



What is Qualifying Work?

Louisiana MEP ID&R Team

ID&R Vocabulary

- Qualifying Move
- Qualifying Work
- Migratory Qualifying Worker
- Migratory Child
- Qualifying Arrival Date
- Short Duration Moves



MEP Eligibility Equation



$$\text{MQW} + \text{MC} = \text{QAD}$$

MEP Eligibility Equation

$$\text{MQW} + \text{MC} = \text{QAD}$$

$$\text{Migratory Qualifying Worker} + \text{Migratory Child} = \text{Qualifying Arrival Date}$$

Migratory Qualifying Worker

An individual who made a Qualifying Move and, soon after the move, engaged in new Qualifying Work.

Qualifying
Move

+ **Soon
After**

=

Qualifying
Work

Migratory
Qualifying
Worker



Objectives

- What is qualifying work?
 - Temporary and seasonal employment
 - Production and Initial Processing
 - Agriculture or Fishing
 - New qualifying activities
 - Activity





What is Qualifying Work?





What is Qualifying Work?

“New temporary or seasonal employment or personal subsistence in the production or initial processing agriculture or fishing products”



Qualifying Work

Soon After the Move (*within 60 days*), the individual **engaged** in new:

- **Seasonal or Temporary Employment;**
AND
- **Agricultural or Fishing work**

2017 Non-Regulatory Guidance, Chapter II, C1, C2, & C5



Qualifying Work

“Seasonal or Temporary Employment”

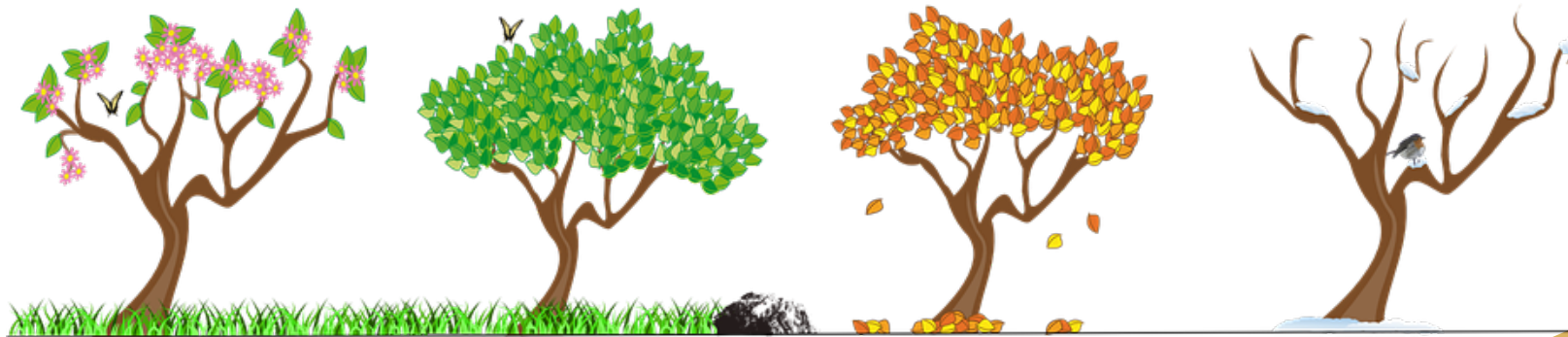
**Neither seasonal nor temporary
employment may last longer than
12 months**



Qualifying Work

“**Seasonal** or Temporary Employment”

Seasonal – Employment that occurs only during a certain period of the year because of the cycles of nature and that, by its nature, may not be continuous or carried on throughout the year.



2017 Non-Regulatory Guidance, Chapter II, G1

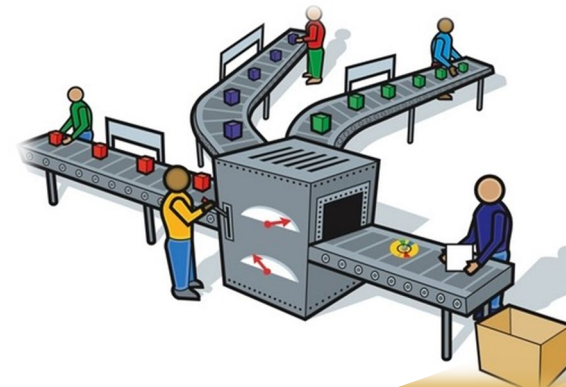
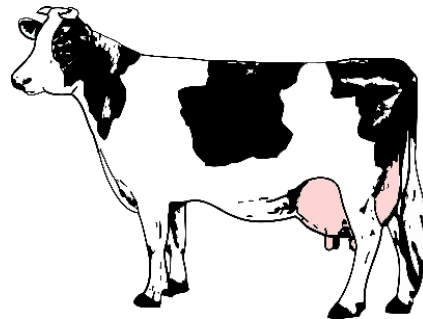
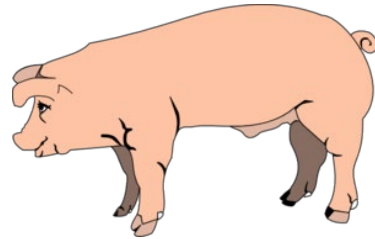
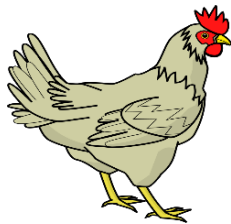


Qualifying Work

“Seasonal or **Temporary** Employment”

Temporary – Employment that lasts for a limited period of time, usually a few months, but no longer than 12 months.

- The **worker states** he/she does not intend to remain in that employment indefinitely (i.e., the worker’s employment will not last longer than 12 months).
- **Employer states** that worker was hired for a limited timeframe, not to exceed 12 months.



2017 Non-Regulatory Guidance, Chapter II, G5, & G6



Qualifying Work

Soon After the Move (*within 60 days*), the individual **engaged** in new:

- Seasonal or Temporary; **AND**
- **Agricultural or Fishing work**

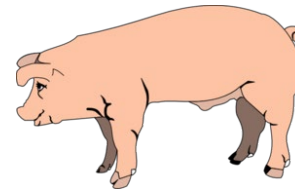
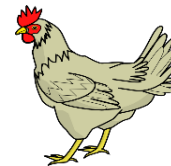
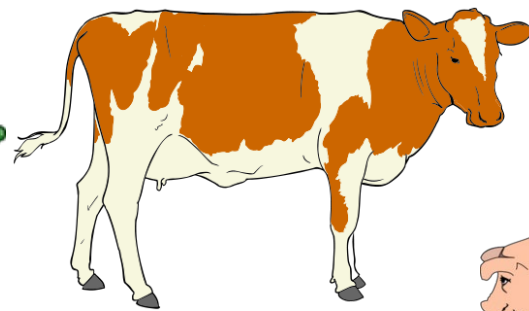
2017 Non-Regulatory Guidance, Chapter II, C1, C2, & C5



Qualifying Work

“Agricultural or Fishing”

Agricultural Work – The production or initial processing of crops, dairy products, poultry, or livestock, and the cultivation, harvesting and initial processing of trees. It consists of work performed for wages or personal subsistence.



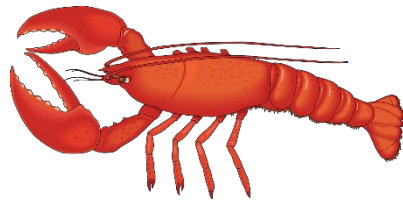
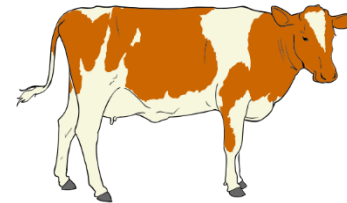
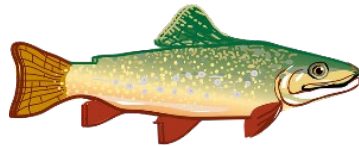
2017 Non-Regulatory Guidance, Chapter II, **F1**



Qualifying Work

“Agricultural or **Fishing**”

Fishing Work – The catching or initial processing of fish or shellfish; as well as the raising or harvesting of fish or shellfish at fish farms that is performed for wages or personal subsistence.



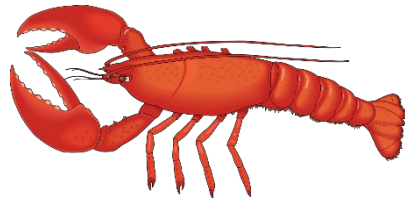
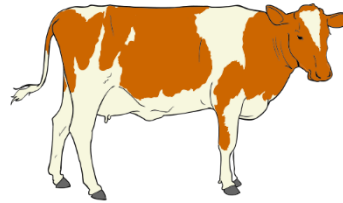
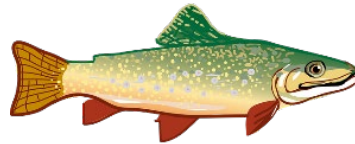
2017 Non-Regulatory Guidance, Chapter II, **F16**



Qualifying Work

“**Production** or Initial Processing”

Production – Work in growing and harvesting of crops, plants and the keeping, grazing and feeding livestock, and catching, raising and harvesting fish

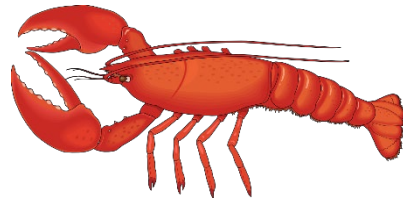
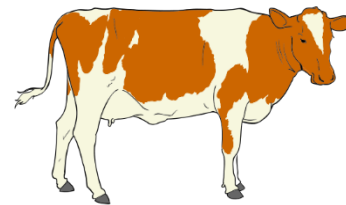
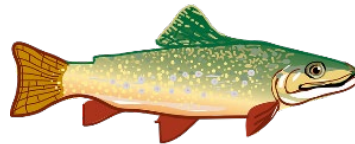




Qualifying Work

“Production or **Initial Processing**”

Initial Processing – work that (1) is beyond the production stage of qualifying work and (2) precedes the transformation of the raw product into something more refined. It means working with a raw agricultural or fishing product.





Qualifying Work

Production vs. Initial Processing vs.
Refined Products

What is the difference?



Agricultural Work



Production



Initial Processing



Refined Product





Agricultural Work



Initial
Processing



Refined
Product



Production





Fishing Work



Refined
Product



Production



Initial
Processing





Qualifying Activities

Are the following activities production, initial processing or a refined product?

- Hay cutting,
- Hay Sorting,
- Hay packing,
- Hay storing,
- Hay preserving (putting cover over hay to keep it dry),
- Hay planting,
- Hay feeding (feeding the hay to animals)



Qualifying Activities

Is the following Qualifying Work?

Jose indicates that he is currently picking potatoes at a farm for the season. After the season is over, he will continue work in preparation for the next season.



Qualifying Activities

Is the following a Qualifying activity?

Manuel indicated he drives a truck that takes the sugar cane from a farm in the middle of the country to the sugar mill in the city.



Qualifying Activities

Is the following seasonal or temporary?

Gloria said she worked at a nursery packing poinsettias for the Christmas season.



Qualifying Activities

True or False?

If the Qualifying Activity is not listed in MERIL2, we cannot recruit the student.



Qualifying Activities

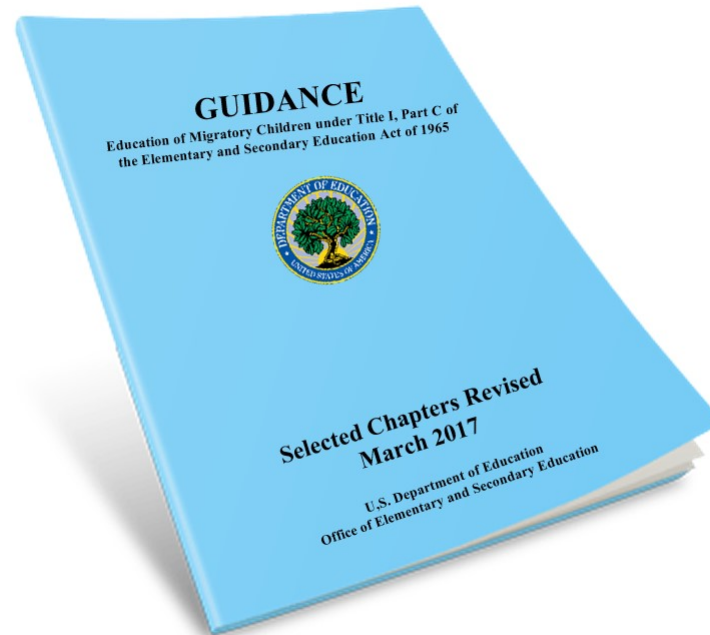
Is the following Qualifying Work?

Alicia indicated she plans to work at the dairy farm for as long as possible milking cows. Her employer indicates she was hired for a month.



Qualifying Work

The following slides are questions from the MEP Non-Regulatory Guidance addressing qualifying work.





Qualifying Work

“Seasonal or Temporary Employment”

G7. Is a worker who was hired to perform a series of different jobs, which together lead to the worker being employed by the same employer for more than 12 months, employed on a temporary or seasonal basis?

No. Workers who are hired to work for more than 12 months by the same employer, regardless of how many different jobs they perform, are not “engaged in new temporary or seasonal employment” as provided in the definitions of migratory agricultural worker and migratory fisher in section 1309(2) and (4) of the ESEA. See also 34 C.F.R. § 200.81(o) and (p).



Qualifying Work

“Seasonal or Temporary Employment”

F29. May a worker who is “self-employed” qualify as a migratory agricultural worker or migratory fisher?

Generally, no. The Department believes that, in general, if a worker is self-employed in a business that operates, or is available, on a year-round basis (*e.g.*, workers who own their own farm, crop-dust planes, or combines), that worker would not move and engage in *new employment* that is seasonal or temporary...We note that the definitions of these two terms provide that the worker’s *employment* be seasonal or temporary, not that the agricultural work or fishing work that is performed be seasonal or temporary.

2017 Non-Regulatory Guidance, Chapter II, G5, & G6



Qualifying Work

“Seasonal or Temporary Employment”

F29. May a worker who is “self-employed” qualify as a migratory agricultural worker or migratory fisher?

Generally, no. The Department believes that, in general, if a worker is self-employed in a business that operates, or is available, on a year-round basis (*e.g.*, workers who own their own farm, crop-dust planes, or combines), that worker would not move and engage in *new employment* that is seasonal or temporary...We note that the definitions of these two terms provide that the worker’s *employment* be seasonal or temporary, not that the agricultural work or fishing work that is performed be seasonal or temporary.

2017 Non-Regulatory Guidance, Chapter II, G5, & G6



Qualifying Work

“Production or Initial Processing”

F21. What are examples of “initial processing” work in the poultry and livestock industries?

For the purposes of the MEP, examples of “initial processing” work in the poultry and livestock industries include, but are not limited to: stunning; slaughtering; skinning; eviscerating; splitting carcasses; hanging; cutting; trimming; deboning; and enclosing the raw product in a container.

F22. What are examples of “initial processing” work in the crop industry?

For the purposes of the MEP, examples of “initial processing” work in the crop industry include, but are not limited to: cleaning; weighing; cutting; grading; peeling; sorting; freezing, and enclosing the raw product in a container.

F23. What are examples of “initial processing” work in the fishing industry?

For the purposes of the MEP, examples of “initial processing” work in the fishing industry include, but are not limited to: scaling; cutting; freezing; dressing; and enclosing the raw product in a container



Qualifying Work

“Production or **Initial Processing**”

F24. When does “initial processing” end?

The Department considers a product no longer to be in the stage of “initial processing” once the transformation of the raw product into something more refined begins. The Department believes that work up to, but not including, the start of the transformation process is agricultural or fishing work for purposes of the MEP. However, work such as placing raw chicken breasts into the oven for cooking, adding starter cultures to milk to make cheese, or applying necessary ingredients to a raw pork belly to begin the curing process is the beginning of the transformation process and therefore is not agricultural or fishing work for purposes of the MEP.



Qualifying Work

“Production or **Initial Processing**”

F25. What work is not considered production or initial processing?

Work such as cooking; baking; curing; fermenting; dehydrating; breading; marinating; and mixing of ingredients involves transforming a raw product into a more refined product. Therefore, the Department does not consider this work to be production or initial processing. In addition, the Department does not consider the following work to be production or processing: placing labels on boxes of refined products; selling an agricultural or fishing product; landscaping; managing a farm or processing plant; providing accounting, bookkeeping, or clerical services; providing babysitting or childcare services for farmworkers; or working at a bakery or restaurant. With regard to work such as repairing or maintaining equipment used for production or processing, or cleaning or sterilizing farm machinery or processing equipment, the Department does not consider individuals whose *profession* is to do this work, or who were hired solely to perform this work, to be performing agricultural work.



Qualifying Work

F26. Is hauling a product on a farm, ranch, or other facility considered agricultural work?

Yes. The Department considers hauling a product on a farm, ranch, or other facility an integral part of production or initial processing and therefore, is agricultural work. However, it does not consider transporting a product to a market, wholesaler, or processing plant to be production or initial processing. “Shipping and trucking” is work that is often carried out by a third-party retailer, wholesaler, or contractor paid to transport various products. Therefore, the service these companies or contractors provide is “shipping” or “trucking” and not production or initial processing.



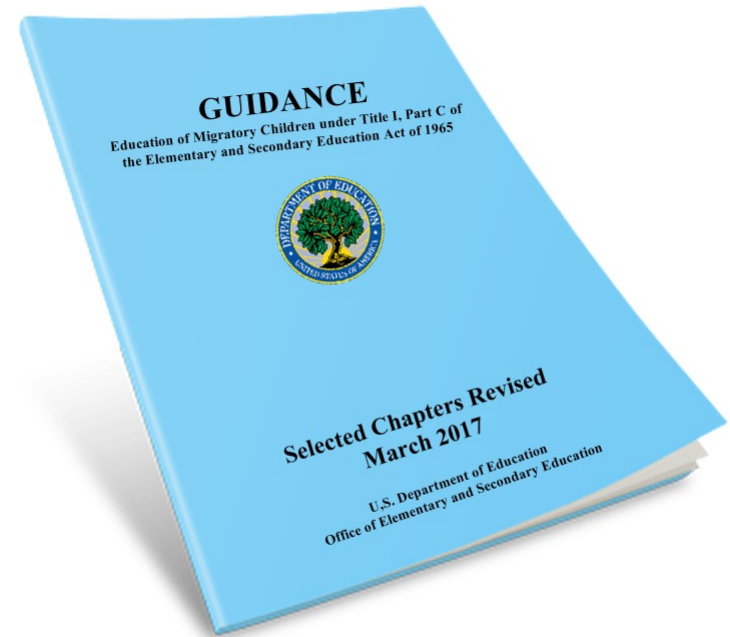
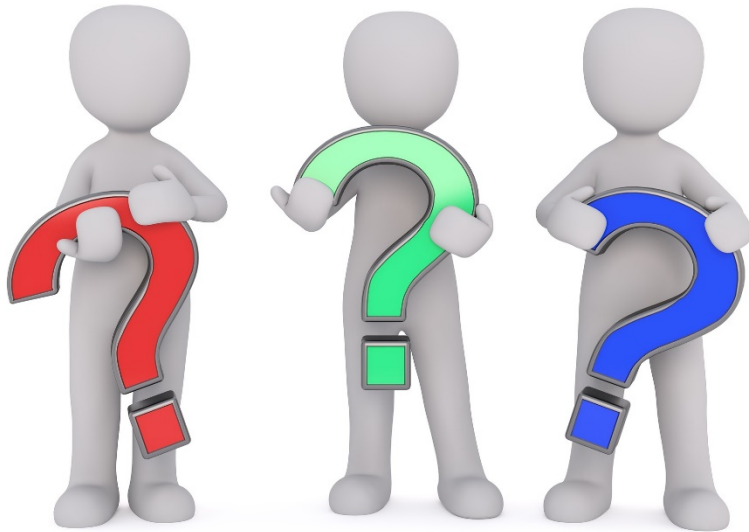
Qualifying Work

F27. May a worker who performs both qualifying and non-qualifying work still be eligible for the MEP?

Yes. A worker is only required to meet the definition of a migratory agricultural worker or migratory fisher as defined in section 1309(2) and (4) of the ESEA. Provided that the move was a qualifying move under section 1304(5) of the ESEA, the fact that the worker performs non-qualifying work in addition to qualifying work has no bearing on his or her eligibility for the MEP.



Questions?





LMEP ID&R Team

Please reach out to the LMEP ID&R Team at idr.team@louisiana-mep.org. The ID&R Team is available to assist with ID&R questions, recruitment efforts or anything else that may come up.

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