



Agricultural and Seasonal Workforce Services Advisory Committee

Meeting details

Date: Thursday, September 17, 2020

Time: 8:30 a.m. to 11:30 a.m.

Location: Skype meeting due to COVID-19

Committee members present

- Michele Besso
- Jonathan DeVaney
- Michael Gempler
- Erik Nicholson
- Ramon Torres
- Delia Peña
- Rosalinda Guillen
- Rosella Mosby

Non-voting agency representatives

- Uriel Iniguez
- Dave Gifford (for Todd Phillips)

Committee members absent

- Todd Phillips
- Ignacio Marquez

ESD staff

- Dan Zeitlin
- Alberto Isiordia
- Norma Chavez
- Rene Maldonado
- Craig Carroll
- Tamara Johnson
- Gustavo Aviles
- Sara Crosby

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 committee members were present except Todd Phillips and Ignacio Marquez.

Agenda

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

Meeting Minutes

Norma reported that the July 16, 2020 minutes were corrected, and the July 30, 2020 minutes were updated to reflect a request to change the labeling of columns in the H-2A Application Data Report table. It was requested that ESD change the H-2A Application Data Report “Workers Requested” column title to “# of Workers Requested/Labor Certifications.” The change was made and the updated July 16, 2020 and July 30, 2020 as well as the September 3, 2020 meeting minutes were all sent to committee members for review prior to today’s meeting.

Dan Zeitlin requested that everyone review the meeting minutes for July 16, 2020, July 30, 2020 and September 3, 2020 and provide their feedback. Erik Nicholson made a motion to approve the minutes for July 16, 2020 and July 30, 2020 and September 3, 2020. Jon Devaney seconded the motion. Meeting minutes were approved.

H-2A Application Data Report

Norma Chavez reported on H-2A application data.

Status of Applications	# of Applications	# of Workers Requested/ Labor Certifications*
Received/Processed	314	29,146
Withdrawn	21	2,635
Impossibilities	4	235

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

H-2A Workers in Washington State

Norma Chavez stated that the ASWS office is unable to provide an official number of H-2A workers in the state, however the approximate number is 18,180 based on employer responses to voluntary surveys. There were 10 employers that did not respond to our request.

Smoke/Wildfire Discussion

Rosalinda Guillen, Ramon Torres and Michele Besso requested information on what was being done to support farmworkers who were affected by the smoke and wildfires.

Rene Maldonado reported that he met with workers that had complained they didn't have power, water or food and those issues were being resolved. (See Addendum II.)

Ramon Torres reported that there are additional workers that he is currently with that are not receiving the assistance they need to ensure their health and safety.

Rene Maldonado advised that there are ESD staff in the area, Dan Zeitlin offered that ESD staff could immediately respond to the situation so that workers affected by the wildfire and smoke could get prompt assistance, and Rene Maldonado and Ramon Torres exchanged phone numbers to coordinate the response.

Rosalinda Guillen emphasized the need for a stronger immediate emergency response and future planning from state government to support farmworkers suffering in environmental emergencies, such as wildfires.

Norma Chavez reported that 15,000 masks were taken from the Governor's office to affected farmworkers in the Brewster area.

Jon Devaney reported that 150,000 masks had just arrived in his office from the Governor's office and 150,000 more were on the way. He stated that he agreed to receive them so they could be distributed to local area farmworkers and put his email in the chat for anyone to contact him for masks.

ASWS Report

The Committee continued its work on the report, namely reviewing and revising the section pertaining to domestic worker referral and verification.

Covid-19 Update

Uriel Iniguez provided an update from L&I/DOSH. (See addendum II.)

Dave Gifford provided an update from DOH.

Action Items

- Schedule additional meeting on October 1, 2020 - 8:30 a.m. - 11:30 a.m.

Agenda Items for Next Meeting

- ASWS Report 2020

Public Comments

Dan Fazio, WAFLA (See Addendum III.)

Adjourned

Dan Zeitlin thanked everyone for their continued active participation and for their commitment to this work, then ended the meeting at 11:33 a.m.

2020 Meetings

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

- **October 1, 2020 – 8:30 a.m. to 11:30 a.m.**
Skype meeting

ADDENDUM I



AGENDA

Agricultural and Seasonal Workforce Services (ASWS)
Advisory Committee

Thursday, September 17, 2020 | 8:30 am – 11:30 am | SKYPE

Agenda Items

TIME	TOPIC
8:30 am	Introductions <ul style="list-style-type: none"> Welcome from Dan Zeitlin, Director, ESD Policy, Data, Performance and Integrity Division & Norma Chavez, Director – Agricultural and Seasonal Workforce Services Agenda Review
8:40 am	Approval of Meeting Minutes for <ul style="list-style-type: none"> July 16, 2020 (corrected) July 30, 2020 September 3, 2020
8:50 am	Update on FLC Applications – Norma Chavez
8:55 am	ASWS Report - Dan Zeitlin and Norma Chavez
10:00 am	Break
10:15 am	ASWS Report - Dan Zeitlin and Norma Chavez
10:50 am	COVID-19 Updates <ul style="list-style-type: none"> L & I DOH
11:05 am	Closing Discussion <ul style="list-style-type: none"> Discuss next agenda
11:10 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.

Sept 16, 2020

Highland Orchards Site Visit

Contact: Josefina (site manager)

Workers contacted: around 60 workers

Action:

Invited by Josefina from Highland Orchards and Luis Guitron from WAFLA to assist with a labor dispute. Josefina and Luis Guitron wanted ESD to intervene because they did not know what else to do to get the workers to want to follow their procedures and pick quality fruit. We had a conversation with the Josefina for about 20 minutes and proceeded to speaking to the workers alone.

Results:

Miguel Garza, outreach worker in the area, and SMA spoke with workers alone.

These are the worker concerns and recommendations:

- **Company is not organized.** (all workers worked for Zirkle fruit prior to this year. Some have worked for zirkle for the past nine years and noted the difference in the way each company runs their operations and they would rather work for Zirkle fruit)
 - “The day of the fire the employer did not provide prior notice. They just came and hurried us and told us to just grab our Visas and some valuables and that was it. We could not even take a blanket. One us even left in shorts”.
 - “The day we returned Josefina said work was optional because of the smoke. Some of us decided not to work but then we overheard her saying what was wrong with us, wondering if we wanted to go back to Mexico”.
 - Company needs to have a plan in place to be able to respond properly in the event of fires.
 - We don’t believe the lack of organization and the way we are treated is intentional.
 - **Recommendation:** Better training. Disaster preparedness plan.
- **Concerned company might send them home.**
 - Workers expressed concern because they feel the company may be getting ready to send them home and they really need to work.
 - **Recommendation:** Employer remedy their concerns so they can keep on working in order to support their families.
- **Not taken to the doctor on time.**
 - one of the workers was stung by a bee and two days earlier and is still waiting to be taken to the clinic.

- **Recommendation:** Employer develop a system that allows middle management to keep their word. If they give us an hour, we want them to stick to the hour. If middle management is not going to be able to keep to a schedule, they should communicate that to the worker.
- **Beds are not in good conditions.**
 - Bed spring need repair.
 - **Recommendation:** fix repairs in a timely manner.
- **Biweekly food trips are not enough.**
 - Workers want weekly trips to Walmart
 - Biweekly trips are not enough to get what they need.
 - Local stores are expensive
 - **Recommendation:** trips to Walmart on a weekly schedule.
- **They have no land line for telephone use.**
 - **Recommendation:** Employer should install landline in the housing site.
- **Some of the burners don't work in the cabin.**
 - **Recommendation:** get new burners.

After speaking with the workers for about one hour and taking their concern and recommendations for fixing the problems, Miguel Garza and I presented the workers concerns and recommendations for fixing the problems to Josefina. Josefina acknowledged their recommendations and is having a follow up visit tomorrow at around 9:00a.m. Miguel Garza will be present to witness the meeting and provide clarification/support to both sides in case his participation is requested.

I left the field at around 6:00 pm.

Submitted by: Rene Maldonado

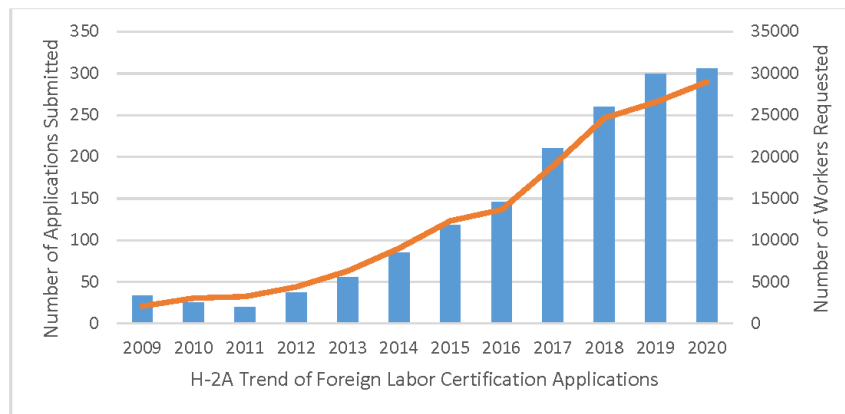
ADDENDUM III

Wafila Comments

September 17, 2020 Agricultural and Seasonal Workforce Services Meeting

At the meeting today, you reported that there were 29,146 workers requested in 2020, but fewer than 20,000 workers present. **Thank you for your work clarifying that the number of workers present is substantially fewer than the number of workers requested due to transfers and other factors.**

Perhaps some of the continued confusion is the chart on page 8 of your draft report. It contains errors. As you know, there were 24,862 workers requested in 2018. The bar chart appears to indicate that there were greater than 25,000 workers requested. There were 26,226 workers requested in 2019. The bar chart appears to indicate that there were exactly 30,000 workers requested. Finally, today you indicated that there were fewer than 30,000 workers requested in 2020, while the bar chart appears to indicate greater than 30,000 workers requested.



We were only able to examine the last three data points due to the fact that we just received the draft report. Can you check all of your data points, please? Thank you in advance.

As several committee members pointed out, the report requires more data. In particular, data you provided to the committee in November 2019 concerning recruiting is vital, because it informs the discussion around both recruiting and field checks. Here is a summary of the chart from November 2019:

Year	Total Job Postings	Total Referrals to Employer	Unique Customers Referred	Hired
2016	151	11	9	4
2017	286	120	89	19
2018	243	56	35	4
2019	314	127	87	23

Can you please include this chart in your report? I understand that the figures require context due to the changes of database systems and other factors, but the information is significant. Once again, thank you.

Contact information

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Employment Security Department • Policy, Data, Performance and Integrity