – Previous history (comment)
 - ▶ 4cii – Credible evidence (comment)
 - ▶ Temporary work
 - ▶ Worker statement
 - ▶ Employer statement
-



Group Activity

Play nice!





**Worker stated she
was hired to rake
pine straw until
5/15/14.**



Worker stated he will work planting hibiscus for a total of eight months.



Employer stated that he hired the worker to lay sod at his sod farm for a total of six months.



Employer stated that she will hire the worker only for February through March to accommodate the increase in floral gifting around Valentine's Day, Easter, and Mother's Day.



Worker stated that he moved to Vermont to specifically milk cows and was hired for a total of two months.



Worker stated that he plans to leave the job after seven months in order to return to his home country with his family.



Worker stated that he plans to milk cows from April 2014 to August 2014 then travel to Kentucky to work in tobacco.



Questions?

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Thank you!

