



Agricultural and Seasonal Workforce Services Advisory Committee

Meeting details

Date: Wednesday, July 17, 2024

Time: 1:00 p.m. – 3:00 p.m.

Location: Virtual meeting via Zoom

Physical address: **Employment Security Department**, 212 Maple Park Ave SE, Olympia, WA 98501

Committee members present

- Jon DeVaney
- Michael Gempler
- Delia Peña
- Jeff Perrault
- Michele Besso

Committee members/Non-voting agency representatives absent

- Elizabeth Strater (Proxy for Victoria Ruddy)
- Rosalinda Guillen (EXCUSED)
- Edgar Franks (EXCUSED)

Non-voting agency representatives

- Uriel Iñiguez (LNI)
- Jerry Caird (DOH) (Proxy for Juan Gamez)
- Ignacio Marquez (WSDA)

ESD staff

- Joy Adams
- Bertha J. Clayton
- Vickie Carlson
- Petra Meraz
- Carlos Sandoval-Larios
- Alberto Isiordia
- Craig Carroll
- Olga Kondratjeva
- Ish Maidadi

Summary

Meeting Recorded

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

Welcome and Agenda Review

Employment Security Department (ESD) Policy Director, Joy Adams, welcomed everyone, reviewed the meeting agenda and asked if anyone had any questions. (See Addendum I.)

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

- Olivia Gutierrez, Coordinator, FLC, ASWS, ESD
- Carlos Sandoval-Larios, Temporary Supervisor, Compliance Unit, ASWS

Recording timestamp **00:02:15**

Recording timestamp **00:15:08**

Recording timestamp **00:18:43**

Employment Connections Update

- Alberto Isiordia, Assistant Director of Operations, Employment Connections
- Craig Carroll, Business Operations Manager, Employment Connections

Recording timestamp **00:20:49**

Roll Call – Vickie Carlson, Management Analyst, ASWS Office, ESD

Recording timestamp **00:42:16**

Joy Adams asked Vickie Carlson to take roll. Five voting members were present at the time of roll call. (Quorum)

2024 ASWS Report Discussion & Vote – Joy Adams

Recording timestamp **00:45:49**

- ASWS Report Section: Part II - DRAFT

Motion to approve Part II - DRAFT was postponed & will be revisited at the next Advisory Committee meeting (July 25th)

H-2A Final Rule: ESD Perspective – *Continued* (See Addendum III.)

Recording timestamp **00:49:02**

- Carlos Sandoval-Larios, Temporary Supervisor, Compliance Unit, ASWS

2024 ASWS Report Discussion – Joy Adams

Recording timestamp **01:02:07**

- Part II - DRAFT

Customer Experience Study Update (See Addendum IV.)

Recording timestamp **01:06:00**

- Olga Kondratjeva, Program Evaluation, Research and Analysis Manager, DATA, ESD

Good of the Order – Joy Adams

Recording timestamp **01:30:12**

Action Items:

- Customer Experience Study: Review slides and provide feedback by **July 19th**
- ASWS Report Part I, II & III: Review and provide feedback by **July 22nd**

Future Agenda Items:

- 2024 ASWS Report: Prepare to vote on Parts I & III during the **July 25th** AC meeting
- Budget/Decision Package Discussion at the **July 25th** AC meeting

Public Comments

Recording timestamp **01:31:28**

None

Adjourned

Joy Adams thanked everyone for their continued active participation and for their commitment to this work. Meeting adjourned: 3:00 PM.

2024 Meetings

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

- **July 25, 2024 – 1:00 p.m. to 3:00 p.m.** – Zoom, 212 Maple Park Ave SE, Olympia, WA 98501

Addendums

ADDENDUM I.



AGENDA

Agricultural and Seasonal Workforce Services (ASWS) Advisory Committee
 Wednesday, July 17, 2024 | 1:00 pm – 3:00 pm | Zoom | 212 Maple Park Ave SE Olympia, WA 98501

TIME	TOPIC
1:00 pm	Joy Adams, Policy Director, Employment System Policy & Integrity Division, ESD <ul style="list-style-type: none"> • Agenda Review – Joy Adams • Roll call – Vickie Carlson, Management Analyst, ASWS Office, ESD • 2024 ASWS Report – Motion to Approve Part II of the ASWS Report <ul style="list-style-type: none"> ○ "I move to approve the 2024 ASWS Report section: Part II"
1:10 pm	ASWS Office Update <ul style="list-style-type: none"> • Bertha J. Clayton, Director, ASWS Office, ESD • Olivia Gutierrez, Coordinator, Foreign Labor Certification Program, ASWS, ESD • Carlos Sandoval-Larios, Temporary Supervisor, Compliance Team, ASWS, ESD Employment Connections Update <ul style="list-style-type: none"> • Alberto Isiordia, Assistant Director of Operations, Employment Connections, ESD
1:50 pm	Break
2:00 pm	H-2A Final Rule: ESD Perspective (...Continued from June 20 th AC Meeting) <ul style="list-style-type: none"> • Bertha J. Clayton
2:15 pm	Customer Experience Study Update <ul style="list-style-type: none"> • Olga Kondratjeva, Program Evaluation, Research and Analysis Manager, DATA, ESD
2:40 pm	Good of the Order
2:50 pm	Public Comment
2:55 pm	Adjourn: Next meeting: Thursday, July 25, 2024, 1 – 3 pm, Zoom

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 - July 2024



Bertha J. Clayton, ASWS Director, ESD

Familias Unidas Por La Justicia v. DOL, et al – 7/3/24 injunction
CORRECTED SLIDE



Reinstates 2022 prevailing wages for WA H-2A job orders

For job orders active on 7/3/24 and all 2024 orders:

→ **growers with duties that have piece rates and/or prevailing wage rates are required to pay those rates regardless of whether the application lists those wage rates. Growers must pay higher of:**

1. What is listed in their contract OR
2. 2022 prevailing piece rate wage OR
3. AEW⁵R hourly rage.

OFLC Guidance to ES (7/16/24)

- ESD must update active job orders with 2022 rates
- ESD must review all filed applications for 2022 prevailing wage rates

Administering Discontinuation of Services per 20 CFR 658, Subpart F *Reporting period: 10/1/2023-5/1/2024*



Initiated by ESD	1*

*Final debarment determination made by USDOL WHD. ESD must initiate per 20 CFR 658.501(a)(4).

Processing and Adjudicating Foreign Labor Certification Applications



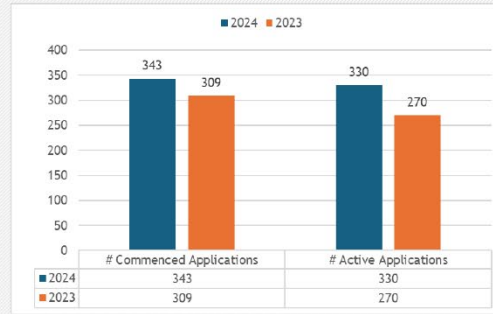
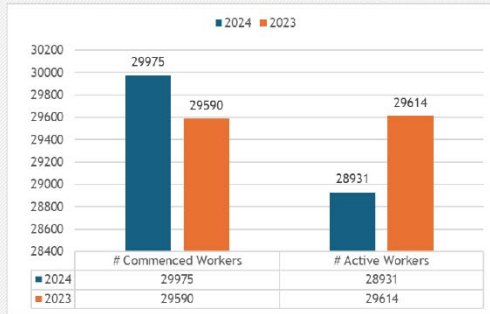
Olivia Gutierrez, Coordinator, Foreign Labor Certification Program, ASWS, ESD

Year to Date Comparison

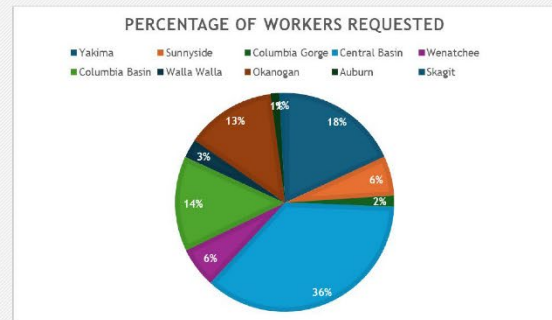
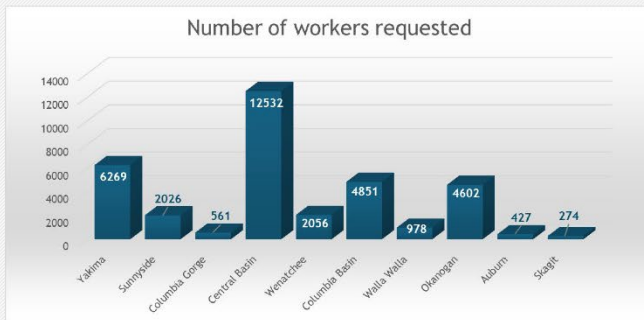


	2024	2023	% YoY Increase or Decrease
# Applications	414	407	+2 %
# Workers Requested	34576	37339	-7 %
# Withdrawn Applications	18	23	-22 %
# Withdrawn Workers	418	2531	-83 %
# DOL Denied Applications	2	6	-67 %
# DOL Denied Workers	20	132	-85 %
# Commenced Applications	343	309	+11 %
# Commenced Workers	29975	29590	+1 %
# Impossibilities Applications	4	0	--
# Impossibilities Workers	217	0	--
# Active Applications	330	270	+22 %
# Active Workers	28931	29614	-2 %

Commenced & Active YTD Comparison



Number & Percentage of workers requested by AHO to date

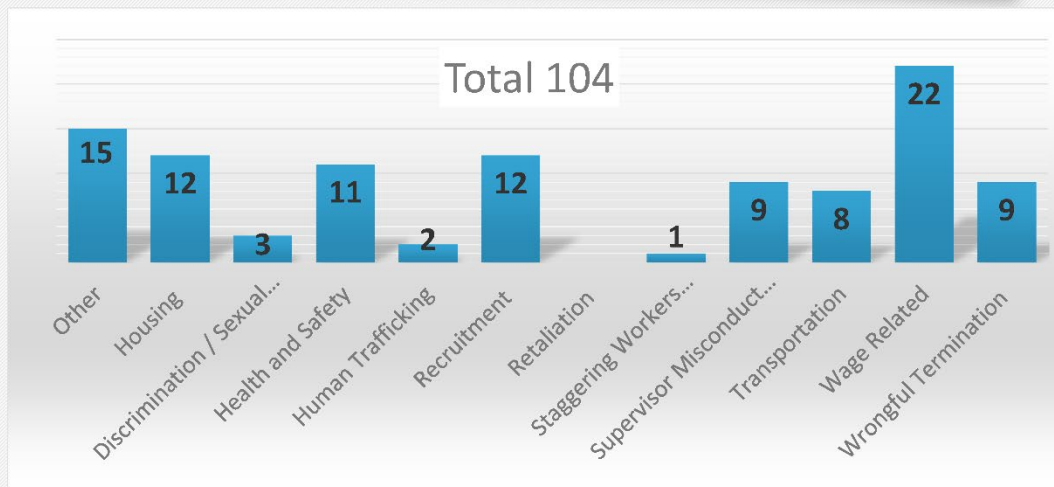


Completing site visits (field visits) and Field Checks



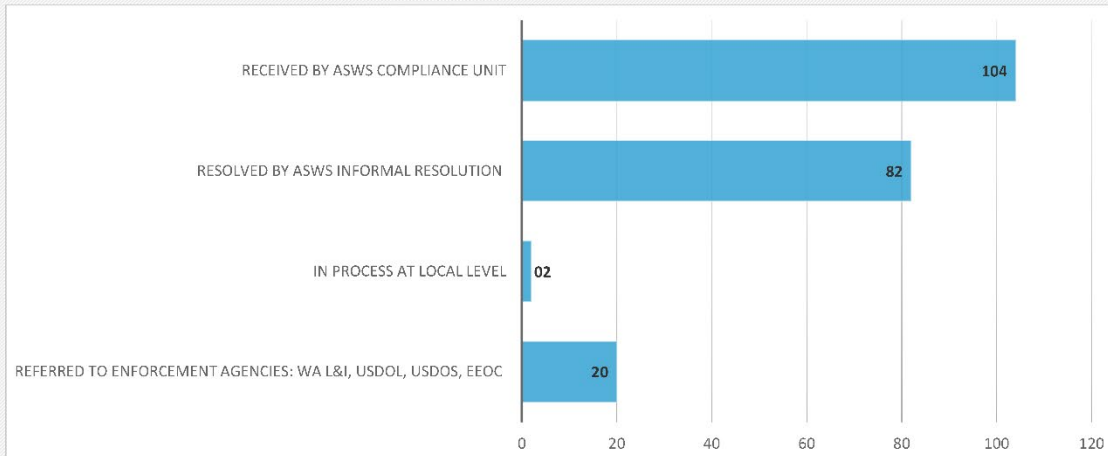
Carlos Sandoval-Larios, Temporary Compliance Team Supervisor, ASWS, ESD

Processing complaints consistent with 20 CFR 658, Subpart E *Reporting Period: 10/01/23 - 07/01/24*



Complaints / Apparent Violations Received

Reporting Period: 10/01/23 - 07/01/24



Conducting Field Visits (Site Visits)

Review period: 10/01/23 - 7/01/24



Site Visits: The ASWS **compliance team** conducts site visits (aka field visits) to H-2A workers to **inform workers** of their **rights** and **contract assurances** under the H-2A regulations. Additionally, **employers** are provided with **education** regarding program requirements and given **compliance resources** and **technical support**.

Site Visit Goal:	100% of job orders
Number of Site Visits Performed by ASWS Compliance Staff	329
Approximate number of workers who attended Site Visits and received information	19,473

Employment Connections Update



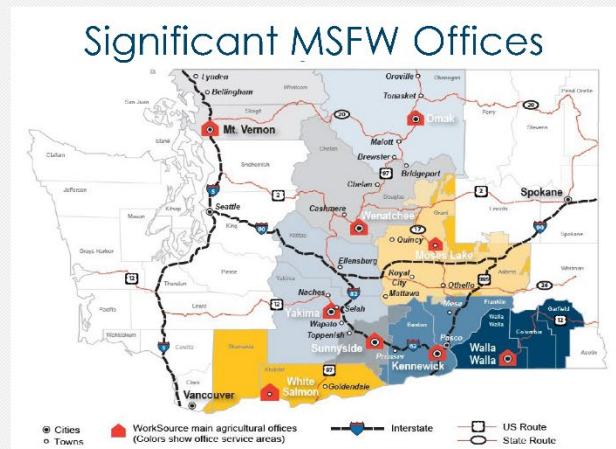
Alberto Isiordia, Assistant Director of Operations, Employment Connections, ESD

Employment Connections Update



- Serving Farmworkers
 - Outreach (July 1, 2023 – June 30, 2024)

Outreach Days Conducted	1,725
Outreach Contacts Made	25,860
 - In WorkSource Centers
- Significant MSFW Offices
 - CFR 20 653.107(a)(4)
 - Dedicated Full Time outreach staff
 - 100% of their time spent on outreach activities
- Labor Exchange – H-2A specific
 - Clearance order creation and maintenance
 - Applicant screening
 - Referrals and follow up
 - Placement verification
- Referrals to other organizations
 - OIC of Washington
 - Title 1b providers
 - Community resources



ADDENDUM III.

H-2A Final Rule: ESD Perspective



Carlos Sandoval-Larios, Temporary Compliance Team Supervisor, ASWS, ESD

Rule Changes under 29 CFR Part 501 (cont.)



29 CFR 501.4

- Revises 501.4(a) to conform to proposed changes to 20 CFR 655.135(h) to expand and strengthen anti-retaliation provisions but leaves untouched provisions in 501.4(b) on WHD investigations and enforcement of 501.4.

29 CFR 501.10

- Adds severability clause to explain that any provision of 29 CFR part 501 held to be totally invalid or unenforceable will be severed from 29 CFR part 501 while not affecting the remainder of 29 CFR part 501.

20

Rule Changes under 29 CFR Part 501 (cont.)



29 CFR 501.20, 501.33, and 501.42

- Conforms WHD regulations to maintain consistency with and implement various proposed changes to ETA’s debarment regulation at 655.182 as they relate to the following:
 - Successors in interest
 - Passport withholding
 - Timelines to appeal
 - Requests for hearings

21

ADDENDUM IV.

Customer Experience Study Update



**Employment
Security
Department**
WASHINGTON STATE

Olga Kondratjeva, Program Evaluation, Research and Analysis Manager, DATA, ESD

Good of the Order



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Public Comment

Public Comment



PUBLIC COMMENT:

If you would like to make public comment, including any suggested future agenda items, please state your name and spell it so we can capture it correctly for the minutes, as well as the organization you represent if any. Your comments are being recorded. However, if you would like your comments to be included in the meeting minutes, please submit them in writing via email to Vickie Carlson at Vickie.Carlson@esd.wa.gov. Please limit your comments to two minutes.

COMENTARIO PUBLICO:

Si desea hacer un comentario público, incluyendo temas ó elementos de seguridad para agendas futuras, por favor indique su nombre y deletreelo para poder capturarlo correctamente en los apuntes de la junta, también indique la organización a la que representa si hay alguna. Sus comentarios están siendo grabados. Sin embargo, si desea que sus comentarios sean incluidos en los apuntes de la junta, por favor envíelos por escrito por correo electrónico a Vickie Carlson a vickie.carlson@esd.wa.gov. Por favor limite sus comentarios a dos minutos.



Agricultural and Seasonal Workforce Services
ADVISORY COMMITTEE



Employment Security Department
WASHINGTON STATE

ASWS Advisory Committee Meeting

Thursday, July 25, 2024

1:00 p.m. – 3:00 p.m.

Zoom

Contact information

Joy Adams, Director of Employment System Policy & Integrity Division joy.adams@esd.wa.gov

Employment Security Department • Employment System Policy & Integrity