



Workforce Issuance

100 DCS 21.105

☐ Policy ☒ Information

To: Chief Elected Officials
MassHire Workforce Board Chairs
MassHire Workforce Board Directors
MassHire Career Center Directors
MassHire Fiscal Officers
MassHire DCS Operations Managers

cc: WIOA State Partners

From: Alice Sweeney, Director
MassHire Department of Career Services

Date: March 17, 2022

Subject: **New Versions of MSPA Certificates of Registration Required after March 31, 2022**

Purpose: To notify MassHire Workforce Boards, MassHire Career Center Operators, and other workforce development partners of changes to the Farm Labor Contractors (FLC) and Farm Labor Contractor Employee (FLCE) Certificate of Registration.

Masshire Career Centers must verify that any person (or business) who *recruits, solicits, hires, employs, furnishes, or transports* agricultural workers have a valid FLC /FLCE Certificate of Registration before providing services. To verify current certificate holders follow this link:

<https://www.dol.gov/agencies/whd/agriculture/mspa/farm-labor-contractors>

Background: The Migrant and Seasonal Agricultural Worker Protection Act (MSPA) protects Migrant and Seasonal Farm Workers (MSFWs) by establishing employment

standards related to wages, housing, transportation, disclosures, and record-keeping. The MSPA also requires farm labor contractors to register with the U.S. Department of Labor (DOL), Wage and Hour Division (WHD).

Before performing any "farm labor contracting activities," farm labor contractors (including employment/staffing (temp) agencies) are required to apply to the U.S. Department of Labor for a Certificate of Registration authorizing the applicant to engage in "farm labor contracting activities." Persons employed by farm labor contractors (farm labor contractor employees) to perform such activities on behalf of the contractor are also required to register with the Department.

On October 18, 2021, the Wage and Hour Division (WHD) published three new forms for Farm Labor Contractors (FLCs) and Farm Labor Contractor Employees (FLCEs) to use to apply for or update their *Certificates of Registration*. The U.S. DOL, WHD developed these forms to provide applicants and their representatives with clarification on required fields and documents and feature expanded instructions to guide applicants through the registration process.

In addition, WHD launched a new [web site](#) to assist applicants with Certificate Registration. This web site includes brief webinars, frequently asked questions, and other resources. MassHire Career Centers (MCC) can direct individuals or business (including employment/staffing (temp) agencies) lacking the valid certificate to the U.S. DOL site for renewal or to obtain the required authorization to perform any of the labor contracting activities listed above.

Important Notice - Registered FLC/FLCE must always carry a *Certificate of Registration* and upon request must exhibit that certificate to representatives of the State Workforce Agency (SWA) and to all persons with whom he/she intends to engage in agricultural labor contracting activities.

The facilities and the services authorized by the Wagner-Peyser Act must be denied to any farm labor contractor and/or farm labor contractor employees upon refusal or failure to produce, when asked, a Certificate of Registration. Services shall be provided upon presentation of a valid Certificate of Registration.

Action

Requested: Please share this issuance with all appropriate managers, staff and partners.

Effective: Immediately.

Attachments: Farm Labor Contractor and Farm Labor Contractor Employee Certificates of Registration Flyer.