



Agricultural and Seasonal Workforce Services Advisory Committee

Meeting details

Date: Thursday, June 16, 2022

Time: 8:30 a.m. – 11:30 a.m.

Location: ZOOM meeting

Committee members present

- Jonathan DeVaney
- Edgar Franks
- Michele Besso
- Jeff Perrault
- Michael Gempler
- Delia Peña
- Rosalinda Guillen

Non-voting agency representatives

- Todd Phillips
- Ignacio Marquez
- Uriel Iniguez

Committee members absent

- Victoria Ruddy

ESD staff

- Dan Zeitlin
- Bertha Clayton
- Vickie Carlson
- Petra Meraz
- Olga Kondratjeva
- Carmen Rivera
- Carlos Sandoval-Larios
- Gustavo Aviles
- Rene Maldonado
- Juan Martinez
- Ana Alcala-Rodriguez

Summary

Meeting Recorded

This meeting was recorded and is available on <https://esd.wa.gov/newsroom/Ag-committee>

Welcome and Introductions

Employment Security Department (ESD) Policy Director, Dan Zeitlin, welcomed everyone and asked Vickie Carlson to take roll. Seven voting members were present, one was absent.

Agenda

Dan Zeitlin reviewed the agenda for the meeting and asked if anyone had any questions. (See Addendum I.)

Meeting Minutes

Dan Zeitlin requested that everyone review the meeting minutes for the May 19, 2022 meeting and provide their feedback. Recording Failed- Member who made the motion to approve, member who seconded the motion were not captured. The May 19, 2022 meeting minutes were approved.

ASWS Office Update – Bertha Clayton, ASWS Director (See Addendum II.)

FLC Applications – Petra Meraz, FLC Coordinator

ASWS FLC Team Update – Bertha Clayton, ASWS Director

- Creation of FLC Lead Position
- FLC Grant – FY 2022 Allocation

Recording timestamp **00:01:00**

ASWS Compliance – Bertha Clayton

Recording timestamp **00:08:00**

- Site Visits by Compliance Region
- Workers Contacted, Placements, Field Checks & Field Check Findings
- Creation of Standard Work: F.I.R.E
- ASWS/L&I Community Relations – Bertha Clayton & Carmen Rivera

Recording timestamp **00:39:22**Recording timestamp **00:45:49****Action Items:**

- FLC Applications: Request for breakdown of employers v. contractors filing applications
- FLC Budget: Confirm if supplemental allocation has the same restrictions as base

Timestamp **00:07:30****Workforce Information Technology (WIT) Replacement Project Overview**Recording timestamp **00:22:33****Nona Mallicoat, Deputy Director, Employment Connections****Linda Kleingartner, WIT Project Manager, ESD CONT** (See Addendum III.)

Provided a brief overview, timeline and update for the WIT Project

Recording timestamp **00:29:59****Complaint Coordination as a Potential Recommendation**Recording timestamp **00:51:50****Michele Besso, Attorney, Northwest Justice Project** (See Addendum IV.)

Michele opened the floor for discussion regarding an additional recommendation that would address the oversight of H2A worksites, coordination of State agencies through the Complaint Process.

- Discussion led to the ASWS Committee’s desire to review the current complaint process before moving forward with this new recommendation.
- Bertha asked the Committee to consider a recommendation or including within an existing recommendation- the development of MOUs (Memorandums of Understanding) between agencies- as specifically between ASWS, L&I and & Dept. of Labor, Wage & Hour Division

2022 ASWS Report Update – Bertha Clayton (See Addendum V.)Recording timestamp **01:09:03**

Customer Experience Study – Olga Kondratjeva, Operation Research Specialist

Recording timestamp **01:11:33****MSFW Disaster Relief Preparedness** (See Addendum VI.)Recording timestamp **01:14:03**Weather Impacts - **Juan Martinez, WP/MSFW Program Operator, ES**Recording timestamp **01:16:48**FLC Updates - Contract Impossibility – **Bertha Clayton, ASWS Director**Recording timestamp **01:24:33**ASWS Committee Subgroup – **Bertha Clayton**Recording timestamp **01:35:05****Future Agenda Items**Recording timestamp **01:49:32**

- Complete 2022 Report
- SWA housing certification process
- Complaint process
- Adverse weather impacts
- Update on COVID emergency rules

- Higher fuel prices – how is this impacting MSFWs willingness to commute to field work – local feedback from WS offices

Public Comments

None

Adjourned

Dan Zeitlin thanked everyone for their continued active participation and for their commitment to this work, then ended the meeting at 11:27 a.m.

2022 Meetings

The next Agricultural and Seasonal Workforce Services Advisory Committee meeting is on:

- **July 21, 2022 – 8:30 a.m. to 11:30 a.m. – Zoom Meeting**

Addendums

ADDENDUM I.



AGENDA

Agricultural and Seasonal Workforce Services (ASWS) Advisory Committee

Thursday, June 16, 2022 | 8:30 am – 11:30 am | Zoom | 212 Maple Park Ave SE
Olympia WA 98501

TIME	TOPIC
8:30 am	Welcome – Dan Zeitlin, Director, ESD Employment System Policy & Integrity Division <ul style="list-style-type: none"> • Roll Call – Vickie Carlson • Agenda Review – Dan Zeitlin
8:40 am	Approval of Meeting Minutes – Dan Zeitlin <ul style="list-style-type: none"> • May 19, 2022
8:45 am	ASWS Office Update – Bertha Clayton, Director, ASWS Office <ul style="list-style-type: none"> • FLC Applications – Petra Meraz, FLC Coordinator • ASWS Office – Bertha Clayton <ul style="list-style-type: none"> ➤ FY22 FLC Grant Update • ASWS Compliance Update – Bertha Clayton • F.I.R.E LEAN Project – Bertha Clayton
9:15 am	Workforce Information Technology (WIT) Replacement Project Overview – Nona Mallicoat, Deputy Director, Employment Connections – Linda Kleingartner, WIT Project Manager, (ESD CONT)
9:25 am	2022 ASWS Report Update – Bertha Clayton <ul style="list-style-type: none"> • Customer Experience Study Update – Olga Kondratjeva, Operation Research Specialist, Data Architecture, Transformation and Analytics
9:40 am	Complaint Coordination as a Potential Recommendation – Michelle Besso, Attorney, Northwest Justice Project
10:00 am	Break
10:15 am	ASWS Disaster Relief Preparedness – Bertha Clayton <ul style="list-style-type: none"> • Status of subgroup • Roundtable Discussion
10:50 am	Proposed Future Agenda Items <ul style="list-style-type: none"> • SWA Housing Certification – Transient Accommodation Housing • Other
11:10 am	Closing Discussion
11:20 am	Public Comment
11:30 am	Adjourn

GROUND RULES

No side conversations | Phones on silent | Let people speak without interruption | Respect the opinion of others | Strive for understanding | Speak your mind | Strive for common ground | Assume good intent | Stay focused on task at hand and be willing to come back to the topic | Make sure everyone understands | Look out for each other | Take care of your own comfort | Ask for what you need

ADDENDUM II.

ASWS Office Update



Advisory Committee Presentation

June 16, 2022

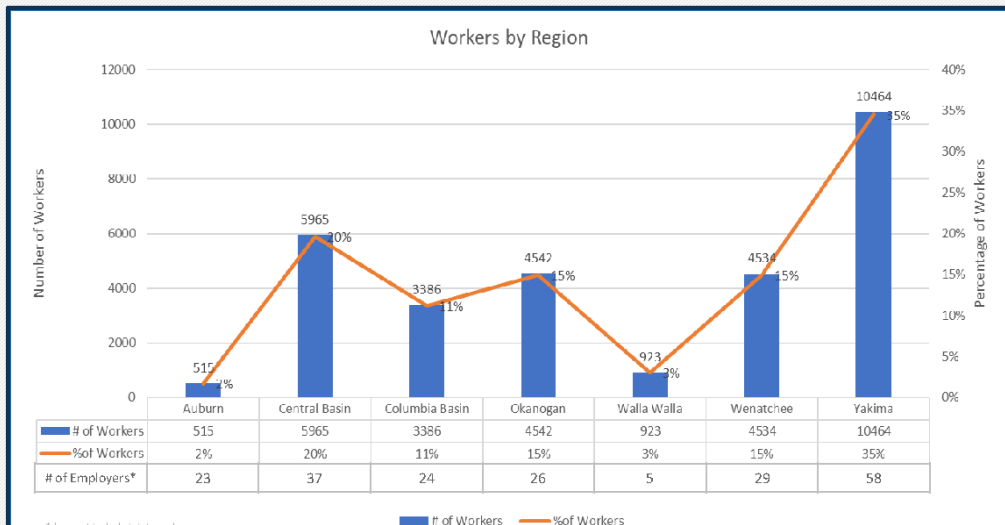
Petra Meraz, FLC Lead, ESD
 Bertha Clayton, ASWS Director, ESD
 Employment Security Department

FLC Applications Update



2022 H-2A Program Data (10/1/2021-6/14/2022)	2022				2021			
	Applications processed	Workers Requested	Active	Active Workers	Applications processed	Workers Requested	Active	Active Workers
Total Applications Received/Processed:	371	32,831	276	25,495	301	27,894	227	22,311
Number of Applications Withdrawn/Not Processed by DOL:	22	2,325			10	839		
Contract Impossibility:	1	30			0	-		
Total Number of Contracts Commenced:	297	26,991			237	22,170		

Compliance Specialist Counties served	Office # of workers
Chelan Shelburne, Steigerwald	Auburn
Prince, King, Snohomish Skagit, Whatcom Thurston, Mason, Kitsap Grays Harbor, Jefferson, Clallam, San Juan Islands	515
Galen Hunt Okanogan	Okanogan
Ferry Stevens Pend Oreille	4542
Tony Aceves Walla Walla	Walla Walla
Columbia Garfield Asotin	923
Arcuro Espinoza Benton Franklin	Columbia Basin
3386	
Alejandra Mendoza Chelan Douglas	Wenatchee
4534	
Amador Miranda Grant Lincoln Adams Spokane, Whitman	Central Basin
5965	
Mireya Prieto Frisco, Kittitas Klickitat, Skamania Clark, Covitz Wahkiakum, Pacific, Lewis	Yakima
10464	



ASWS FLC Team Update



Creation of FLC Lead Position



Petra Meraz: Promoted to Lead of the Foreign Labor Certification Team

- Petra has served as FLC Program Coordinator since February 2020
- As Lead, Petra will provide leadership and support to the FLC team, provide quality assurance and focus on training and process improvement
- Reallocation of this position is within FLC budget

FLC Grant – FY 2022 Allocation



TEGL 12-21 Foreign Labor Certification Grant Planning Guidance for FY22 - FY24 -- Released 6/10/22

- Provides financial information pursuant to funding levels authorized in the appropriations act for the fiscal year.
- Washington (FY 2022)
 - Base Allocation: \$400,000.00
 - Supplemental Allocation: \$202,678.00
 - **Total FY 2022 Grant: \$602,678.00**
 - % of Total Grant Allocation (2022): 2.83%

For Comparison

- Total FY 2021 Grant: \$400,000.00
- % Increase (2021 to 2022): 50.66%
- % of Total Grant Allocation (2021): 2.8%
- WA National Rank in Allocation: 10th
 - States receiving a grant allocation: CA, FL, GA, ID, KY, LA, NY, NC, TX
- WA Ranking (number of H2A positions certified FY21): 4th Highest
 - Grant Conditions
 - 20% used for surveys
 - 80% for activities supporting FLC functions
 - Including H2B

Next Step:

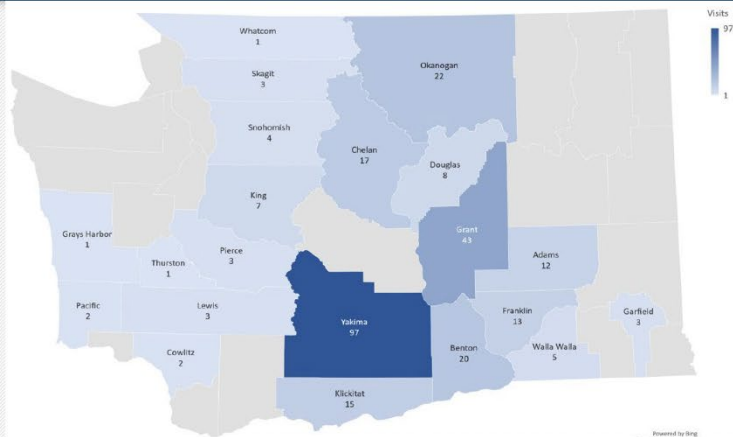
Working with ESD Budget office to develop an annual plan and budget for submission to USDOL.

Source: https://wdr.doleta.gov/directives/attach/TEGL/TEGL_12-21.pdf

ASWS Compliance Team Update



Site Visits by County (1/1/22- 6/14/22)

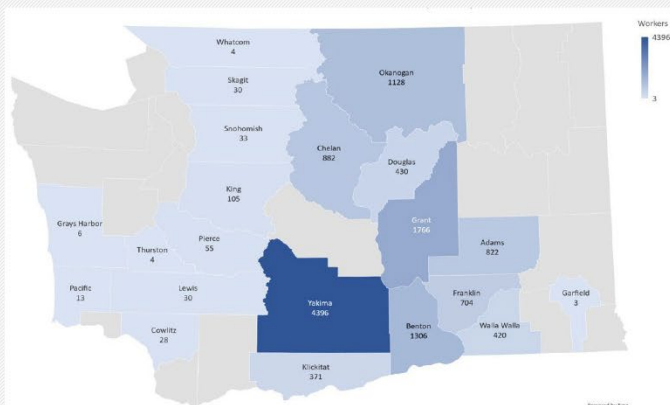


Statistics:

Total No. of Site Visits: 282
 Total No. of H2A contracts started since 1/1/22: 297

*Compliance specialists in regions with lower volume regularly provide assistance in higher volume areas and at times where staff are on leave.

Workers Contacted by County (1/1/22- 6/14/22)



Statistics:

Total No. of Workers Contacted: 12,536

*Compliance specialists in regions with lower volume regularly provide assistance in higher volume areas and at times when staff are on leave

Placements and Field Checks



20 CFR 653.503 Field Checks

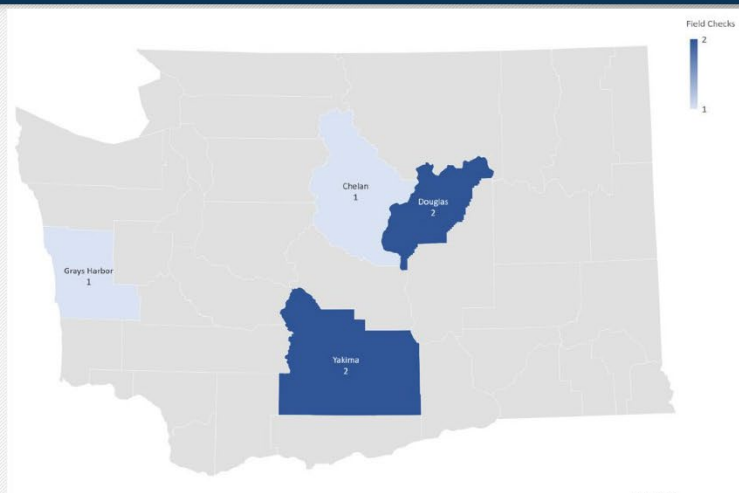
(a) If a worker is placed on a clearance order, the SWA must notify the employer in writing that the SWA, through its ES offices, and/or Federal staff, must conduct random, unannounced field checks to determine and document whether wages, hours, and working and housing conditions are being provided as specified in the clearance order.

(c) Field checks must include visit(s) to the worksite at a time when workers are present. When conducting field checks, ES staff must consult both the employees and the employer to ensure compliance with the full terms and conditions of employment.

Number of Placements <i>(seeker referred and started working)</i>	9
Number of Field Checks Performed by ASWS	6
Number of Field Checks currently scheduled	2

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ASWS Field Checks by County (1/1/22-6/14/22)



Field Checks by County:

- Chelan: 1
- Douglas: 2
- Grays Harbor: 1
- Yakima: 2

Total Field Checks Performed YTD: 6

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Field Check Findings – Briefing the Committee



Findings:

- A summary of field check findings and conclusions will be provided to the committee on a quarterly basis starting Q4.
- Identifying information (employer names, locations, worker identities) will be redacted.
- The objective of sharing findings will be to brief the committee regarding issues found during the field check and how they were resolved by our compliance staff.

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ADDENDUM III.

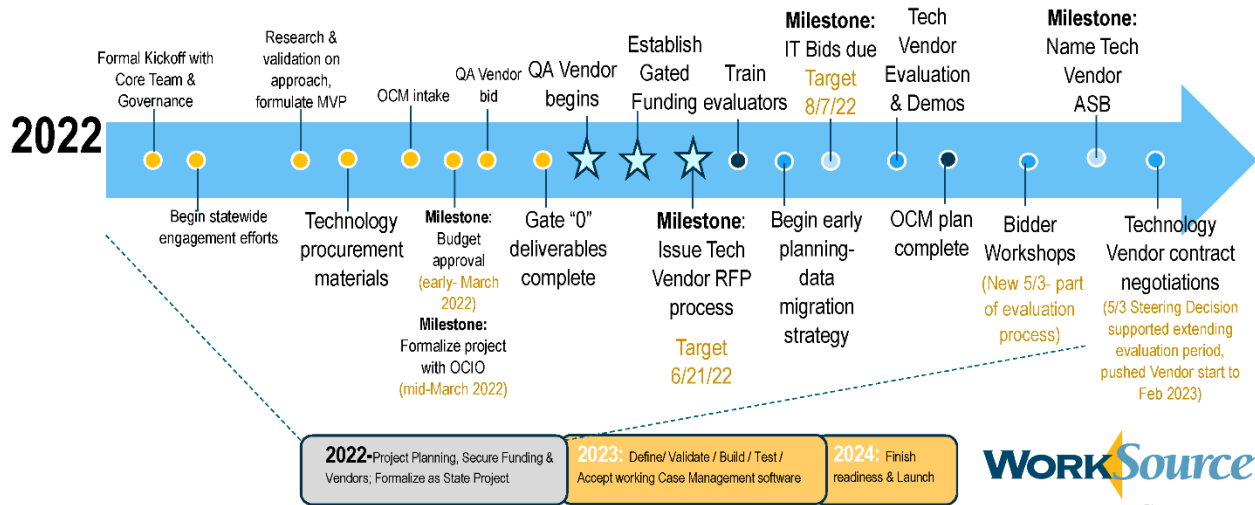
Workforce Information Technology (WIT) Replacement Project Overview



Advisory Committee Presentation June 16th, 2022

Nona Mallicoat, Deputy Director, Employment Connections
Linda Kleingartner, WIT Project Manager, ESD CONT
Employment Security Department

Project Timeline



THANKS!

Program Management

Nona Mallicoat, Employment Connections Deputy Director
 nona.mallicoat@esd.wa.gov

Project Management

Linda Kleingartner WIT Replacement Project Manager
 linda.kleingartner@esd.wa.gov



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Update on LEAN standard work – F.I.R.E. FORMAT, INFORMATION, REASSESSMENT, EXECUTION



- Project completed within 30-day target (June 7, 2022)
- Outline created, immediately being implemented
- We will be providing a copy of the outline to employers with the field visit notification letter
- Great training and team building experience. Participation from the team created a functional product that adds value to ASWS, workers, and employers

Measures to Monitor Impact:

- Working with LEAN office to develop measures on how effective this tool is
- Difficult to measure because there was no prior standard
- 30/60/90 day check in to assess how the standard work tool is working

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ASWS Compliance and LNI Community Relations – Coordination of Outreach Pilot



- Started April 2022
- Coordinated Outreach between ASWS Compliance Specialist and L&I Community Relations Outreach Specialist
- Limited to ASWS Northwest Region
 - NW region selected because there is already a good coordination foundation between ESD and L&I
 - Fewer employers, smaller contracts. Better opportunities to capture employer and worker feedback.
- Opportunity for both employers and workers to get comprehensive information and support

How it's Going and What's Next



- Carlos and Carmen have performed six site visits of coordinated outreach reaching a total of 86 H-2A workers
- Employers have been open LNI Community Relations outreach staff accompanying Carlos
- Positive feedback received from growers regarding value of information shared
- Carlos and Carmen have been documenting their coordinated outreach. This template will be useful for implementation in other regions
- Next area targeted for implementation: Okanogan

ADDENDUM IV.

Interagency Complaint Coordination as a
Potential Recommendation



Michele Besso, ASWS Committee Member

ADDENDUM V.

2022 ASWS Report Update



Advisory Committee Presentation

June 16, 2022

Bertha Clayton, ASWS Director, ESD

2022 ASWS Report Update



Bertha and Dan are currently drafting the 2022 ASWS Report

- Bertha: Update on recommendations and office update
- Dan: Budget updates

Target date for submission to the committee for review:

- July 8, 2022

2022 ASWS Report Update: Customer Experience Study



RFP has been completed and is currently posted.

ADDENDUM VI.

ASWS Disaster Relief Preparedness



Advisory Committee Presentation

June 16, 2022

Bertha Clayton, ASWS Director, ESD

Juan Martinez, WP/MSFW Program Operator, ESD

Employment Security Department

Weather Impacts – Information from MSFW Outreach Program



Summary of weather impacts	Potential impacts	Summary of support being provided to MSFWs
<ul style="list-style-type: none"> Lighter crops reported by some Employers due to the freezing weather in early spring Severe to moderate hail damage in some areas in Okanogan County & Central Basin Local growers concerned around low bee pollination, overtime laws, and the weather in the Columbia Basin Local cherry packing facility in the Yakima area will not be running cherries out of their Prosser facility due to effects of the weather on cherry production Significant impact to berry farms, primarily in Whatcom County due to storms Fruit and Cold Storage in the Yakima area is laying off 54 workers. They are citing a projected 30% decrease in the apple crop tied to late winter storms combined with high production costs due to inflation. 	<ul style="list-style-type: none"> Lower crop production will result in shorter harvest season and reduce earning potential for farmworkers Overall weather impacts may ultimately lead to H-2A foreign workers being sent back to their countries of origin sooner than expected due to lack of work The flow of Farmworkers into WorkSource Centers may increase statewide due to potential layoffs 	<ul style="list-style-type: none"> If H-2A workers are without work, MSFW Outreach staff/ASWS compliance staff provide info on food banks and other community resources. MSFW Outreach staff working closely with NFJP Grantee (OIC of WA) and other entities to connect farmworkers who have been out of work with resources and supportive services ASWS sub-group formed to discuss disaster preparedness for farmworkers (Group will consist of ESD, Farmworker Advocates and Ag Employer Advocates). Ag Significant Offices have been instructed to continue to reach out to farmworkers and agricultural employers to capture their needs and current impacts of the weather damage. Have also been asked to be prepared to provide resources and referrals to supportive services available in their areas.

Weather Impacts on H-2A Activity in Washington State



FLC Updates; Two Contract Impossibility Modifications:

- 1) Contract in Southcentral WA has cancelled
 - Abnormally low temperatures damaged crops.
 - # of H-2A workers impacted: 30 workers certified (not yet entered the U.S.)
- 2) Contract in Central WA modified end date of contract from 12/16/2022 to 8/5/2022
 - Majority of their fruit was damaged in a hailstorm, they expect to harvest very little fruit
 - # of H-2A workers impacted: 93 workers certified (employer will be provided instructions from DOL regarding next steps of workers (ex: return to home country at employer expense, visa portability options for other contracts)

ASWS Disaster Relief Preparedness



Status of ASWS Committee subgroup:

- Members: Rosalinda Guillen, Jon DeVaney, Ignacio Marquez, Uriel Iniguez, Juan Martinez

- First Meeting: June 15, 2022
 - Present: Jon, Ignacio, Bertha, Dan.

Planning Framework



Role of the Committee	Action Items	Outside of Scope
<ul style="list-style-type: none"> • Be informed of work disruption events. • Assess mechanisms for quickly connecting workers to other jobs. • Mobilize ESD outreach staff to affected workers to provide resources and support to workers; connect workers to other jobs within workforce system • Assess ESD's proactiveness in educating workers about what to do in a job disruption (i.e., applying to H2A positions) • Utilize Customer Experience Study to obtain feedback from workers about how rapid response system can be most effective. 	<ul style="list-style-type: none"> • Prioritizing coordination with the agencies that know of the potential disruption to production in various labor intensive ag. commodities that affect ag. labor market • Prioritizing ESD staff responding to help move workers quickly toward alternative job opportunities available Provide communication about where resources are. 	<ul style="list-style-type: none"> • Assessing overall workforce needs; Predicting effects on labor market • Making "blanket; assessments/predictions of weather impacts • Inflation/economic conditions outside of scope. (variables other than weather outside of scope)

Proposed Future ASWS Agenda Items



- SWA Housing Certification Process
- Your Ideas



Agricultural and Seasonal Workforce Services ADVISORY COMMITTEE



Employment Security Department
WASHINGTON STATE

Next ASWS Advisory Committee Meeting

Thursday, July 21st, 2022
8:30 a.m. – 11:30 a.m.

Contact information

Dan Zeitlin, Director of Employment System Policy & Integrity Division DZeitlin@ESD.WA.GOV

Employment Security Department • Policy, Data, Performance and Integrity