Appendix X: Describing Common Qualifying Work

How to Describe Qualifying Work

The term “qualifying work” means temporary employment or seasonal employment or personal subsistence in agriculture or fishing (34 CFR § 200.81). Recruiters should review Chapter II: Child Eligibility in the NRG, specifically Sections F and G for further information on agricultural work, fishing work, temporary employment, and seasonal employment.

Agricultural and fishing work varies from state to state depending on factors like the climate, market conditions, historical crop patterns, and federal and state agricultural policies. Add to this the multitude of fishing, processing, livestock, and other activities, and the list would be long enough to fill a book. Furthermore, some crops and fishing work that qualify in one state, may not qualify in another (e.g., work that is seasonal in a northern state may be done year-round in a southern state). Finally, agriculture and fishing are both dynamic industries and new agricultural and fishing jobs (new crops and seafood products and new production methods) are being created all the time. For these reasons, it would not be possible to list all potentially qualifying agricultural and fishing work. However, the recruiter should have a good understanding of the basic agricultural and fishing employment that qualifies in the state.

When describing qualifying work on a COE, the recruiter should use a gerund (a verb plus “ing” as
in “picking”) and a noun (as in “strawberries”). In other words, the recruiter should describe the worker’s action (e.g., “picking”) and the crop, livestock, or seafood (e.g., “strawberries”). Here are some examples of properly written qualifying work:

|  |  |
| --- | --- |
| Picking strawberriesDe-tasseling cornCatching chickensPlanting oysters | Walking soybeansHarvesting crabsThinning sugar beets |

A recruiter should follow this simple format to describe qualifying work. If there is ever a question as to whether a particular agricultural or fishing job qualifies, it is recommended that a recruiter write a clarifying explanation of the work in the Comments section. This way the reviewer will have a better understanding of the work upon the initial COE review process.

SEAs are encouraged to develop a list of the agricultural and fishing work that is commonly done by migratory or seasonal farmworkers in their state. Furthermore, the SEA will need to caution recruiters that even if specific agricultural or fishing work appears on the state’s list, for the purposes of the MEP, qualifying work is only considered to be qualifying if (1) the work is temporary or seasonal and (2) performed for wages or personal subsistence. Of course, for the children to quality, the family must meet all other eligibility criteria. See the Chapter 7.