



Agricultural and Seasonal Workforce Services Advisory Committee

Meeting details

Date: Thursday, October 21, 2021

Time: 8:30 a.m. – 11:30 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

Non-voting agency representatives

- Ignacio Marquez
- Todd Phillips

Committee members absent

- Uriel Iniguez

ESD staff

- Dan Zeitlin
- Alberto Isiordia
- Juan Martinez
- Rene Maldonado
- Oscar Cerda
- Ana Alcala-Rodriguez
- Petra Meraz
- Tamara Johnson
- Craig Carroll

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 Tamara Johnson to take roll. All voting members were present.

Agenda

Recording timestamp **00:04:30**

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

Meeting Minutes

Recording timestamp **00:09:50**

Dan Zeitlin requested that everyone review the meeting minutes for September 16, 2021 and provide their feedback. Michele Besso made a motion to approve the September 16, 2021 minutes. Mike Gempler seconded the motion. The September 16, 2021 meeting minutes were approved.

H-2A Application Data Report

Recording timestamp **00:10:38**

Petra Meraz reported on H-2A application data. (See addendum II.)

DOH Updates – Juan Gamez Briceno & Todd Phillips

Recording timestamp **00:16:10**

- Michelle Chung presented: Recording timestamp **00:19:16**
Testing Vaccination Update – Agricultural Workers, October 21, 2021 (See Addendum III.)
- Tia Dostal & Michelle Holshue presented: Recording timestamp **00:41:00**
Covid-19 outbreaks in agricultural work settings, Washington state, 2021 (See Addendum IV.)
- Michell Holshue & Kallie Kurtz presented: Recording timestamp **00:57:55**
Covid-19 Vaccination – Federal & State Updates – October 21, 2021 (See Addendum V.)

L & I Updates – Uriel Iniguez & Kat Gregerson

Recording timestamp **01:18:49**

- Wildfire Smoke Rules updates – Kat Gregerson
L & I is in the process of reviewing survey feedback on the wildfire smoke rule updates and will initiate stakeholder meetings for the permanent rule shortly.

WSDA – Ignacio Marquez & Scott Neilsen

Recording timestamp **01:20:27**

- **Pesticide penalty matrix rules**
Pesticide penalty matrix is being reviewed for the first time in 20 years. (See Addendum VI.)
- **Pesticide drift observation inspections**
Field surveillance investigators are increasing enforcement activities requested by stakeholders. WSDA has initiated a surveillance drift observation rather than waiting for a complaint to come-in. They are able to quickly contact applicator and take action within a 6-7 day time frame if applicable.

USDOL Waiver Recommendation Discussion /Vote

Recording timestamp **01:30:50**

Rosalinda made a motion to bring the recommendation to seek a waiver from USDOL to a vote. Edgar Franks seconded the motion. The motion was approved via roll call vote. The results of the roll call vote were:

| Yay: | Nay: |
|----------------|-------------------|
| Jon DeVaney | Michele Besso |
| Mike Gempler | Edgar Franks |
| Jeff Perrault | Rosalinda Guillen |
| Victoria Ruddy | |

*Delia Pena: Absent

ASWS Office Update – Oscar Cerda

Recording timestamp **01:36:32**

Oscar Cerda delivered a high level overview of the ASWS Compliance team field visits.

- *ESD ASWS – Compliance Unit Update* (See addendum VII.)

Recommendations Updates

Customer Experience Study

- Olga Kondratjeva presented: Recording timestamp **01:50:45**
Program Evaluation, Research & Analysis (PERA) Team Updates (See Addendum VIII.)

Track H-2A Job Order Processing Cost

- Juan Martinez presented: Recording timestamp **02:07:27**
Tracking H-2A Job Order Processing Costs (See Addendum IX.)

Agency Coordination

- Juan Martinez presented:
Agency Coordination (See Addendum X.)

Recording timestamp **02:17:35**

Future Agenda Items

- DOH COVID Response Update/Partnership Overview
- 2020 Report Recommendation Update
- 2022 Committee Planning

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 11:21 a.m.

2021 Meetings

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

- **November 18, 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, October 21, 2021 | 8:30 am – 11:30 am | WebEx

| TIME | TOPIC |
|----------|---|
| 8:30 am | Welcome – Dan Zeitlin, Director, ESD Employment System Policy & Integrity Division <ul style="list-style-type: none"> • Roll Call – Tamara Johnson • Agenda Review – Dan Zeitlin |
| 8:40 am | Approval of Meeting Minutes – Dan Zeitlin <ul style="list-style-type: none"> • September 16, 2021 |
| 8:45 am | L&I Update–Uriel Iniguez & Kat Gregersen <ul style="list-style-type: none"> • Wildfire Smoke Rulemaking |
| 8:55 am | DOH Update – Juan Gamez Briceno, Todd Phillips <ul style="list-style-type: none"> • COVID-19 Testing and Vaccinations • Outbreak Data |
| 9:25 am | Dept of Ag Update – Scott Nielsen <ul style="list-style-type: none"> • Pesticide penalty matrix rules • Pesticide drift observation inspections |
| 9:35 am | USDOL Waiver Recommendation Discussion/Vote-Dan Zeitlin |
| 9:50 am | Break |
| 10:00 am | FLC Applications Update – Petra Meraz |
| 10:05 am | ASWS Compliance Update – Oscar Cerda |
| 10:25 am | Recommendations Update – Dan Zeitlin <ul style="list-style-type: none"> • Customer Experience Study – Gustavo Aviles & Olga Kondratjeva • Track H-2A Job Order Processing Cost – Juan Martinez • Agency Coordination – Juan Martinez |
| 11:15 am | Closing Discussion <ul style="list-style-type: none"> • Next agenda items |
| 11:25 am | Public Comments |
| 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.

FLC Application Data Report



| 2021 H-2A Program Data - (10/1/2020-9/30/2021) | 2021 | | 2020 | |
|--|------------------------|-------------------|------------------------|-------------------|
| | Applications processed | Workers Requested | Applications processed | Workers Requested |
| *Total Applications Received/Processed: | 349 | 30,018 | 314 | 29,658 |

| 2022 H-2A Program Data - (10/1/2021- 10/18/2021) | 2022 | | 2021 | |
|--|------------------------|-------------------|------------------------|-------------------|
| | Applications processed | Workers Requested | Applications processed | Workers Requested |
| Carry over from PY 2021 | 7 | 228 | | |
| Total Applications Received/Processed: | 2 | 86 | 0 | 0 |
| Number of Applications Withdrawn/Not Processed by DOL: | 0 | 0 | | |
| Contract Impossibility: | 0 | | | |
| Total Number of Contracts Commenced: | 2 | 127 | | |

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

ADDENDUM III.



TESTING VACCINATION UPDATE -
AGRICULTURAL WORKERS

October 21, 2021

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

Exit Testing

- Objective: testing opportunities for agricultural workers preparing to return home after growing season has ended
- Working with Medical Teams International to provide testing and agricultural worker outreach
- Can help fulfill testing requirement needed to return to countries requiring negative PCR tests on entry
- Provide safe isolation and indoor quarantine quarters with transportation assistance for positive individuals through DOH Isolation and Quarantine team

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Exit Testing

Free hotel stay and services available while you quarantine or isolate

If you need a safe place to stay while you quarantine or isolate, you can stay at Lakeview Inn in Centralia (56 miles to the south) for free. Washington State Department of Health runs the Inn as a place to quarantine and isolate for those who do not have a safe place to do so, including migrant workers, fishermen, and travelers.



The Department of Health will provide free transportation to and from the Inn if you are interested in quarantining or isolating before returning to your loved ones.

Lakeview Inn
1325 Lakeshore Dr.
Centralia, WA 98531
564-999-1963

Services Available

While you are at the hotel, you will receive the following services:

- **A personal room** with a refrigerator, microwave, cable, television, wi-fi, and phone
- **24/7 hospitality and medical services**, including COVID-19 testing as medically indicated
- **Food and drink**, including 3 meals a day
- **Printing**
- **Letter of completion of isolation/quarantine** from DOH once recommended length of stay is completed to aid in travel
- **Prescriptions** picked up at a local pharmacy as prescribed by your doctor
- **Personal hygiene supplies**
- **Clothing**, if needed
- **Technical help booking flights, bus, train trips**, if needed
- **Transportation** to airport, bus, train, or other local destination

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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% |
| September | | | | | |
| Entrance | | | Retest | | |
| Taken | Positive | Percent | Taken | Positive | Percent |
| 182 | 2 | 1.2% | 0 | 0 | N/A |
| Totals to Date | | | | | |
| Entrance | | | Retest | | |
| Taken | Positive | Percent | Taken | Positive | Percent |
| 11744 | 104 | 0.89% | 2956 | 52 | 1.76% |

| County | Samples | | Percent |
|-------------|---------|----------|---------|
| | Taken | Positive | |
| Benton | 900 | 20 | 2.22% |
| Franklin | 372 | 1 | 0.27% |
| Chelan | 960 | 2 | 0.21% |
| Douglas | 889 | 2 | 0.22% |
| Grant | 5342 | 127 | 2.38% |
| Yakima | 5179 | 168 | 3.24% |
| 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% |

ADDENDUM IV.



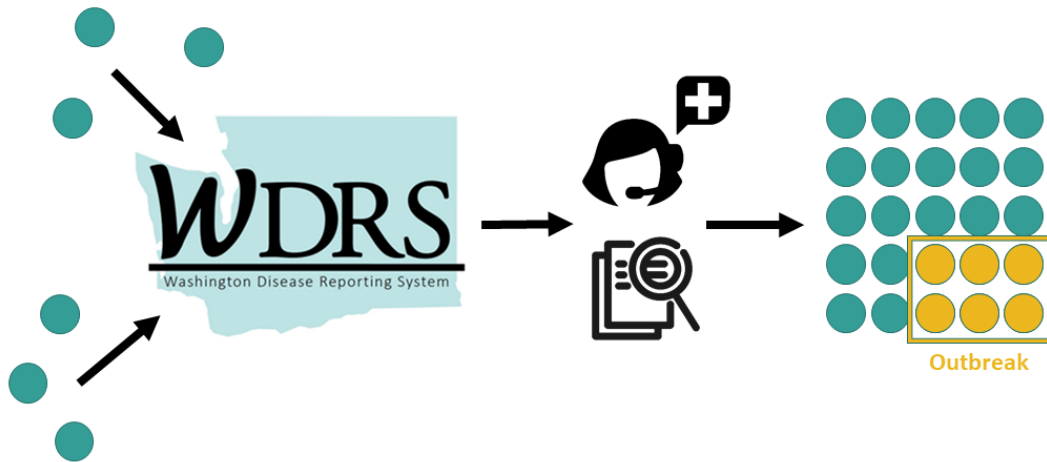
COVID-19 OUTBREAKS IN AGRICULTURAL
WORK SETTINGS, WASHINGTON STATE, 2021

Tia Dostal & Michelle Holshue
Washington State Department of Health

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

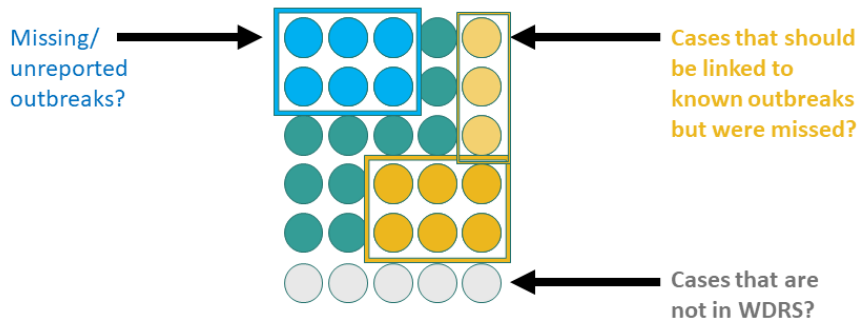


Cases must be reported to the Washington Disease Reporting System (WDRS) before they can be linked to **outbreaks**.



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



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

2 (or more) cases

Symptom/test within 14 days

Shared location

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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



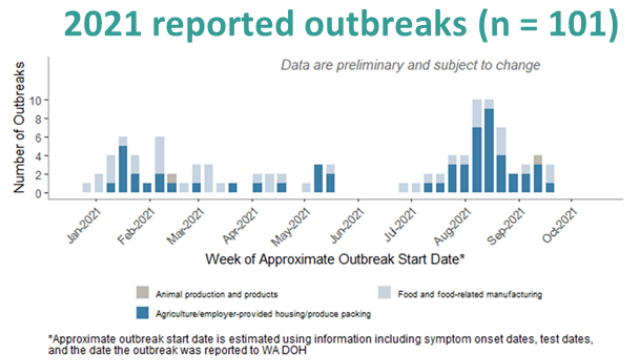
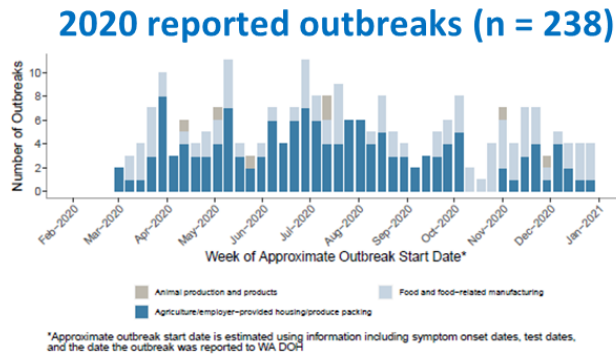
2. Food and food-related
manufacturing



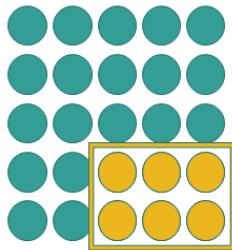
3. Animal production
and products



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



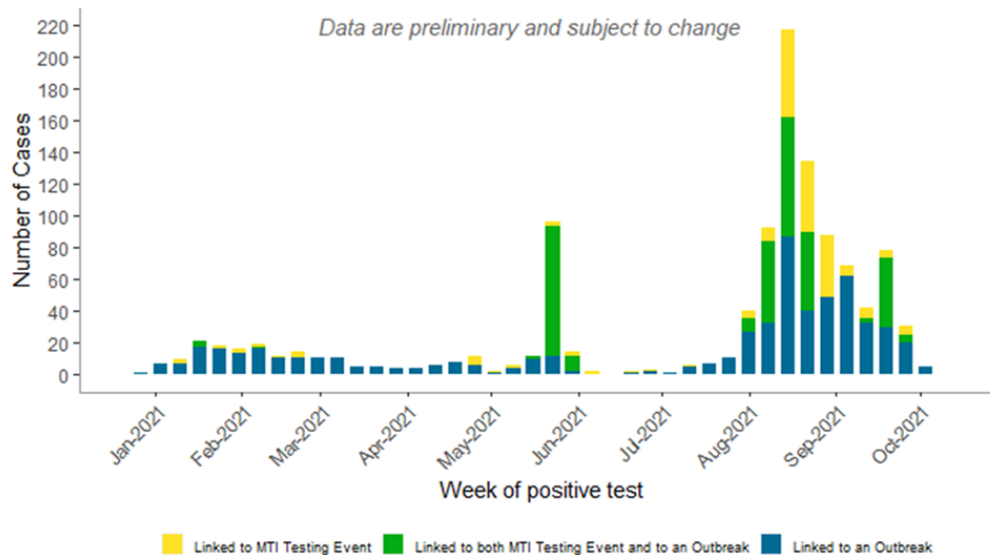
More than 100 outbreaks of COVID-19 in agricultural settings have been reported to DOH so far in 2021



- **101 outbreaks** have been reported
 - **21 new outbreaks** since the last ASWS meeting
- At least **779 cases** have been linked to these reported outbreaks
- Of these cases:
 - At least **18 cases** have been hospitalized
 - At least **4 people** died

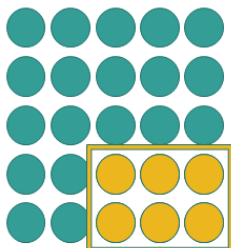
MTI testing efforts identified few cases of COVID-19 in H2A workers compared to the number of **cases linked to outbreaks in agricultural settings.**

Recently, MTI has been requested to provide **outbreak testing.**



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

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



- Either reported as “H2A housing” OR “employer-provided agricultural worker housing”
- This does not guarantee that the other 76 outbreaks are not housing-related.

● **At least 384 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

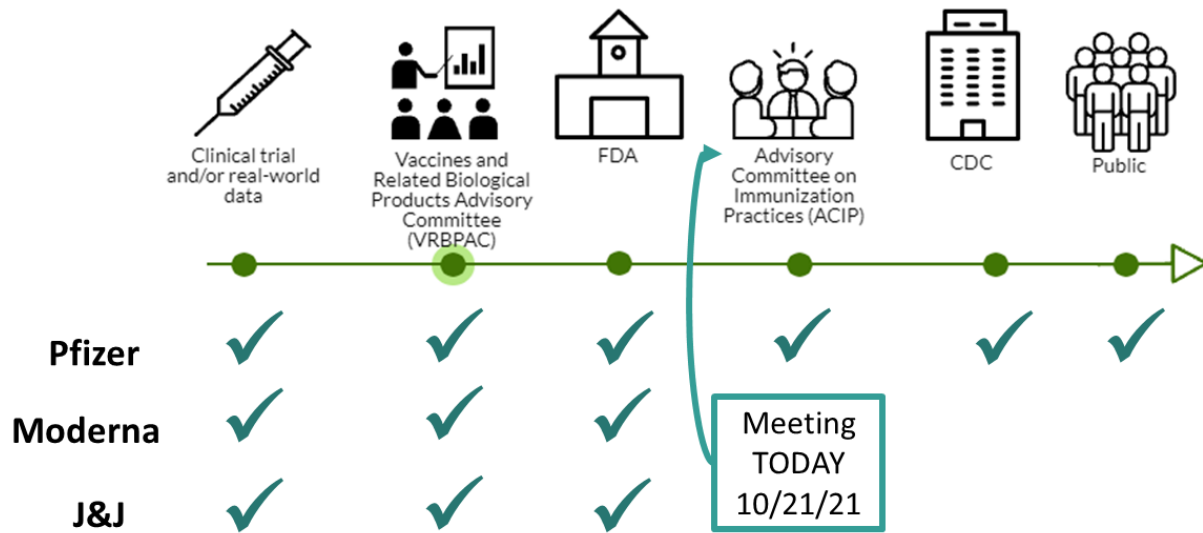
ADDENDUM V.



COVID-19 VACCINATION- FEDERAL & STATE UPDATES

October 21, 2021

What's happening with vaccines and boosters?

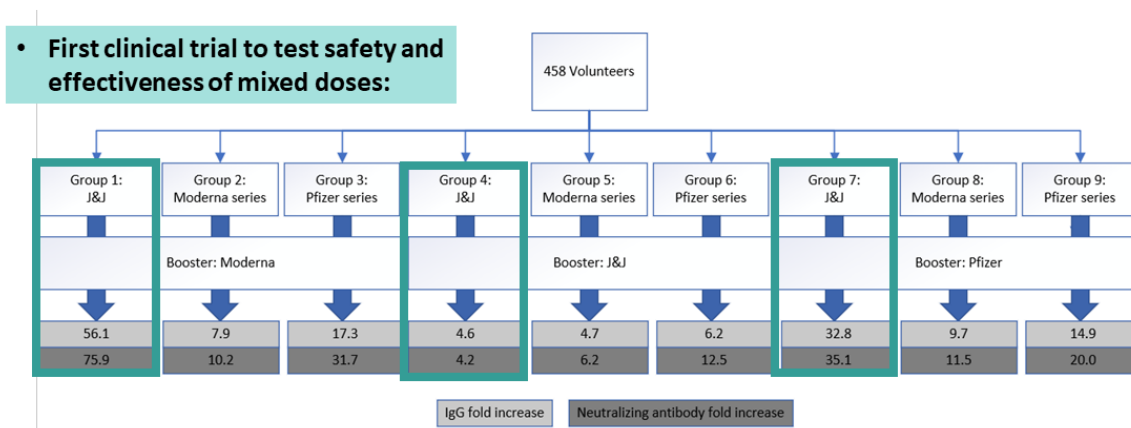


What's happening with vaccines and boosters?

| | What dose? | Third Dose | Boosters | Timing of additional dose |
|----------------|------------------|--------------------|--|--------------------------------------|
| Pfizer | Full Dose | Immune compromised | 65+, high risk groups, high risk work groups | 6 months after second dose |
| Moderna | Half Dose | Immune compromised | 65+, high risk groups, high risk work groups | 6 months after second dose |
| J&J | Full Dose | N/A | <u>Everyone</u> 18+ | 2+ months after 1 st dose |

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Mixing COVID vaccine types: Safe, effective... authorized!



- FDA Authorized mixing of booster doses on 10/20/21
- Flexibility for workers, and for people vaccinated outside of the US

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ADDENDUM VI.



Washington
State Department of
Agriculture

Improving the Pesticide Penalty Rule Process

R. SCOTT NIELSEN
PESTICIDE MANAGEMENT DIVISION
(509) 990-6518 | snielsen@agr.wa.gov

Authority to issue civil penalties and suspend license

- ▶ **RCW 15.58.335** and **RCW 17.21.315** state:

“Every person who fails to comply with this chapter or the rules adopted under it may be subjected to a civil penalty, as determined by the director, in an amount of **not more than seven thousand five hundred dollars** for every such violation...”

- ▶ This rulemaking will not change the maximum amount that we can assess per violation.

When can WSDA issue a civil penalty instead of a Notice of Correction?

- ▶ Previously received an NOC for same or similar violation.
- ▶ Failed to make corrections by required date on an NOC.
- ▶ The violation has a probability of:
 - placing a person in danger of death or bodily harm.
 - causing more than minor environmental harm.
 - causing physical damage exceeding one thousand dollars.
- ▶ The violation was committed by a business that employed 50 or more employees on at least one day in each of the preceding 12 months.

Calculating penalties

- ▶ Commensurate with the seriousness of the violation under the circumstances.
- ▶ Must be fair and uniform.
- ▶ Cannot be arbitrary or biased.
- ▶ Penalty Rules:
WAC 16-228-1100 through WAC 16-228-1150

Penalty matrix

WAC 16-228-130

| LEVEL OF VIOLATION | ADVERSE EFFECTS NOT PROBABLE | | | ADVERSE EFFECTS PROBABLE | | |
|--------------------|---|---|---|--|--|--|
| | MINIMUM | MEDIAN | MAXIMUM | MINIMUM | MEDIAN | MAXIMUM |
| FIRST | \$200 and or 2 days | \$300 and or 3 days | \$500 and or 6 days | \$350 and or 5 days | \$450 and or 7 days | \$550 and or 9 days |
| SECOND | \$350 and or 3 days | \$500 and or 6 days | \$1000 and or 9 days | \$600 and 10 days denial or revocation | \$1300 and 20 days denial or revocation | \$2000 and 30 days denial or revocation |
| THIRD | \$700 and or 4 days | \$1000 and or 9 days | \$2000 and or 12 days | \$800 and 30 days denial or revocation | \$2400 and 40 days denial or revocation | \$4000 and 50 days denial or revocation |
| FOURTH OR MORE | \$900 and or 5 days denial or revocation | \$2000 and or 12 days denial or revocation | \$3000 and or 15 days denial or revocation | \$1000 and 50 days denial or revocation | \$4250 and 70 days denial or revocation | \$7500 and 90 days denial or revocation |

Penalty matrix

WAC 16-228-130



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Penalty matrix

WAC 16-228-130



Penalty matrix

WAC 16-228-130

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Penalty matrix

WAC 16-228-1130

| LEVEL OF VIOLATION | ADVERSE EFFECTS NOT PROBABLE | | | ADVERSE EFFECTS PROBABLE | | |
|--------------------|---|---|---|--|--|--|
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Drift event that exposes a single farm worker and causes health symptoms

Drift event that exposes a single farm worker and causes health symptoms

| LEVEL OF VIOLATION | ADVERSE EFFECTS NOT PROBABLE | | | ADVERSE EFFECTS PROBABLE | | |
|--------------------|---|---|---|--|--|--|
| | MINIMUM | MEDIAN | MAXIMUM | MINIMUM | MEDIAN | MAXIMUM |
| | FIRST | \$200 and or 2 days | \$300 and or 3 days | \$500 and or 6 days | \$350 and or 5 days | \$450 and or 7 days |
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| THIRD | \$700 and or 4 days | \$1000 and or 9 days | \$2000 and or 12 days | \$800 and 30 days denial or revocation | \$2400 and 40 days denial or revocation | \$4000 and 50 days denial or revocation |
| FOURTH OR MORE | \$900 and or 5 days denial or revocation | \$2000 and or 12 days denial or revocation | \$3000 and or 15 days denial or revocation | \$1000 and 50 days denial or revocation | \$4250 and 70 days denial or revocation | \$7500 and 90 days denial or revocation |
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Drift event that exposes a single farm worker and causes health symptoms

Drift event exposes multiple farm workers causing health symptoms. Some sought medical treatment

Person making pesticide applications without a license. They were previously issued a penalty for the same violation

| LEVEL OF VIOLATION | ADVERSE EFFECTS NOT PROBABLE | | | ADVERSE EFFECTS PROBABLE | | |
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Person making pesticide applications without a license. They were previously issued a penalty for the same violation

Person making pesticide applications without a license. They were previously issued a penalty for the same violation

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Beyond the matrix

Aggravating (increasing) the penalty

When the department determines that one or more aggravating factors are present, the department may assess the maximum penalty as listed within the level of violation...

or may, in its discretion...

increase the penalty to a level greater than the matrix maximum penalty, including but not limited to revocation of the license. The statute does allow up to a \$7,500 per violation.

Beyond the matrix

Increasing the civil penalty (\$\$\$) and reducing the license suspension, or vice versa.

The department reserves the right to proportionately increase the civil penalty and proportionately decrease the licensing action ... where licensing action(s) as a deterrent are ineffective and include, but are not limited to:

- ▶ (i) **Violations by persons who are not licensed;** and
- ▶ (ii) Situations where the civil penalty assessed is not substantially equivalent to the violator's economic benefit derived from the violation.

Summary of penalty rules

Penalty matrix takes into account:

- ▶ Level of violation.
- ▶ Whether adverse effects are probable or not.
- ▶ Minimum, median, or maximum

Beyond the matrix:

- ▶ Increase beyond the level in the penalty matrix when aggravating factors are serious.
- ▶ Proportionately increase dollar amount and decrease or eliminate license suspension.

Penalties 2016 through 2020


80 Notices of Intent for penalty actions

- ▶ 76 issued at 1st Level, 4 issued at 2nd Level.
- ▶ 70 issued for “adverse effects probable”,
10 issued for “adverse effects not probable”
- ▶ 12 of the “adverse effects probable” were aggravated above the level of violation.

76 of the 80 cases since 2016 were calculated at the first level of violation.

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|--------------------|---|---|---|--|--|--|
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70 of the 80 cases calculated on the “adverse effects probable” side of the matrix.

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Issues for penalty matrix – rule-making discussion

- ▶ Current penalty matrix in “General Pesticide Rules – WAC 16-228-1130” is “one size fits all” with a maximum civil penalty dollar amount of \$7,500 per violation. Annually our penalty process addresses a wide range of violations involving recordkeeping, licensing, off-target drift, crop damage, human exposure, and the Worker Protection Standard.
- ▶ First adopted into rule in 1999 and then revised in January 2001, it has been over 20 years since the penalty matrix was updated.
- ▶ Reduce the levels of violation from four levels to three. (fourth level rarely reached, most violations are at first level).
- ▶ Define how penalties are to be increased (aggravated) or decreased (mitigated) from the level calculated in the penalty matrix.

Issues for penalty matrix – rule-making discussion

- ▶ The penalty matrix needs to more clearly allow the following:
 - ❖ Increased civil penalties for serious human exposure cases.
 - ❖ Flexibility to increase a civil penalty against a company or farm and proportionately reduce license suspension days when action against a license is not effective.
 - In many situations a Private Applicator license suspension is not a deterrent when the farm has multiple employees with a license.
 - Another example involves unlicensed employees of apartment complexes, housing agencies, etc. who make improper indoor insecticide applications resulting in human exposure.
 - For WPS violations there is no licensing requirement for ag employers, so a license suspension is not applicable.

Penalty matrix – rule-making discussion moving forward

- ▶ Create a working group with interested stakeholders.
- ▶ Contact Scott Nielsen directly regarding an interest in participating.
- ▶ Schedule Teams discussions this fall as needed to modify penalty matrix.
- ▶ Prepare modified penalty matrix rules for CR102 release by the end of this year.



Washington
State Department of
Agriculture

Questions?

R Scott Nielsen

Pesticide Management Division

(509) 990-6518 | snielsen@agr.wa.gov

ADDENDUM VII.



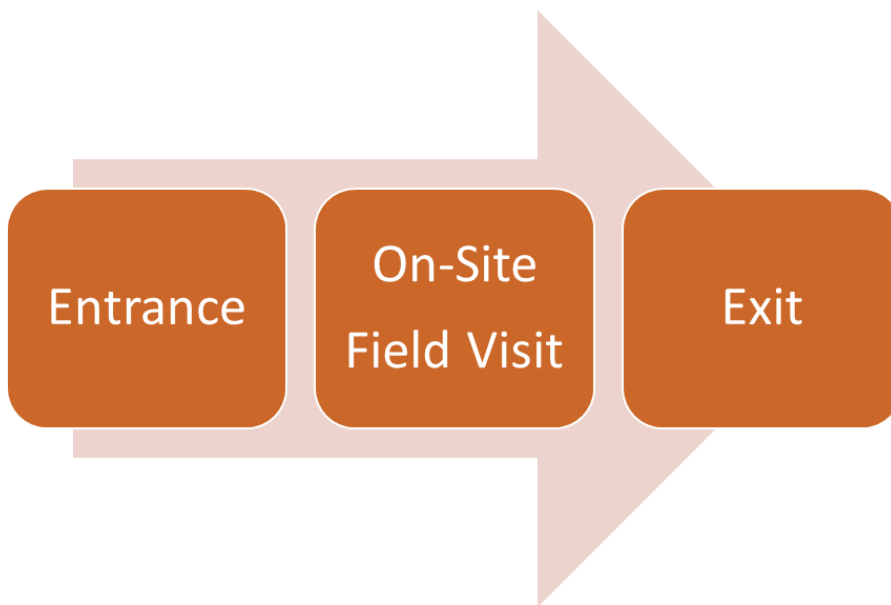
ESD ASWS - Compliance Unit Update

OCTOBER 21, 2021

Agenda

Field Visits Overview

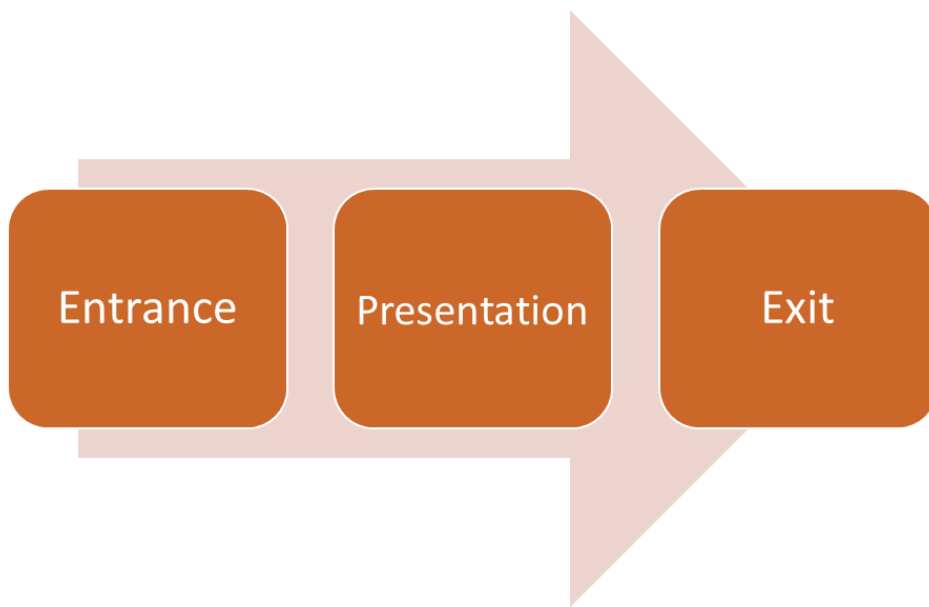
OVERVIEW OF FIELD VISITS



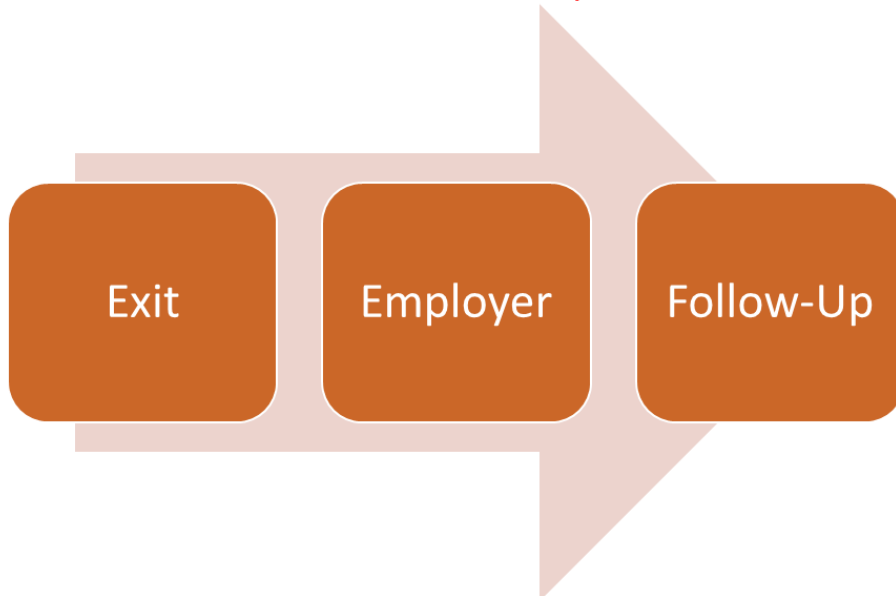
ENTRANCE HIGHLIGHTS



ON-SITE VISIT



Exit Conference/Follow-Up





ASWS Update - Thank You!

OCTOBER 21, 2021

ADDENDUM VIII.

Program Evaluation, Research & Analysis (PERA) Team Updates



1

1) Program Evaluation Project Charter



- **Key update:**
 - Project Charter draft is being finalized.

- **Next step:**
 - Send out the final version of Project Charter to project sponsors.

2

2) Customer Experience Study



- **Purpose:** Better understand the experience of farmworkers and employers in the ESD application and referral process (as part of the H-2A program).
- **Key updates:**
 - Request for Information (RFI) was developed to scope the study methods and identify costs for the study.
 - RFI was issued on Aug 18th.
 - Received 2 responses to RFI.
 - Connected with researchers at the University of Washington.

3

2) Customer Experience Study (RFI response #1)



Western Washington University (Center for Economic & Business Research)

- Proposal to develop 2 survey instruments in multiple languages – one for employers and one for workers.
- Online and in-person data collection in different regions of the state.
- In addition: online intercept surveys to collect feedback from online users of the system + scope of best practices.
- Total estimated time is 19-23 weeks.
- Total estimated sample size is 1,000-1,500 agricultural workers for in-person survey and 500-1,000 agricultural workers for online survey.
- Total estimated cost is \$178,000 (no overhead), depending greatly on the travel and extent of in-person surveys.

4

2) Customer Experience Study (RFI response #1)



- **Alternative study scenarios:**
 - **Scenario #1:** 15-minute structured survey with 10,000 agricultural workers (5,000 surveyed online, 5,000 surveyed in-person).
 - Total estimated cost is **\$410,000**.
 - **Scenario #2:** 1-hour in-depth qualitative interviews with 50 agricultural workers (25 interviewed online, 25 interviewed in-person).
 - Total estimated cost is **\$78,000**.

5

2) Customer Experience Study (RFI response #2)



ComEngage, LLC

- Online survey of employers: 350-380 employers, representative sample of farm operations statewide. Representation based on geographic region, commodity type, and size.
- Online and phone survey of workers: Survey invitations would be distributed via employers.
- Incentives: \$25 for employers, \$5 for workers.
- Surveys would be conducted in multiple languages.
- Total estimated time 10 months.
- Unable to provide budgets, need more specifications to estimate costs.
- Key concern: Ability to reach these target populations via traditional sampling and⁶ data collection approaches.

2) Customer Experience Study (discussion with University of Washington)



- One-on-one qualitative interviews or focus groups may be better suited:
 - Interviews may provide better protection for sensitive information.
 - May provide more opportunities for participants to open up (particularly in focus groups).
 - Hard-to-reach populations, no representative sample.
- Incentives to participants (farmworkers and community organizations) are important.
- Very approximate estimate: \$75,000-\$150,000 for 50 interviews:
 - Major costs: recruitment, salaries to bilingual staff, interviewer training, translations, travel.
 - Additional costs for overhead

2) Customer Experience Study



- **Lessons learnt:**
 - Very few submissions for RFI; more submissions are expected when budget is finalized.
 - Surveys with a high number of agricultural workers are expensive.
 - Key concern is to adequately reach the target population.
- **Next steps:**
 - Obtain budget for the customer experience study.
 - ASWS report estimated the cost of \$650,000 for this work.
 - Issue a Request for Proposals (RFP) and solicit a contractor for this work.
 - Estimated completion date: end of 2022.

8

3) ETO programming changes



- **Purpose:** Analyze the impact of the changes in ESD customer case management software on customer experiences.

- **Key updates:**
 - Evaluation Plan has been drafted.
 - Identified outcomes of interest and ESD administrative database needed for analyses.

- **Next steps:**
 - Identify if ESD administrative database contains all required outcomes of interest.
 - Conduct preliminary data analysis.
 - Preliminary brief due 01/31/2022.
 - Final report due 08/31/2022.

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ADDENDUM IX.

Tracking H-2A Job Order Processing Costs

Juan Martinez – Wagner Peyser Program Operator



ASWS Committee
October 21, 2021

H-2A Charge Code for EC Staff (Effective July 1, 2021)

H-2A Activity Includes:

- ▣ Creation of Job Orders and ensure they align with ETA 790
- ▣ Recruit Domestic Workers utilizing multiple marketing methods
- ▣ Pre-screen candidates and applications to ensure they meet minimum employer requirements
- ▣ Provide 1-on-1 assistance to register Job Seekers in WorksourceWA
- ▣ Refer qualified applicants and facilitate communication between the employer or provide employer information for applicants over the phone or online
- ▣ Follow-Up with referrals to track hire status
- ▣ Provide placement information to ASWS Unit so they can conduct field checks



How was H-2A Funding Allocated?

- 1) Time Study was conducted to determine the minimum level of work required to process an H2A Job Order from start to finish
- 2) FTE Allocations were awarded utilizing H-2A activity data from Calendar Year 2020

| Office Name | H2A Job Orders & Recruitment ** | 2020 H2A Job Orders |
|--|---------------------------------|---------------------|
| North Sound Region | 0.02 | 3 |
| Central Sound Region | 0.08 | 16 |
| Southwest Coastal Region | 0.05 | 10 |
| Central Basin Worksource Affiliate Moses | 0.30 | 62 |
| Okanogan County Worksource | 0.17 | 34 |
| Wenatchee Worksource Affiliate | 0.24 | 49 |
| Yakima Worksource | 0.40 | 77 |
| White Salmon Worksource | 0.06 | 11 |
| Sunnyside Worksource | 0.05 | 10 |
| Columbia Basin Worksource Kennewick | 0.10 | 21 |
| Walla Walla Worksource | 0.03 | 5 |
| | 1.50 | 298.00 |

Total Spent in PY2021 (July 1 – Sept 30, 2021)

Total hours worked in H-2A Activity

| | |
|--------------|----------------|
| July | 108 hrs |
| August | 98 hrs |
| September | 136 hrs |
| Total | 342 hrs |

Total dollars spent worked in H-2A Activity

| | |
|--------------|----------------|
| July | \$2,990 |
| August | \$2,710 |
| September | \$3,598 |
| Total | \$9,298 |

ADDENDUM X.

Agency Coordination

Ongoing Collaboration efforts

- Consistent reports of MSFW Outreach staff providing L&I information to the Farmworker Community.
- Our MSFW Staff attend a Dept of Labor & Industries monthly community resources and policy update meeting.
- Attend weekly Multi-Agency Ag Outreach Check-in which includes L&I, Department of Health, Governor's Office and Department of Agriculture
- Assist Medical Teams International (MTI) with Farmworker COVID-19 testing and vaccination sites



Events & Outreach

- Attended virtual AG Safety Day event, Yakima Health District provided update on COVID-19 cases
- Partnered with L&I to provide an overview of services on the local KDNA radio station.
- L&I Wildfire Smoke meeting which included; Dept of Health, WAFLA, and Employment Security
- Met with LNI to discuss outreach collaboration and how to better serve the working farmworker.
- Met with the Sunnyside School District Migrant Program to provide WS Services
- Collaborative outreach event at Grandview School District Drive-Thru Event
- COVID-19 Safety and Health Drive-Thru Fair
- Invited L&I to ESD's bi-weekly radio show to talk about heat exposure, workplace safety, and complaints.
- Ag Workforce Team Meeting- L&I invited to talk about Introduction to DOSH History, Compliance, Consultation, Education & Outreach



Contact information

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

Employment Security Department • Policy, Data, Performance and Integrity