



Agricultural and Seasonal Workforce Services Advisory Committee

Meeting details

Date: Wednesday, February 21, 2024

Time: 1:00 p.m. – 3:00 p.m.

Location: ZOOM

Committee members present

- Delia Peña
- Elizabeth Strater (Proxy for Victoria Ruddy)
- Edgar Franks
- Jeff Perrault
- Michele Besso
- Michael Gempler
- Rosalinda Guillen
- Ranie Haas (Proxy for Jon Devaney)

Committee members absent

- Ignacio Marquez (WSDA)

ESD staff

- Joy Adams
- Bertha J. Clayton
- Vickie Carlson
- Petra Meraz
- Olivia Gutierrez
- Caitlyn Jekel
- Josh Dye

Non-voting agency representatives

- Uriel Iniguez (LNI)
- Juan Gamez (DOH)

Summary

Meeting Recorded

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

Welcome, Housekeeping and Introductions

Employment Security Department (ESD) Policy Director, Joy Adams, welcomed everyone, addressed housekeeping items.

Agenda

Joy Adams reviewed the agenda for the meeting and asked if anyone had any questions. (See Addendum I.) Recording timestamp **00:01:14**

ASWS Office Update – ASWS Office, ESD (See Addendum II.) Recording timestamp **00:04:52**

ASWS Office & Compliance – Bertha J. Clayton, Director, ASWS Office

OFLC Monitoring Audit Outcome

JLARC Audit Update

Compliance Statistics Recording timestamp **00:12:29**

FLC Applications – Petra Meraz, Supervisor, FLC Program Recording timestamp **00:14:39**

Questions & Answers / Comments:

Roll Call – Vickie Carlson, Management Analyst, ASWS Office, ESD Recording timestamp 00:20:28

Employment Security Department (ESD) Policy Director, Joy Adams, asked Vickie Carlson to take roll.
Eight voting members were present. (Quorum)

Open Committee Discussion (See Addendum III.) Recording timestamp 00:22:04

Domestic Recruitment

Items that surfaced during Open Discussion Time:

1. Hiring
 - Is it harder for farmworkers to apply, or are the local workers even applying for the jobs because they believe that these jobs are already being done by the H-2A workers?
2. Worker union Perspective:
 - Domestics go to the farms that have H-2A workers- local workers are being offered a lower wage than H-2A.
 - 40hrs a week guaranteed for H-2A workers, not for local (skagit, whatcom counties)
 - Fear of retaliation if the community finds out that a complaint was made.
3. Advisory Chair reminded the group to not specify the Employers names as this is an open, public meeting.

2024 WA State Legislative Updates (See Addendum IV.) Recording timestamp 01:12:32

Josh Dye, Legislative Affairs Manager, Executive Programs, ESD
Caitlyn Jekel, Government Relations Director, Executive Programs, ESD

House Bill 2226 – H-2A and Fruit Harvester Survey**2024 ASWS Report - Introduction & Timeline**

Approval of the January 17th 2024 ASWS Meeting Minutes – Joy Adams Recording timestamp 01:21:54

- Motion to approve the January 17th meeting minutes- Mike Gempler,
- 2nd from Elizabeth Strater.
- Motion carries unanimously.

Good of the Order – Joy Adams Recording timestamp 02:11:33

Future Agenda Items

- Status update requested on the State Monitor Advocate position vacancy

Dr. Stephanie Colter requested that her attendance be captured. Message sent by direct chat at 14:39:02

Public Comments

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:

- **March 20, 2024 – 1:00 p.m. to 5:00 p.m.** – In person and Zoom, 212 Maple Park Ave SE, Olympia, WA

Addendums

ADDENDUM I.



AGENDA

Agricultural and Seasonal Workforce Services (ASWS) Advisory Committee
 Wednesday, February 21, 2024 | 1:00 pm – 3:00 pm | Zoom | 212 Maple Park Ave SE Olympia WA 98501

TIME	TOPIC
1:00 pm	Welcome Joy Adams, Policy Director, ESD Employment System Policy & Integrity Division <ul style="list-style-type: none"> • Roll Call – Vickie Carlson, Management Analyst, ASWS Office, ESD • Agenda Review – Joy Adams • Approval of the January 2024 Meeting Minutes
1:10 pm	ASWS Office Update – Bertha J. Clayton, Director, ASWS Office, ESD <ul style="list-style-type: none"> • ASWS Office/Compliance Team – Bertha J. Clayton • FLC Applications – Petra Meraz, Foreign Labor Certification Program Supervisor
1:25 pm	Open Committee Discussion <ul style="list-style-type: none"> • Topics received from committee members
2:00 pm	Break
2:10 pm	2024 WA State Legislative Session – Farmworker Bill Update & Discussion <ul style="list-style-type: none"> • Josh Dye, Legislative Affairs Manager, Executive Programs, ESD • Caitlyn Jekel, Government Relations Director, Executive Programs, ESD
2:30 pm	2024 ASWS Advisory Committee Legislative Report - Introduction and Timeline <ul style="list-style-type: none"> • Caitlyn Jekel, Government Relations Director, Executive Programs, ESD • Josh Dye, Legislative Affairs Manager, Executive Programs, ESD
2:50 pm	Good of the Order – Joy Adams
2:55 pm	Public Comment
3:00 pm	Adjourn Next Meeting (in person/hybrid): Wednesday, March 20, 2024, 1:00-5:00 PM, Maple Park (ESD Office) in Olympia, WA

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 section | Ask for what you need

Roll Call & Agenda

ADDENDUM II.

ASWS Office & Compliance Update
 February 2024



Bertha J. Clayton, ASWS Director, ESD

Monitoring and Audit Updates: *OFLC Monitoring (August 2023)*



Office of Foreign Labor Certification (OFLC) Audit Outcome

- Action needed: Updated inter-agency plan for H-2A temporary worker housing inspections.

Current Status:

- ESD coordinating with Washington LNI and DOH to develop and implement an **updated agreement** regarding H-2A Temporary Worker Housing. (Roles and responsibilities, timeframes, communication, record keeping, complaint coordination, etc.) Completion timeframe: 6-12 months.
- LNI and DOH policy representatives will submit a proposal to ESD regarding roles and responsibilities in February 2024.
- ASWS will continue to brief committee as agreement evolves.

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Monitoring and Audit Updates: *JLARC Audit (2022-2023)*



Joint Legislative Audit and Review Committee

- ESD's Response to JLARC Preliminary Audit Report Findings (in committee's pre-meeting materials)
 - Submitted to JLARC on 2/8/2024 (ESD was granted two-week due date extension)
 - LNI, DOH, and WSDA will submit supplemental, concurring responses.
- Final JLARC report and JLARC hearing in April 2024
- Next Steps:
 - ESD engaging with LNI DOSH and DOH for inter-agency agreements for field check coordination in 2024.

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Compliance Stats FY24: 10/01/23 - 1/30/24



Site Visits: 53

- Approximate number of workers contacted: 4,354
- Many job orders begin 3/1/24

Placements: 2

Field Checks:

- Completed: 4
- Pending: 1 (as of 1/30/24)

*Complaints will be reported at the March 2024 ASWS Advisory Committee meeting.

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FLC Applications



Employment
Security
Department
WASHINGTON STATE

Petra Meraz, Foreign Labor Certification Program Supervisor, ASWS, ESD

Year to Date Comparison



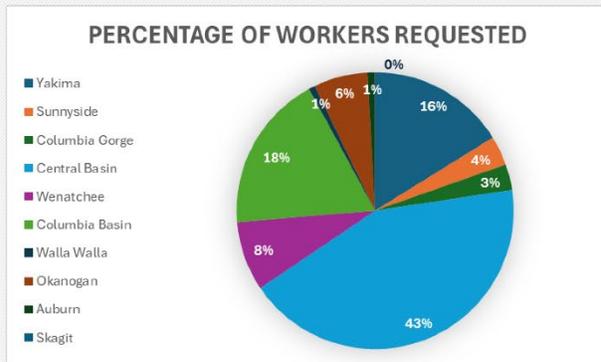
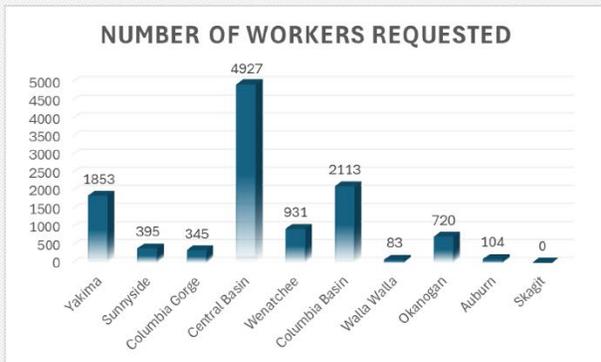
	2024	2023
# Applications	186	175
# Workers Requested	11637	16911
# Withdrawn Applications	7	13
# Withdrawn Workers	62	2331
# DOL Denied Applications	1	1
# DOL Denied Workers	0	1
# Commenced Applications	33	30
# Commenced Workers	1929	1899
# Impossibilities Applications	0	0
# Impossibilities Workers	0	0
# Active Applications	33	22
# Active Workers	1929	1904

Monthly Comparison – Dec 23/Jan 24



	DEC	JAN
# Applications	85	60
# Workers Requested	6579	2387
# Withdrawn Applications	1	6
# Withdrawn Workers	20	42
# DOL Denied Applications	0	1
# DOL Denied Workers	0	0
# Commenced Applications	7	22
# Commenced Workers	81	1337
# Impossibilities Applications	0	0
# Impossibilities Workers	0	0
# Active Applications	3	22
# Active Workers	73	1337

Workers Requested by AHO to date



Roll Call



ADDENDUM III.

Open Committee Discussion



Domestic Recruitment



Agricultural and Seasonal Workforce Services
ADVISORY COMMITTEE



Employment Security Department
WASHINGTON STATE

On Break until 2:25 p.m.

ADDENDUM IV.

Legislative update



Employment
Security
Department
WASHINGTON STATE

ASWS Advisory Committee Presentation

February 21, 2024

Caitlyn Jekel, Government Relations Director

Josh Dye, Legislative Affairs Manager

Employment Security Department

Legislative update



House Bill 2226 - H-2A and Fruit Harvester Survey

- Directs the Employment Security to survey H-2A workers during field checks and field visits and report the results to the ASWS committee.
- Directs the Department to conduct a comprehensive wage survey of workers hand harvesting (in person and phone):
 - Apples
 - Cherries
 - Pears
 - Blueberries
- The bill was passed by the House on February 7 (54 yeas, 42 nays)
- The Senate Labor & Commerce Committee voted the bill out of committee on February 15
- This survey prescribed in the bill will replace the current worker survey conducted by the Department
- Bill was amended in the Senate that allows for flexibility between the responses from phone and field surveys

ADDENDUM V.

Legislative update



2024 Agricultural and Seasonal Workforce Services Report

[RCW 50.75.040\(4\)](#) directs the committee to report to the Governor and the Legislature on:

- Recommended approaches to improve ESD’s recruitment process as part of the H-2A application, including recommended changes to state law if appropriate
- Analysis of costs incurred to administer the H-2A program and funds for other farmworker programs, including federal funds provided for the H-2A program

Report Timeline

Kick-off with Committee:	February 21, 2024
Due to Governor’s Office:	August 30, 2024
Due to Legislature:	October 31, 2024

Approval of January 2024 Meeting Minutes



Good of the Order



- Summary of Meeting
- Future Agenda Items
- 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 estan 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



Next In-Person/Hybrid

ASWS Advisory Committee Meeting

Wednesday, March 20, 2024

1:00 p.m. – 5:00 p.m.

Employment Security Department

212 Maple Park Ave SE, Olympia, WA 98501

Contact information

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

Employment Security Department • Employment System Policy & Integrity