



Temporary Employment

2015 ID&R Statewide Training



Objectives

- 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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What are some of your questions/concerns with temporary?



- Initial stages of “processing” meat/fruits/vegetables
 - Identifying the qualifying work
 - Unsure of length of employment
 - What are acceptable comments?
-



Process for determining... Seasonal or Temporary

Understanding
Guidance



Coming up
with the
correct
questions



Interviewing
Families



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
-



What is temporary employment?



What is temporary employment?

Chapter II, H5

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"?



Employer Statement - The employer states that the worker was hired for a limited time frame, not to exceed 12 months;



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);

**NOT
HERE**

State Determination - The SEA has determined on some other reasonable basis that the employment will not last longer than 12 months.



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.



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

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
-



What questions should we ask to determine if employment is year-round?

- Does the work depend on cycles of nature?
 - When does the work begin and when does it end?
 - Is the work available all year?
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Initial Processing

Production



Initial
Processing



Further
Refined
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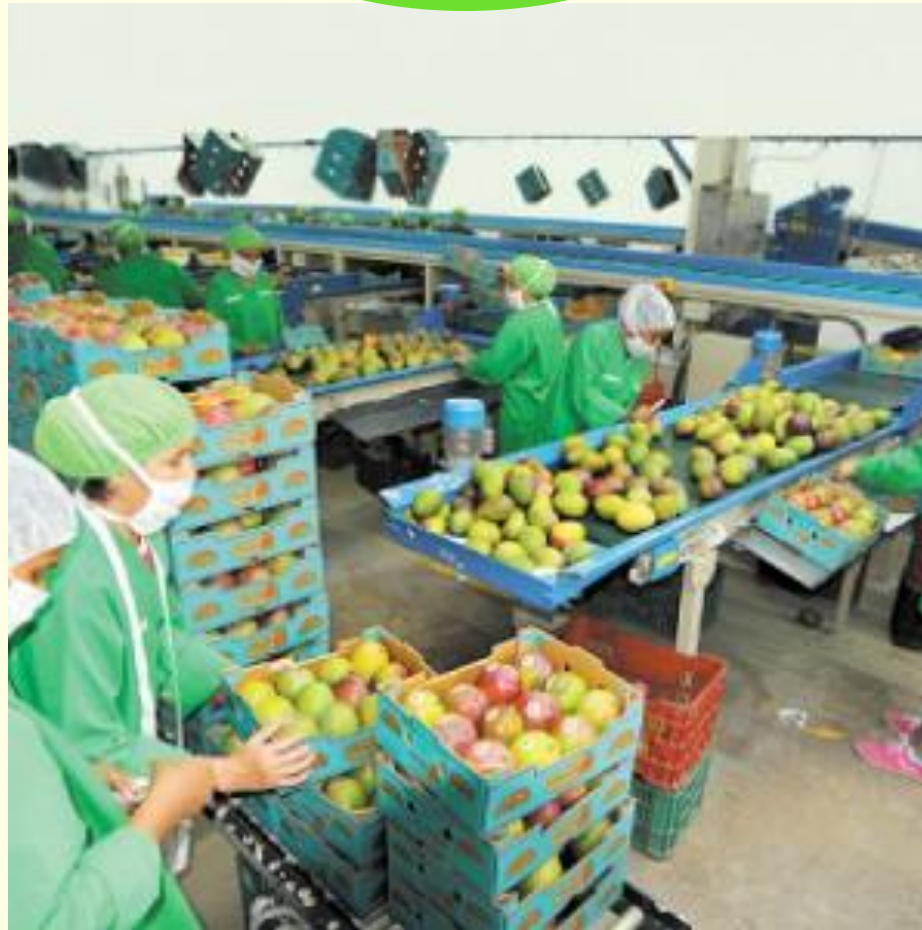
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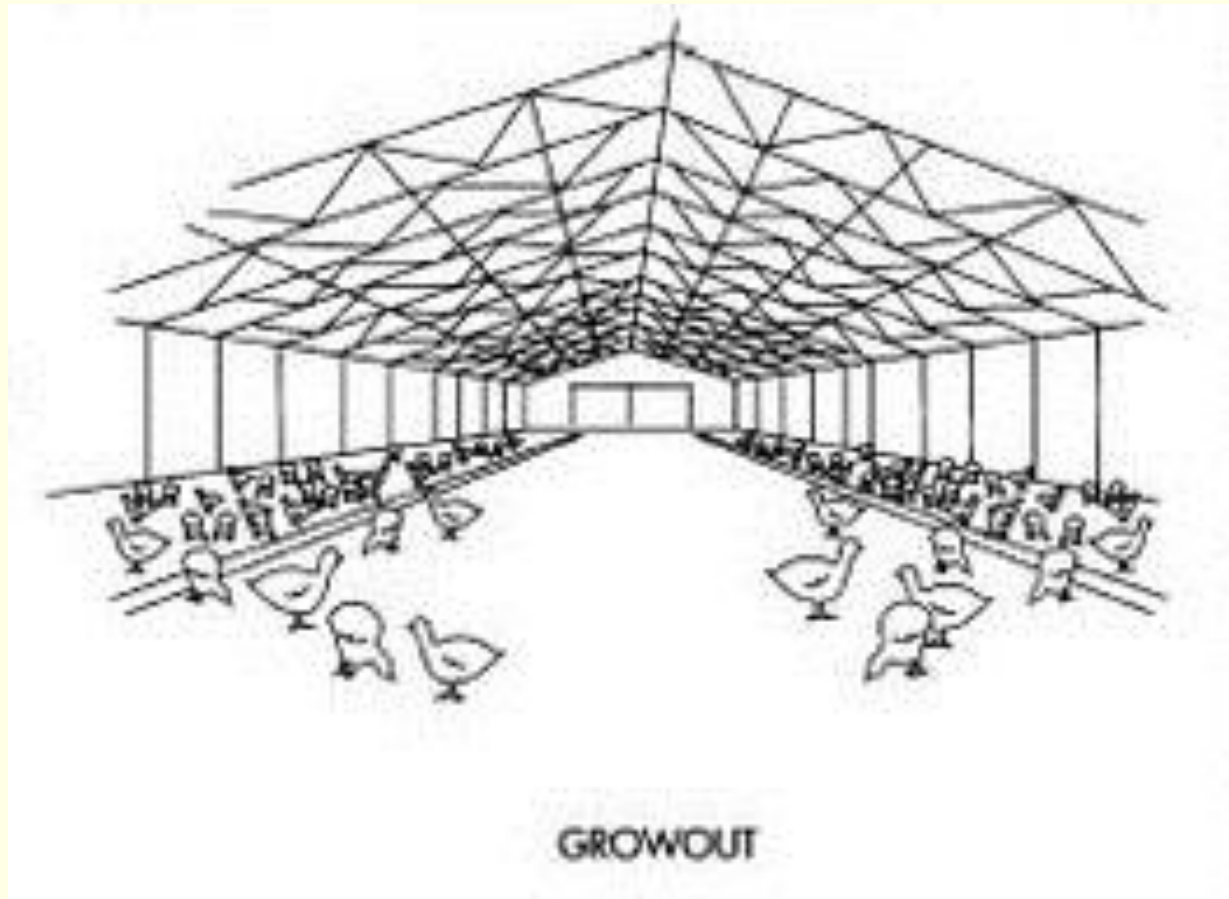
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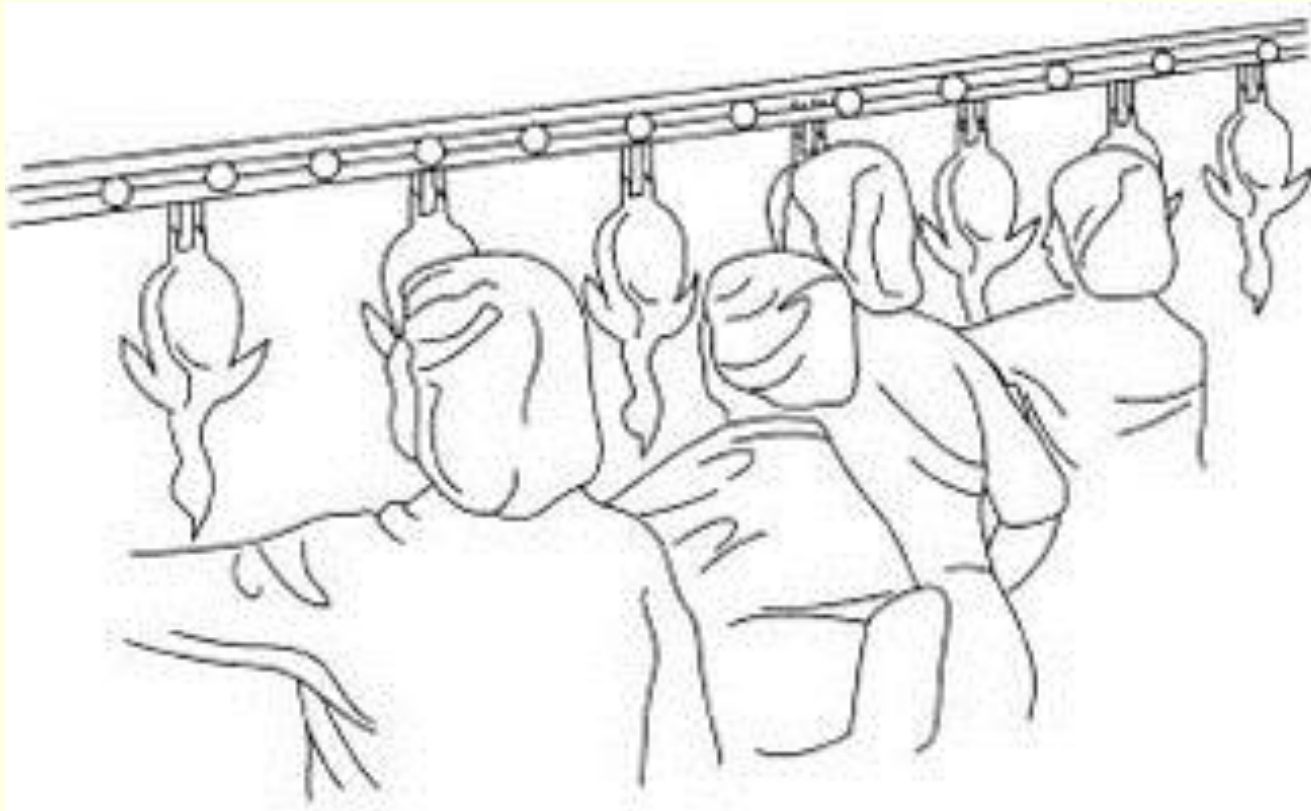
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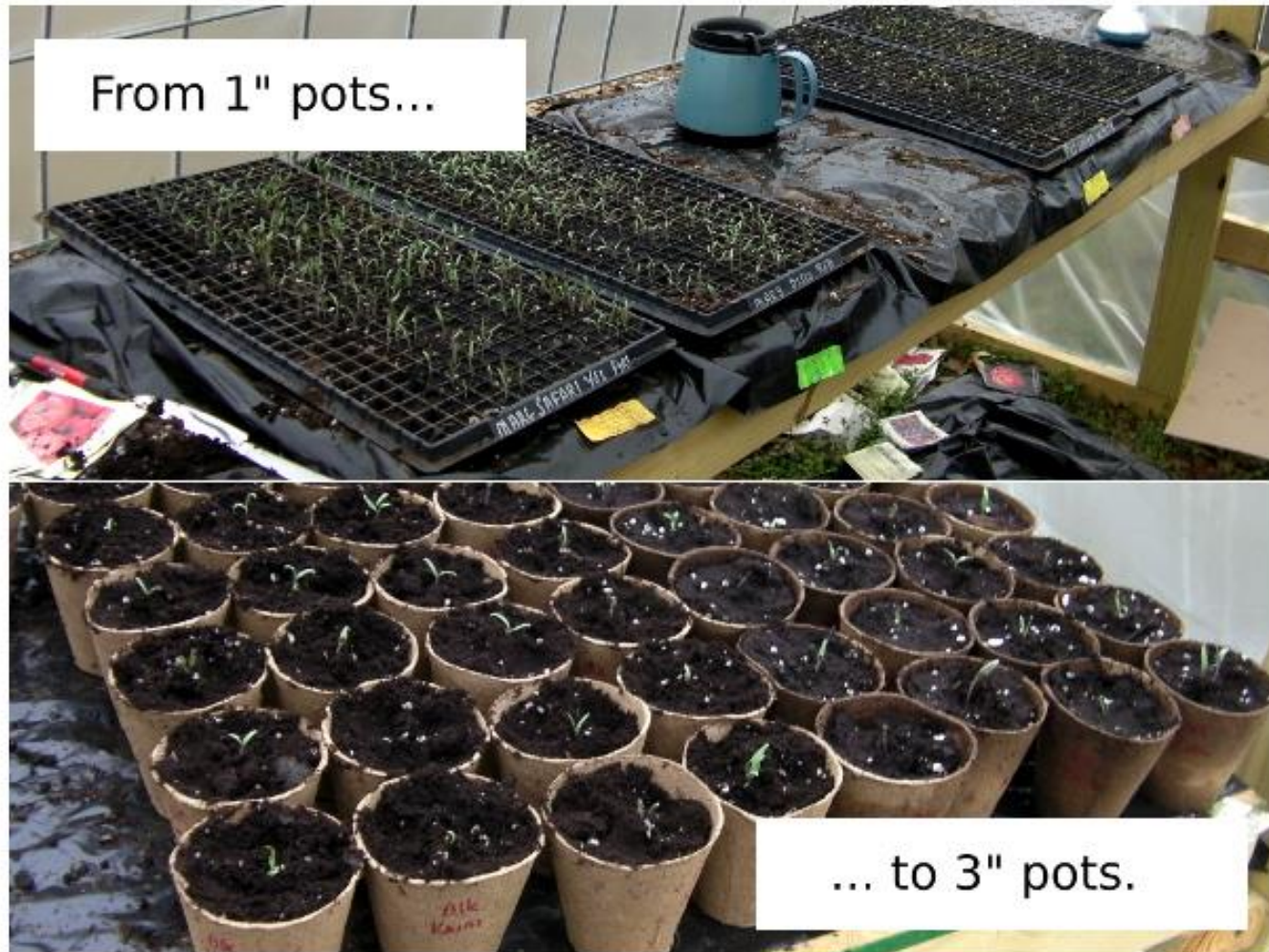
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Documenting Temporary Employment

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

What is missing?

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

“Family moved from Boston to work in poultry and has been actively seeking employment in poultry.”

“Family moved from TN to Indiana because a friend told them about poultry work. Family qualifies because of QAD and type of employment.”

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

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 at Tyson Foods. The worker states that the job is temporary and that the mother will only work for about six months at Tyson Foods.”



“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 the months of January through May to accommodate the increase in floral gifting 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

- “I will work for as long as I can”
 - Staying longer than planned
 - Moved for any work and obtained temporary .work
 - Moved for specific temporary work but did not obtain work
 - Series of activities for the same employer
 - Trial basis
-



“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
-

“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 on January 2014.

“as long as possible” = permanent employment

Intent supersedes length of time of employment

Timing matters...



May 2013

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

September 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

Staying longer than 12 months



Aug. 2013

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

Nov. 2013

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

Sept. 2014

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

The length of time meets temporary criteria.
Still eligible for program.



Moved for any work and obtain 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), or
 - ▶ 4cii – Credible evidence (comment)
 - ▶ Temporary work
 - ▶ Worker statement
 - ▶ Employer statement
-



Scenario 1

Geronimo, his wife and his 2 school age kids move into Florida from Oklahoma in December 2013. The family moved to obtain a job at Perdue Farms Inc., the family's intention was to work until July 2014 and return to Oklahoma, however, it is now February 2015 and he is still employed there. You interview this family in February.

Is this family eligible?



Scenario 2

Luis, Carmela and their 2 school age children move into your district in January 2014 to work at Alpha Fern Company. The family tells you during the interview in April that they plan on staying until October 2014. It is now February 2015 and you find out through a teacher that the family is still employed there.

Is this family eligible?



Scenario 3

Alberto 20 years of age moved into your area to work at Pilgrim's Pride Corporation in Live Oaks Florida. His boss tells him that he will be hired to do several jobs at the plant. He gets a job stunning chickens for 4 months, then he debones chicken for 4 months, then he packages chicken for 5 months.

Is Alberto eligible?



Scenario 4

Salma, her husband and their 3 school age children arrived in Florida on January 2015. The family moved looking for any kind of work and obtained work at Ronald Jones Ferneries. Salma and her family are settling in quite nicely and she is even enjoying her job at the plant and would like to stay as long as possible. Her husband is currently working at a construction site not too far away.

Is this family eligible?



Scenario 5

Cynthia and Roberto and their 7 year old daughter move into Florida on September 2013 to work at Wayne's Farm Chicken Plant. The family plans on staying 9 months before returning to Mississippi for fishing. You interview her in July 2014 and you find that she is still employed there.

Is this family eligible?



Scenario 6

Roman, Maria and their 3 school age children move to Florida on February 1, 2015 from Alabama after he lost his job. Roman was looking for any work and obtained work in a restaurant, two weeks later Roman gets hired at the Perdue's Poultry Plant until August 2015. He works at the plant in the morning and works the restaurant at night.

Is this family eligible?



Scenario 7

Christian is hired for a job at Tyson's Poultry Plant in your district. During summer breaks he and his family go to Mexico. The family always make sure to return to Florida before their children start school. Christian reapplies and starts working at Tyson's again. He has worked there for the last 2 years.

Is this family eligible?
