



# Agricultural and Seasonal Workforce Services Advisory Committee

## Meeting details

**Date:** Thursday, September 16, 2021

**Time:** 8:30 a.m. – 11:00 a.m.

**Location:** Virtual meeting due to COVID-19

### Committee members present

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

### ESD staff

- Dan Zeitlin
- Norma Chavez
- Alberto Isiordia
- Juan Martinez
- Rene Maldonado
- Oscar Cerda
- Ana Alcala-Rodriguez
- Tamara Johnson

### Non-voting agency representatives

- Uriel Iniguez
- Ignacio Marquez

### Committee members absent

- Todd Phillips

## 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 introduced the new Advisory Committee member Edgar Franks. Dan asked Tamara Johnson to take roll. All voting members were present.

### Meeting Minutes

Dan Zeitlin requested that everyone review the meeting minutes for June 17, 2021 and July 15, 2021 and provide their feedback. Jon DeVaney made a motion to approve the June 17, 2021 and July 15, 2021 minutes. Jeff Perrault seconded the motion. The June 17, 2021 and July 15, 2021 meeting minutes were approved.

### Agenda

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

Recording timestamp **00:03:33**

**ASWS Office Update**

Recording timestamp **00:08:20**

Oscar Cerda reported the office is currently recruiting for compliance specialists to be located in Auburn, Kennewick, Omak, and Walla Walla. The recruitment will be posted continuously until all positions are filled. Oscar also reported there have been 15 field visits so far with plans to do 36 by the end of September. The committee discussed the nature of field visit activities and associated compliance issues.

**H-2A Application Data Report**

Recording timestamp **00:44:38**

Norma Chavez reported on H-2A application data.

Status of Applications	# of Applications	# of Workers Requested/ Labor Certifications*
Received/Processed	345	29,998
Commenced	323	29,138
Withdrawn	13	600

\*The numbers reported are not reflective of the number of foreign workers that actually arrive in Washington State.

Rosalinda Guillen (CTC): Can we get actual number of workers in Washington at any point in time?

Daniel Zeitlin (ESD): The information is provided by employers on a voluntary basis and is difficult to get from unless they are willing to share the information.

**Recommendations Update – Norma Chavez**

Recording timestamp **00:56:00**

- **Worker Referral Updates – Juan Martinez & Ana Alcala-Rodriguez** Recording timestamp **00:57:45**  
Presented: *H-2A Progress & Performance (see addendum II)*
- **US DOL Waiver Request – Norma Chavez & Gary Kamimura** Recording timestamp **01:16:00**  
Presented: *Background – U.S. Department of Labor Waiver Request (see addendum III)*  
The Committee discussed the waiver request process and pros and cons to requesting a waiver as recommended in the committee’s 2020 report.
- **Customer Experience Study – Gustavo Aviles & Trupti Chaure**  
Tabled until next meeting
- **Track H-2A Job Order Processing Cost – Juan Martinez & Alberto Isiordia**  
Tabled until next meeting
- **Agency Coordination – Norma Chavez & Juan Martinez**  
Tabled until next meeting

**L & I Updates – Uriel Iniguez, Steve Yunker, Teri Neely**

Recording timestamp **01:50:30**

- **Temporary Worker Housing Rules updates – Teri Neely** Recording timestamp **01:51:24**  
Updates are to align with Governor’s proclamations regarding masking, sleeping, and living accommodations.
- **Housing compliance – Steve Yunker** Recording timestamp **01:55:14**  
Reports of covid isolations from 4 employers. Currently in the process of hiring for several positions within unit.

**DOH Updates – Juan Gamez Briceno**

Recording timestamp **01:59:40**

- Michelle Chung & Darius Bazemore presented:  
*Testing Vaccination Update – Agricultural Workers, September 16, 2021 (See Addendum IV.)*

- Tia Dostal & Michelle Holshue presented: Recording timestamp **02:22:22**  
*Covid-19 outbreaks in agricultural work settings, Washington state, 2021* (See Addendum V.)

**Future Agenda Items**

- Compliance Unit Activities
- Recommendations updates – Referrals & Recruitment

**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 11:29 a.m.

**2021 Meetings**

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

- **October 21, 2021 – 8:30 a.m. to 11:30 a.m. – WebEx Meeting**

Addendums

ADDENDUM I.



AGENDA

Agricultural and Seasonal Workforce Services (ASWS) Advisory Committee

Thursday, Sept 16, 2021 | 8:30 am – 11:00 am | WebEx

Agenda Items

TIME	TOPIC
8:30 am	Welcome – Dan Zeitlin, Director, ESD Employment System Policy & Integrity Division <ul style="list-style-type: none"> <li>Agenda Review</li> <li>New Committee Member Introduction</li> </ul>
8:40 am	Approval of Meeting Minutes – Dan Zeitlin <ul style="list-style-type: none"> <li>June 17, 2021</li> <li>July 15, 2021</li> </ul>
8:45 am	ASWS Compliance Update – Oscar Cerda
8:55 am	FLC Applications Update – Norma Chavez
9:00 am	Recommendations Update– Norma Chavez <ul style="list-style-type: none"> <li>Worker Referral, Placements and Tracking- Juan Martinez &amp; Ana Alcala-Rodriguez</li> <li>USDOL Waiver Request – Norma Chavez &amp; Gary Kamimura</li> <li>Customer Experience Study – Gustavo Aviles &amp; Trupti Chaure</li> <li>Track H-2A Job Order Processing Cost – Juan Martinez &amp; Alberto Isordia</li> <li>Agency Coordination- Norma Chavez &amp; Juan Martinez</li> </ul>
9:50 am	L&I Update–Uriel Iniguez <ul style="list-style-type: none"> <li>Rulemaking</li> </ul>
10:00 am	Break
10:10 am	DOH Update – Juan Gamez Briceno, Michelle Holshue, Darius Bozeman, and Tia Dostal <ul style="list-style-type: none"> <li>COVID-19 Testing and Vaccinations</li> <li>Outbreak Data</li> </ul>
10:40 am	Closing Discussion <ul style="list-style-type: none"> <li>Next agenda items</li> </ul>
10:50 am	Public Comments
11:00 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.

# H-2A Progress & Performance

Juan Martinez – Wagner Peyser Program Operator

Ana Alcala-Rodriguez – Wagner Peyser Program Support Specialist

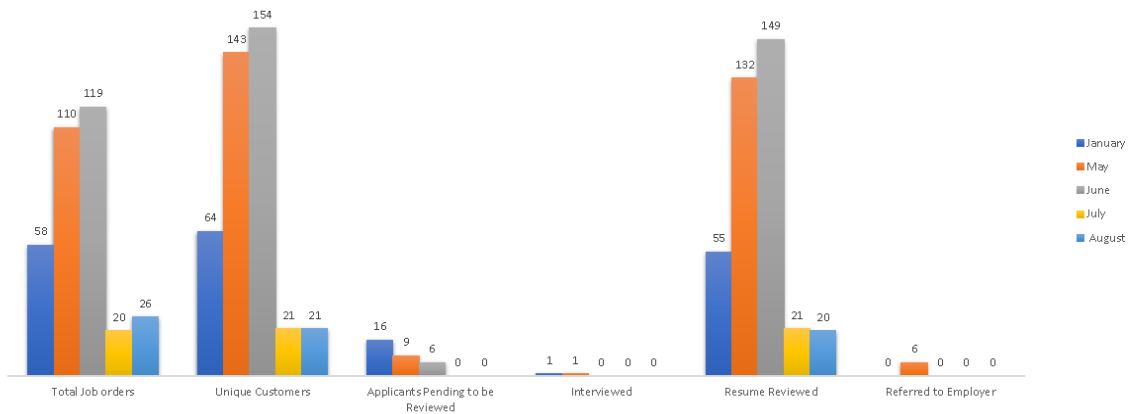
ASWS Committee  
September 16, 2021

## H-2A Job Order & Tracking

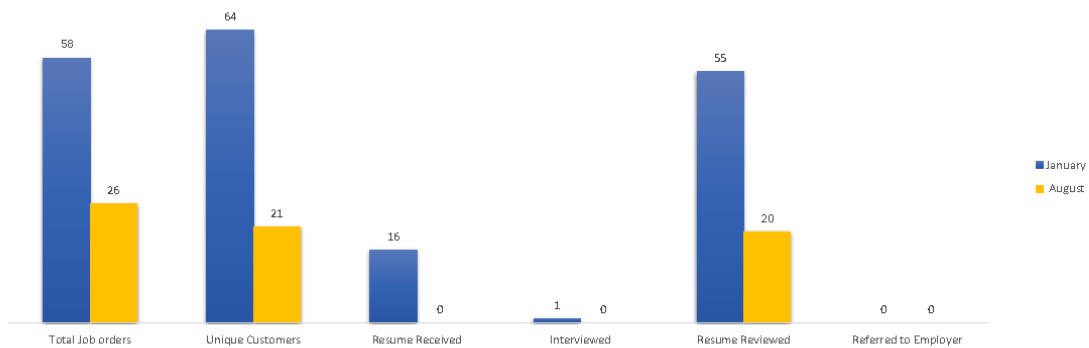
If a placement is verified, the Wagner Peyser Program Team will share information with the ASWS Team so that they can conduct a field check with the H-2A Employer.

Wagner Peyser Program Team is following up weekly with WorkSource Staff to ensure applicants are reviewed weekly and outcomes are tracked.

## H-2A Improvements



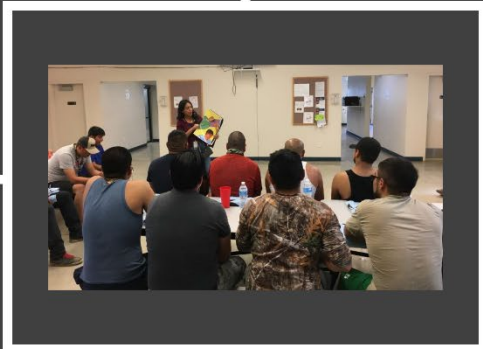
## H-2A Improvements- January Vs. August





# Faster connection of Workers and Employers

1.4 Additional outreach from ESD should include posters, booths, social media and text notifications



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**ADDENDUM III.****Background – U.S. Department of Labor Waiver Request**

One requirement of the H-2A program is that U.S. agricultural employers advertise their openings to and fill as many with domestic agricultural workers before bringing in H-2A workers, which is done through Agricultural Clearance Orders (Form ETA-790A) submitted to the State Workforce Agency (SWA).

The regulatory requirement at 20 CFR 653.501(b)(2) states that “(a)ll clearance orders must be posted in accordance with applicable ETA guidance. If the job order for the ES office incorporates offices beyond the local office commuting area, the ES office **must suppress the employer information** in order to facilitate the orderly movement of workers within the ES.” At present, domestic agricultural workers can see the job clearance orders on ESD’s WorkSourceWA.com site, but do not know the names or specific locations of the agricultural employers that need their labor.

At a prior meeting, the Agricultural and Seasonal Workforce Services (ASWS) Advisory Committee requested that ESD seek a waiver of 20 CFR 653.501(b)(2), which requires the agency to suppress employer information on H-2A job clearance orders in its Agricultural Recruitment System (ARS).

Per [Training and Employment Guidance Letter \(TEGL\) 08-18](#) on WIOA Title I and Wagner-Peyser Act waiver requirements and the request process, state requests to waive regulations promulgated by the U.S. Department of Labor can be made by governors or on behalf of governors to the U.S. Secretary of Labor. DOL decisions are communicated, in writing, by the Secretary directly to governors, so even if requests are made on behalf of governors, it is advisable that governors be kept firmly in the loop.

**Points in favor of the waiver request**

1. It is useful and helpful for domestic agricultural workers to have ready access to the names and contact information of H-2A employers through Washington’s agricultural recruitment system so they can find work in a timely and expeditious manner.
2. DOL presently posts non-suppressed H-2A job orders on its [SeasonalJobs.dol.gov](#) site, which means that unsuppressing H-2A job orders posted by Washington in its agricultural recruitment system will align with current DOL practice at the national level.
3. The rule at 20 CFR 653.501(b)(2) is outdated in that it was intended in the past to prevent domestic agricultural workers from showing up at agricultural employment sites when farmworker housing was scarce and inadequate and openings were no longer available – which ran counter to facilitating an organized and orderly agricultural labor exchange – a dynamic that may no longer exist.

**Points against the waiver request**

1. Unsuppressed employer information enables domestic agricultural workers to bypass ESD and engage employers directly, which means ESD may not be able to operate an Agricultural Recruitment System that clears domestic agricultural labor in an orderly and organized manner, which includes providing domestic agricultural workers with pertinent, dual-language information on job openings, including their rights, and services available through the WorkSource (one-stop) system; gauging their level of interest in and qualifications for the openings; making referrals to agricultural employers; acquiring data on referrals and placements, the latter of which is used to identify employers for the purpose of required field checks (ESD cannot conduct field checks unless individuals they refer are confirmed as hired); and certifying that there are insufficient U.S. workers who are able, willing, and qualified at the time and place needed to perform the labor or services involved in job orders.
2. When employer information is suppressed and agricultural workers cannot bypass ESD, the agency is able to screen out significant numbers of unqualified foreign agricultural workers who might otherwise bypass the agency go directly to employer job sites.



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ADDENDUM IV.



TESTING VACCINATION UPDATE -  
AGRICULTURAL WORKERS

September 16, 2021

Agricultural Worker Testing Support

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- Objective: testing opportunities for agricultural workers preparing to return to farms in Washington State
- Working with Medical Teams International to provide testing and agricultural worker outreach
- Entering farmworkers will be tested twice, one week apart
  - Testing should begin as close to arrival as possible
- Testing is being completed with Abbott BinaxNOW antigen test (results in 15 minutes)
- PCR tests are available for those who are symptomatic, and the antigen test comes back negative

## Main Branches of Testing

1. MTI will provide on-site testing at farms or temporary worker housing for incoming seasonal migrant agricultural workers
2. MTI will work in partnership with local health jurisdictions to coordinate additional testing efforts
3. Local health jurisdictions and community health centers are already providing additional testing supports
4. Expanding testing efforts to provide outbreak support
5. **Exploring opportunities to partner with Care-a-Van**

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## H-2A Entrance Testing Summary

January Totals					
Entrance			Retest		
Taken	Positive	Percent	Taken	Positive	Percent
675	7	1.04%	496	0	0.00%
February Totals					
Entrance			Retest		
Taken	Positive	Percent	Taken	Positive	Percent
2202	7	0.32%	1255	2	0.16%
March Totals					
Entrance			Retest		
Taken	Positive	Percent	Taken	Positive	Percent
2010	0	0.00%	529	0	0.00%
April Totals					
Entrance			Retest		
Taken	Positive	Percent	Taken	Positive	Percent
486	3	0.62%	85	3	3.53%
May Totals					
Entrance			Retest		
Taken	Positive	Percent	Taken	Positive	Percent
3290	3	0.09%	262	43	16.41%
June Totals					
Entrance			Retest		
Taken	Positive	Percent	Taken	Positive	Percent
1175	6	0.51%	61	0	0.00%
July Totals					
Entrance			Retest		
Taken	Positive	Percent	Taken	Positive	Percent
395	0	0.00%	12	1	8.33%
August					
Entrance			Retest		
Taken	Positive	Percent	Taken	Positive	Percent
1329	76	5.72%	256	3	1.17%
Totals to Date					
Entrance			Retest		
Taken	Positive	Percent	Taken	Positive	Percent
11562	102	0.88%	2956	52	1.76%

County	Samples		Percent
	Taken	Positive	
Benton	900	20	2.22%
Franklin	372	1	0.27%
Chelan	895	2	0.22%
Douglas	889	2	0.22%
Grant	5233	125	2.39%
Yakima	5171	168	3.25%
Adams	14	0	0.00%
Klickitat	138	0	0.00%
Okanogan	3090	15	0.49%
Walla Walla	126	1	0.79%
Whatcom	77	5	6.49%
Skagit	339	2	0.59%
Spokane	156	1	0.64%
King	43	0	0.00%
Pacific	4	0	0.00%
Snohomish	29	2	6.90%

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**Agricultural Worker Testing Initiative  
2021 Growing Season: Entrance**

**General Information**

To help reduce the spread of COVID-19 in temporary worker housing units, the Washington State Department of Health is offering agricultural employers, growers, and housing operators an opportunity to have workers tested when they arrive in Washington. Recognizing that workers will be travelling from a number of communities in their home countries or from other states to live in congregate housing, DOH urges participation in this program. Together, we can promote a healthy start to the 2021 growing season.

Interested employers, growers, and housing operators are able to arrange on-site testing of workers within the first week after arrival and a follow-up test about seven days later. The department has contracted with Medical Teams International (MTI) to meet the anticipated need. MTI has testing teams ready and available to rapidly deploy mobile testing sites throughout the state.

Due to factors including irregular arrival patterns, delayed arrivals, and unforeseen circumstances, neither DOH nor MTI make any guarantee that testing will be available at a specific time or place. The department will attempt to coordinate with local health jurisdictions to fill in as many gaps possible.

**Cost**

At present, there is no cost for participating in this initiative. DOH reserves the right to implement a cost-sharing program for future testing efforts, and the department will provide advanced notice of the details of any such changes.

**Arranging a Mobile Testing Event**

Employers, growers, and housing operators seeking to participate should contact Leslie Aaron, COVID-19 Clinic Manager, at [laaron@medicalteams.org](mailto:laaron@medicalteams.org)

**Additional Information**

MTI has Spanish-speaking testing staff. Because staffing patterns vary, neither DOH nor MTI guarantee that bilingual staff will be available at every event.

Participation in this program is not required under the agricultural rules issued by the Governor's Office, the Department of Health, or the Department of Labor & Industries. Positive cases from this testing effort will not automatically trigger the workforce testing requirement for outbreaks in agricultural settings. See section (g) [here](#).

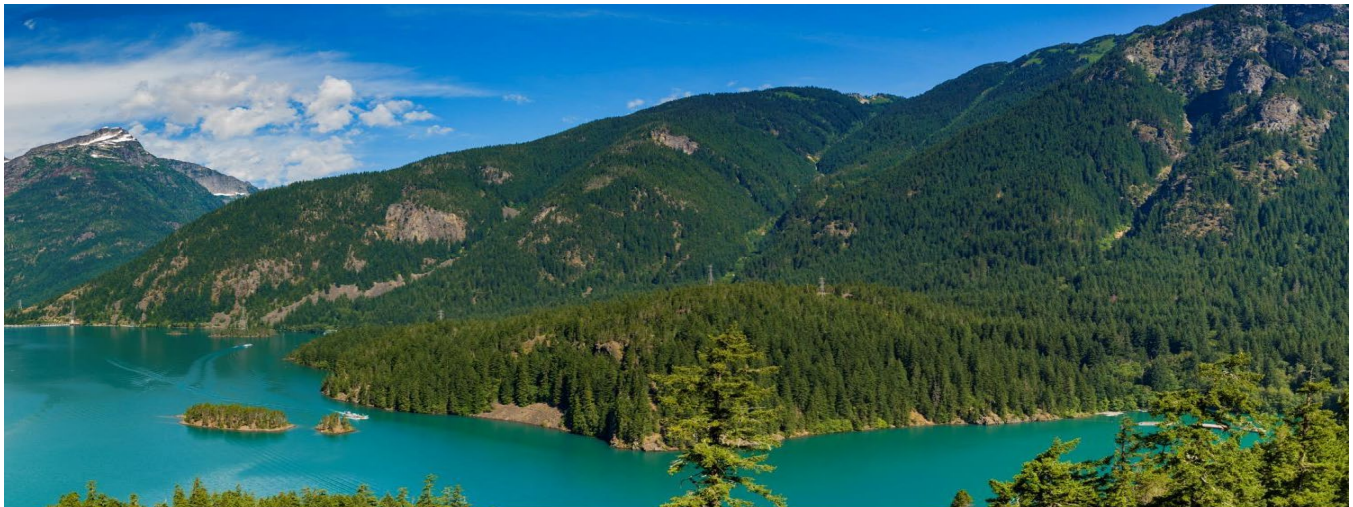
This initiative is not associated with vaccine planning or distribution. Questions about vaccines can be directed to [covid.vaccine@doh.wa.gov](mailto:covid.vaccine@doh.wa.gov).

MARCH 2021



**Colin Maloney**  
Testing Strategy Lead  
Disease Control and Health Statistics  
Washington State Department of Health  
[Colin.maloney@doh.wa.gov](mailto:Colin.maloney@doh.wa.gov) | 360-236-4076

To request this document in another format, call 1-800-525-0127. Deaf or hard of hearing customers, please call 711 (Washington Relay) or email [civil.rights@doh.wa.gov](mailto:civil.rights@doh.wa.gov).



**VACCINATION UPDATE -  
AGRICULTURAL WORKERS**

September 16, 2021

The regions used in this report are largely based on the Emergency Medical Services (EMS) regions used for evaluating available healthcare services given the concern for COVID-19's potential impact on the healthcare system. Regions are defined as illustrated in the map below.



- Bi-Weekly Meetings and Surveys
- To share:
  - Engagement efforts,
  - Concerns / challenges / successes
  - Recommendations
  - Foster collaboration
  - Identify DOH support needed

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Washington State Department of Health

## Successes and Challenges

- No Wrong Door
- Stakeholder involvement
- Education and community relations
- Vaccine confidence
- Preferred presentation availability





The graphic features a teal header with various health-related icons like a musical note, eye, magnifying glass, leaf, and checkmark. Below this is a colorful city skyline. The main text reads "Care-a-Van" in a large, stylized font, with "Caravana de Salud" underneath. A purple arrow points right with the text "HEALTH IN MOTION". To the right is a purple van with the "Care-a-Van" logo and "HEALTH IN MOTION" on its side. At the bottom, contact information "800-525-0127 • WWW.DOH.WA.GOV" and social media icons for Facebook, Instagram, Twitter, and YouTube are displayed.

[Care-a-Van :: Washington State Department of Health](#)

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webEOC



The logo consists of a large, stylized red letter 'J' inside a white circle. Below the circle, the text "WebEOC" is written in a bold, black, sans-serif font.

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# Outreach



Care-a-Van has participated in 47 events as of 9/13/2021: Clark (9), King (6), Skamania (4), Pierce (4), Steven (3), Kittitas (3), Pend Oreille (2), Whitman (2), Wahkiakum (2), Whatcom (2), Chelan (2), Walla Walla (2), Grant (1), Benton (1), Franklin (1), Kitsap (1), Cowlitz (1), and Grays Harbor (1).

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## Community Health Workers and CBO partnerships

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ADDENDUM V.



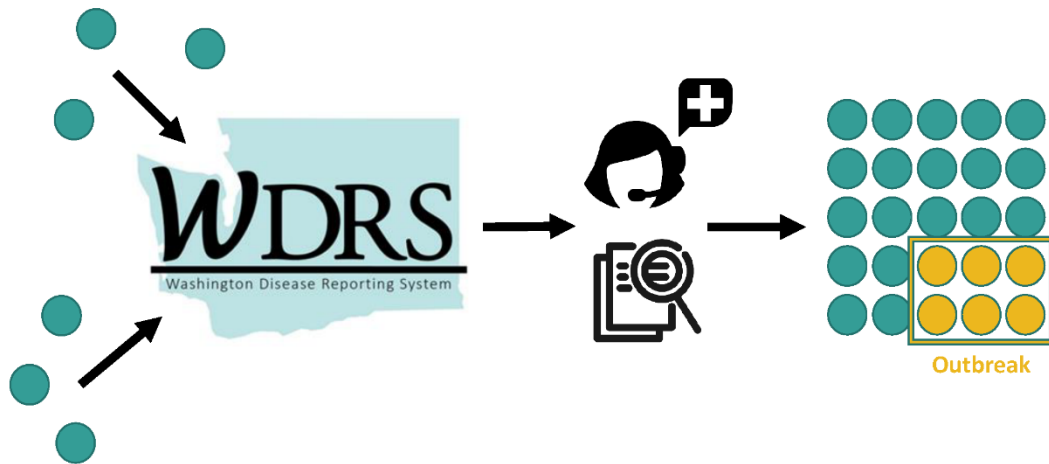
COVID-19 OUTBREAKS IN AGRICULTURAL  
WORK SETTINGS, WASHINGTON STATE, 2021

Tia Dostal & Michelle Holshue  
Washington State Department of Health

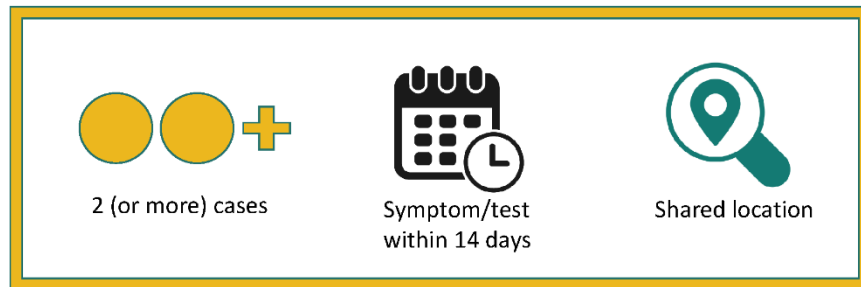
**Disclaimer: The data presented here are preliminary  
and may change as we learn more.**



**Cases** must be reported to the Washington Disease Reporting System (WDRS) before they can be linked to **outbreaks**.

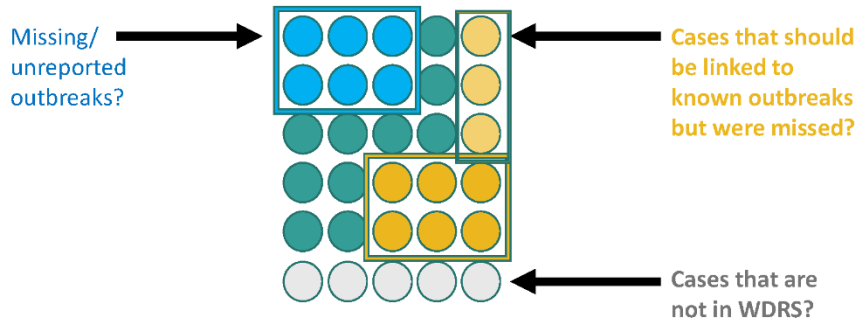


To declare a **COVID-19 outbreak** in non-healthcare congregate settings, the following three criteria must be true:





The **cases** linked to **outbreaks** in WDRS may only represent PART of the picture.



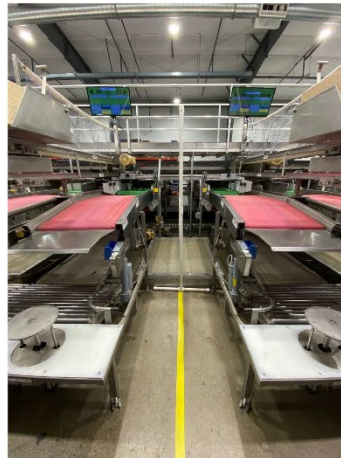
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**Outbreaks** in WDRS are classified by setting. There are 3 main agricultural settings we focus on in our reporting:

1. Agriculture/employer-provided housing/ produce packing



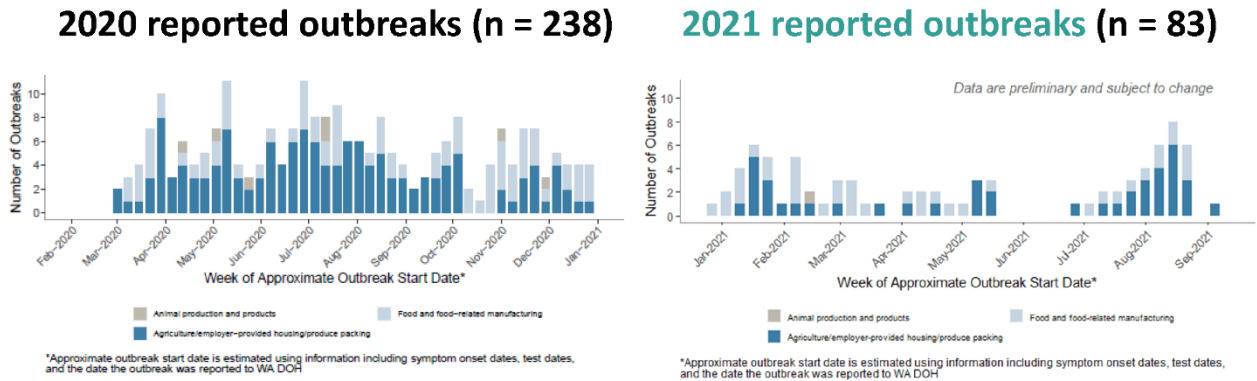
2. Food and food-related manufacturing



3. Animal production and products

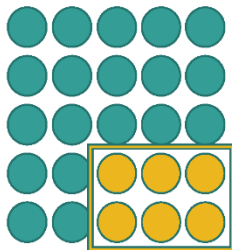


So far in **2021**, we have seen **fewer reported outbreaks** of COVID-19 in agricultural and food processing settings.



**More than 80 outbreaks** of COVID-19 in agricultural settings have been reported to DOH so far in 2021

83 outbreaks have been reported

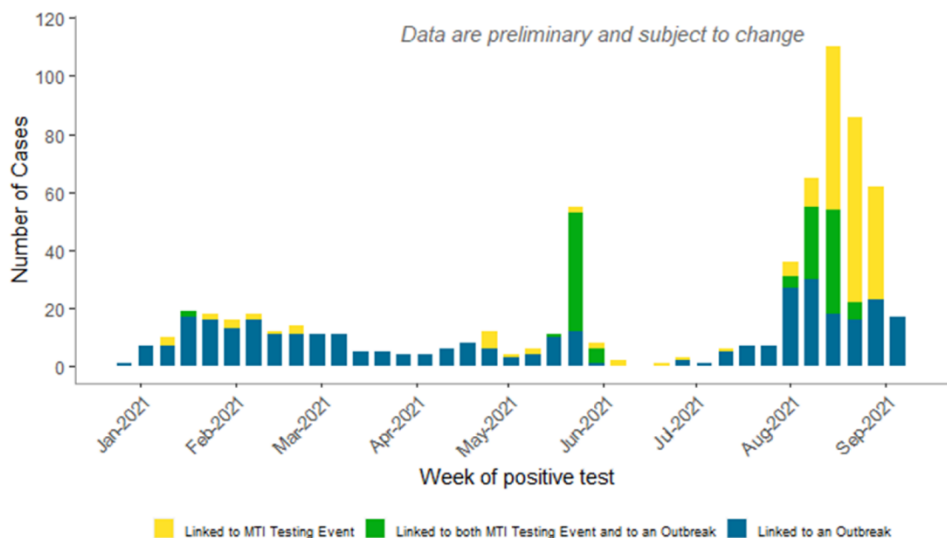


At least **464 cases** have been linked to these reported outbreaks

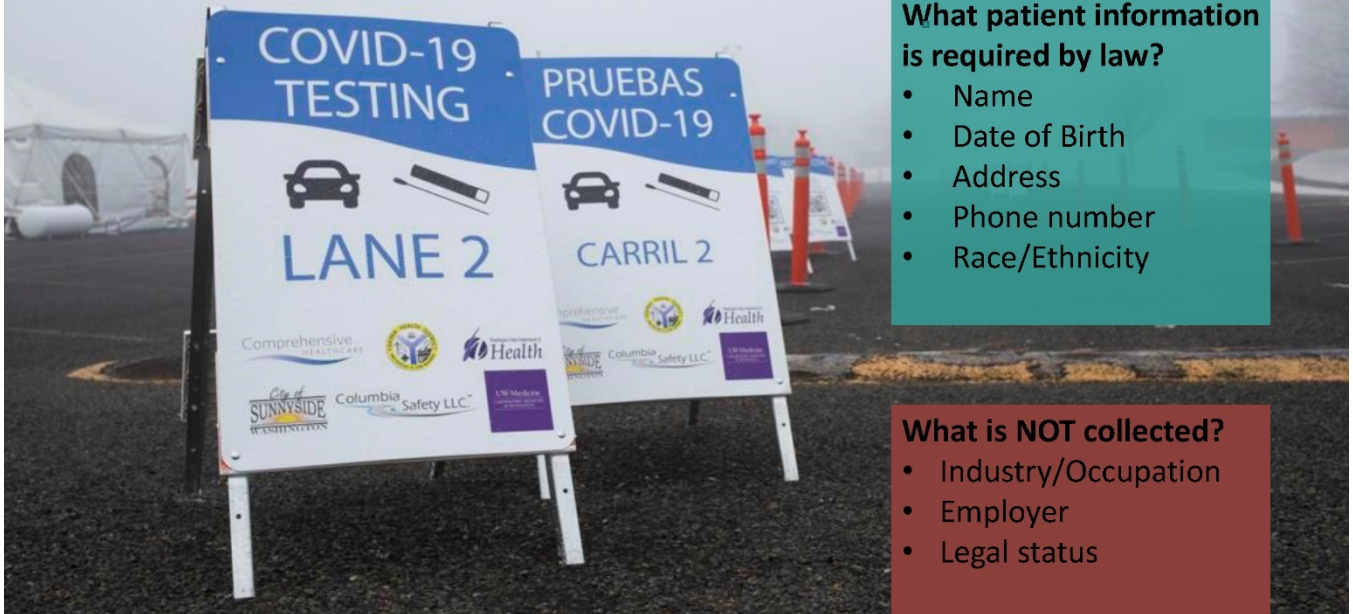
Of these cases:

- At least **14** cases have been hospitalized
- At least **4** people died

**MTI testing efforts** identified few cases of COVID-19 in H2A workers compared to the number of **cases linked to outbreaks in agricultural settings**. Recently, MTI has been requested to provide **outbreak testing**.



Limited information is collected at the time of COVID testing.



**What patient information is required by law?**

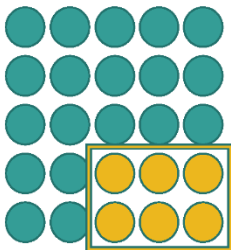
- Name
- Date of Birth
- Address
- Phone number
- Race/Ethnicity

**What is NOT collected?**

- Industry/Occupation
- Employer
- Legal status

**16 outbreaks** of COVID-19 associated with agricultural employer-provided housing settings been reported to DOH so far in 2021

● **16 outbreaks** have been reported in these settings:



- Either reported as H2A housing OR employer-provided agricultural worker housing

● **At least 172 cases** have been linked to these reported outbreaks. (May or may not be H2A workers)

- At least **2** cases have been hospitalized
- At least **1** person died

**Contact information**

Dan Zeitlin, Director of Employment System Policy & Integrity Division [DZeitlin@ESD.WA.GOV](mailto:DZeitlin@ESD.WA.GOV)

*Employment Security Department • Policy, Data, Performance and Integrity*