



Agricultural and Seasonal Workforce Services Advisory Committee

Meeting details

Date: Wednesday, June 21, 2023

Time: 1:00 p.m. – 5:00 p.m.

Location: Cosecha Court II.

Committee members present

- Raine Haas (Proxy for Jon Devaney)
- Jeff Perrault
- Michele Besso
- Michael Gempler
- Edgar Franks

Committee members absent

- Rosalinda Guillen
- Delia Peña
- Victoria Ruddy

Non-voting agency representatives

- Uriel Iñiguez
- Ignacio Marquez
- Juan Gamez

ESD Staff

- Dan Zeitlin
- Joy Adams
- Bertha Clayton
- Vickie Carlson
- Petra Meraz
- Margarito Cabrera

Summary

Welcome and Introductions

Employment Security Department (ESD) Policy Director, Dan Zeitlin, welcomed everyone, roll call was taken by introduction, going around the table. Eight voting members were present. Motion to approve May meeting minutes: Mike Gempler; second; Michele Besso. Motion carried unanimously.

Agenda

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

Office Administration - Dan Zeitlin (Addendum II)

Dan Zeitlin promoted to ESD Chief of Staff; Joy Adams interim policy director. Joy will assume chairperson of committee; Dan will stay engaged in his new capacity.

ASWS Office – Bertha Clayton, Director, ASWS Office, ESD (Addendum III.)

Q: What is status of SMA – has role diminished since ASWS creation? (**Michele**)

A: On long term leave. SMA role has focused on internal monitoring and service delivery improvement (**Bertha**) ESD is exploring creating a position to support SMA work (**Dan**)

Compliance Team update – Margarito Cabrera, Compliance Supervisor

Tony presented example of informal resolution (Tony Aceves)

Comments:

Farmworkers endure longstanding culture of mental abuse (**Edgar**)

ASWS should involve other agencies when complaints involve multiple factors. Workers need to know full scope of all resources (**Michele**)

FLC Applications – Petra Meraz FLC Program Supervisor**Customer Experience Study – Lacey Jacoby, User Experience Research, Anthro-Tech****Comments:**

Findings are not surprising (**Uriel**)

Findings are validating of existing beliefs and impressions (**Michele**)

- (1) Domestic workers of “lower quality” reference in findings is offensive
- (2) Farmworkers are behaving like all other employees in the market by finding better jobs
- (3) Domestic workers do not receive the same opportunities as H-2A workers (i.e. not offered housing or transportation). (**Edgar**)

Anthro-Tech shall consider comments and examine report language to modify in light of Edgar’s comments (**Dan**)

Committee asked to provide feedback to Anthro-Tech to inform the design process of Phase II of the Customer Experience Study (**Bertha**)

Phase II design planning will begin in July 2023. Feedback needed from the committee prior to the July 19, 2023 ASWS Advisory Committee Meeting (**Olga**)

Action Items:

Given time constraints of meeting, Committee asked to respond to two questions via email in the next two weeks (**Bertha**):

1. To inform Phase II of the study, what data is still needed? What questions do you have that were not sufficiently addressed in Phase I?
2. What are your ideas for prioritizing the recommendations and what actions do you propose for ESD to take in the short and long term?

Comments and feedback for planning will be discussed at the July 19, 2023 advisory committee meeting. (**Dan**)

Discussion Topic 1: TWH Update – Juan Gamez (Addendum IV.)

DOH working with AAG counsel to determine path forward for requirement that TA housing comply with TWH rules

- This project is a priority for the DOH team.

DOH currently engaged in rule-making, but considering whether this issue requires a change in the rule.

- Follow-up is likely 2-3 months out – DOH currently holding rule hearings.
- In the meantime, hotels can still operate as usual.

LNI will still enforce TWH rules when it is alerted of potential issues (**Steve Yunker – LNI DOSH**)

TA rules do not allow DOH/LNI entry to an occupied room. **(Juan)**

LNI does not have authority to enforce TWH rules until workers are here **(Michele)**

During housing verification, are ASWS Compliance Staff measuring square footage? **(Michele)**

ASWS is only counting beds **(Bertha)**

Q: What information needs to be provided by the hotel to the FLC for processing? Is there a form? **(Michele)**

A: FLC asks for documentation to support the facility's eligibility for certification. **(Bertha)**

For a TA facility; it is the employer who is directly assuring DOL that the proposed housing meets the TWH housing standard. **(Michele)**

Q: Can square footage be added as an item on the field check checklist? **(Jerry Caird)**

More specific timeline is needed from DOH regarding decision on TWH rule approach for TA housing. **(Mike)**

Few bad actors are making a bad name for all H-2A employers. This is unfair to those who are playing by the rules **(Mike/Jeff)**

- Since there is agreement between labor and employer committee members, proposal to draft a joint letter to DOH and GOV office indicating need for expeditious action (prior to 2024) on TWH decision by DOH. **Mike** and **Michele** will jointly draft and email to Joy/Bertha for distribution prior to next meeting. Committee can entertain a motion at the next ASWS meeting to approve the letter and send to DOH leadership/GOV office.

Discussion Topic 2: Inter-Agency Coordination (Addendum V.)

LNI-ASWS held successful joint planning meeting morning of 6/21/23 to focus on implementation strategies of IAA agreement. **(Joy)**

Committee asked to prioritize agencies from the list provided with the meeting materials. (LNI DOSH, USDOL WHD, DOH) **(Joy)**

Not on the list, but should be a top priority – LNI Farm Labor Contracting Unit. This unit has authority to deny FLC contracting license, which is greater power to rescind unlawful operations than ESD has.

(Michele)

ASWS should seek to partner with enforcement agencies in complaints and issues that impact many workers **(Michele)**

Once LNI is engaged, process must be followed. A grey area exists prior to engaging an enforcement agency where ESD can seek to resolve issues informally **(Uriel)**

A potential idea would be to establish a “watch list” similar to what USDOL OFLC utilizes for agencies to share information about repeated offenses by employers **(Bertha)**

Next Steps:

- LNI Farm Labor Contracting – ASWS contact Brian Templeton to explore inter-agency agreement.
- LNI DOSH – ASWS will contact Steve Yunker for additional instructions for how to engage LNI DOSH in exploring inter-agency agreement.

Action Items:

- Customer Experience Study – Committee should submit responses to feedback questions in the next two weeks to inform Anthro-Tech design stage for Phase II
- TWH Rules: Michele and Mike will draft a joint letter and send to the committee for review prior to the July 19, 2023 meeting;
- Inter-agency Coordination: ASWS will communicate with LNI FLC licensing and LNI DOSH to begin IAA coordination.

Good of the Order – Dan Zeitlin

Meeting location hinders technological capabilities. How were meeting locations chosen? (Uriel)

Public Comment

None

Adjourned

Dan Zeitlin and Joy Adams thanked everyone for their continued active participation and for their commitment to this work, then ended the meeting at 5:00 p.m.

2023 Meetings

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

- July 19, 2023 – 1:00 p.m. to 3:00 p.m. – Zoom Meeting

Addendums

ADDENDUM I.

Agricultural and Seasonal Workforce Services (ASWS) Advisory Committee
 Cosecha Court Community Room | 416 E 5th St, Granger, WA 98932, Granger, WA 98932
 Wednesday, June 21, 2023 | 1:00 pm – 5:00 pm

TIME	TOPIC
1:00 pm	Welcome Dan Zeitlin, Director, ESD Employment System Policy & Integrity Division Joy Adams, Deputy Director, ESD Employment System Policy & Integrity Division <ul style="list-style-type: none"> • Roll Call & Committee Member Sharing – Vickie Carlson • Agenda Review – Dan Zeitlin
1:20 pm	Administration – Dan Zeitlin <ul style="list-style-type: none"> • Approval of the May meeting minutes • Acknowledgment of proxies
1:30 pm	ASWS Office Update – Bertha Clayton, Director, ASWS Office, ESD <ul style="list-style-type: none"> • ASWS Office – Bertha Clayton • ASWS Compliance Update – Margarito Cabrera, Compliance Unit Supervisor • FLC Applications – Olivia Gutierrez, Foreign Labor Certification Coordinator
2:15 pm	Break/Networking
2:30 pm	Committee Discussion Topic #1: Temporary Worker Housing <ul style="list-style-type: none"> • Wind-up & Next Steps
2:40 pm	Customer Experience Study – Lacey Jacoby, User Experience Research, Anthro-Tech <ul style="list-style-type: none"> • Presentation of Final Findings
3:30 pm	• Break/Networking
3:45 pm	Committee Discussion Topic #2: Inter-Agency Coordination <ul style="list-style-type: none"> • Summary of Topic Committee Discussion
4:45 pm	Closing – Dan Zeitlin <ul style="list-style-type: none"> • Summary of meeting • Discuss Future Agenda Items • Good of the Order
4:50 pm	• Public Comment
5:00 pm	Adjourn

ADDENDUM II.

Administrative Items



Dan Zeitlin, Director, ESD Employment System Policy & Integrity Division

Administration



- Approval of the May meeting minutes
- Acknowledgment of proxies

ADDENDUM III.

ASWS Office update



Bertha J. Clayton, ASWS Director, ESD

Office update –June 2023



ASWS Staffing – Update

- Compliance Specialist (Central Basin) Recruitment closed on June 14, 2023
- Interviews week of June 26, 2023. Target start date: 7/16/2023

ASWS-LNI Community Relations Interagency Agreement (Coordinated outreach)

- Implementation planning meeting held June 21, 2023
- Facilitated by Joy Adams, Deputy Director, ESPI
- Report on deliverables

Office update (2) – June 2023



ASWS seeking exemption to ESD texting policy

- Request submitted to IT week of June 5, 2023
- Current policy prohibits texting between ESD employees (on state issued cell phones) and customers.

Monitoring of ASWS Programs

- JLARC – Currently in field work stage. Report expected January 2024
- USDOL – Foreign Labor Certification Grant monitoring - August 2023
- National Monitor Advocate monitoring – Expected August or September 2023

Office update (3) – June 2023



Team Training

FLC Team

- Bi-weekly meeting with OFLC leadership and west coast analysts
 - Started April 2023
 - Objective: Discuss common issues and receive processing instruction and guidance

FLC and Compliance Teams

- ASWS all staff “Booster Training”; September 2023
 - Booster training reinforcing field check procedures and complaint processing.
 - USDOL WHD leadership attending to provide training re: Fair Labor Standards Act, H-2A Rules, and Payroll Review (for field checks).

Compliance Team update

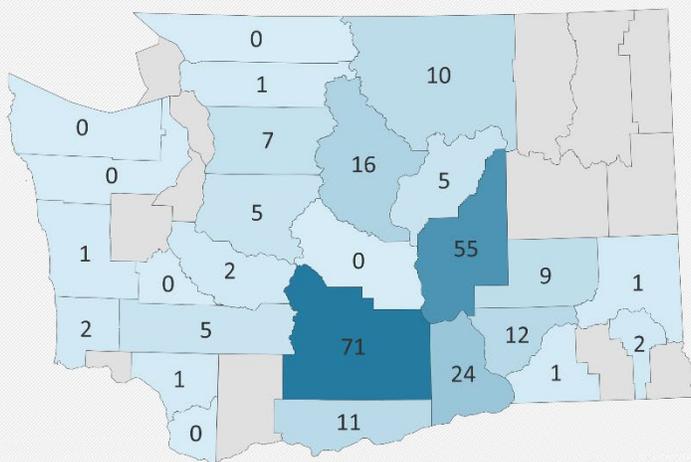


Carlos Sandoval-Larios, ASWS Compliance Specialist, ESD

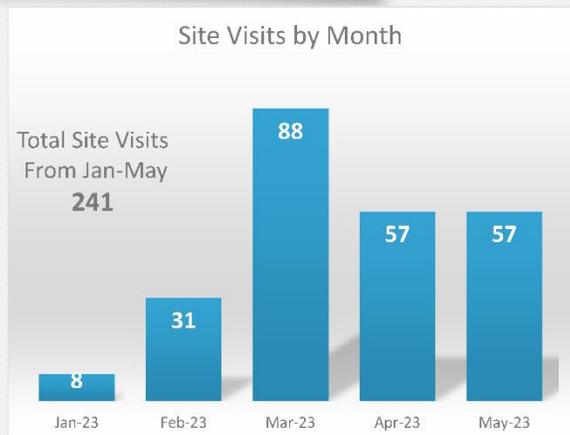
Site Visits



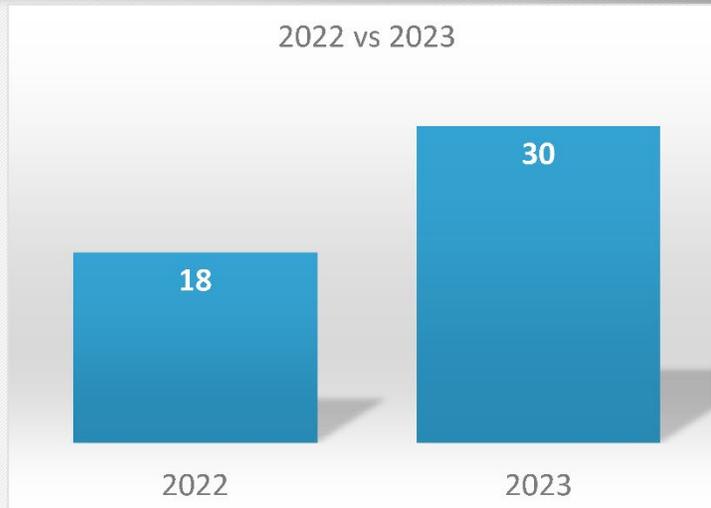
Site Visits By County from Jan-May 2023



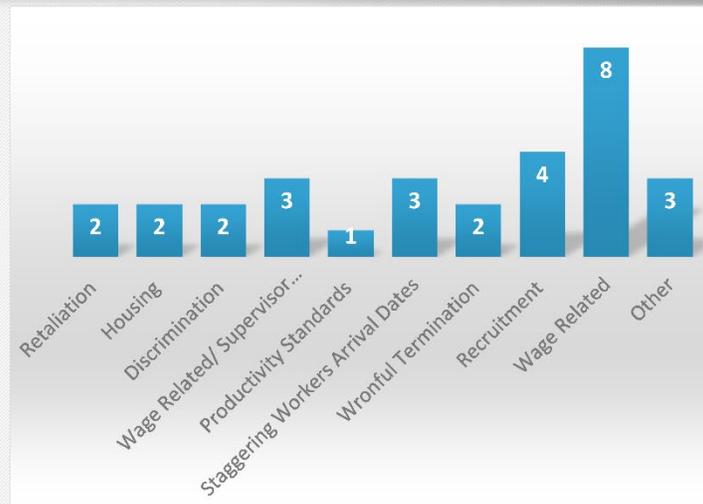
Site Visits by Month



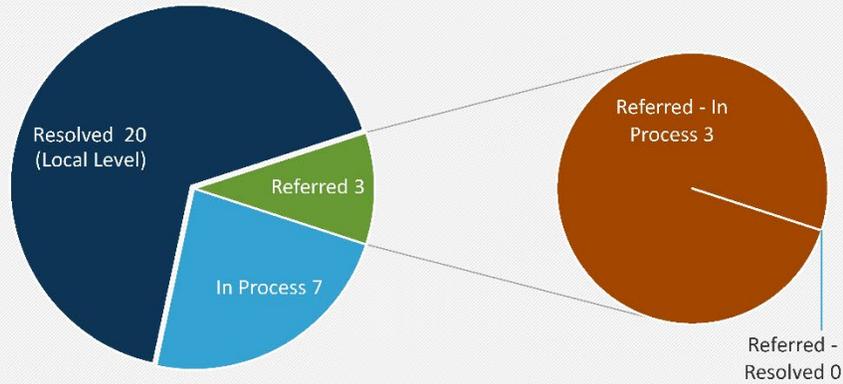
Complaints / Apparent Violations – 2022 vs 2023



Type of Allegations On Complaints / Apparent Violations Jan - April 23



Status of Complaints / Apparent Violations Jan - April 23



FLC Applications update



Olivia Gutierrez, Foreign Labor Certification Coordinator, ESD

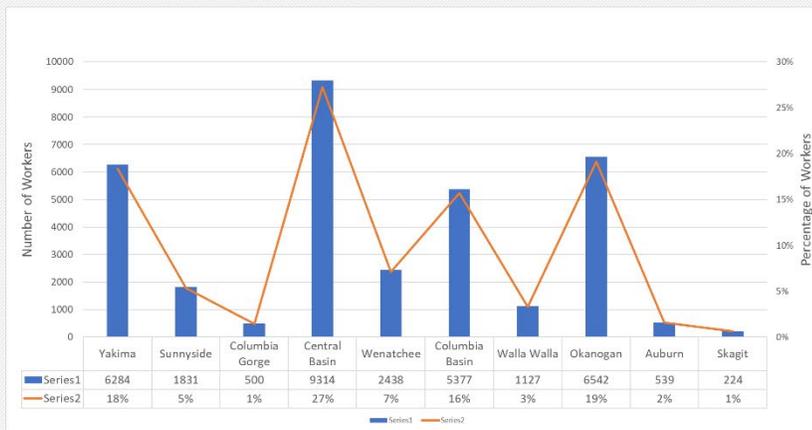
FLC Applications update



H-2A Applications & Workers Report				
	PY 2023 H-2A Data		PY 2022 H-2A Data	
	10/1/2022	6/10/2023	10/1/2021	6/10/2022
	Applications	Workers requested	Applications	Workers requested
Total processed to date	367	34286	355	32019
Withdrawn/Denied	27	2556	25	2404
Contracts Commenced	301	27663	284	26135
Contract Impossibility	0	0	4	299
Active Cases	283	26712	258	27363

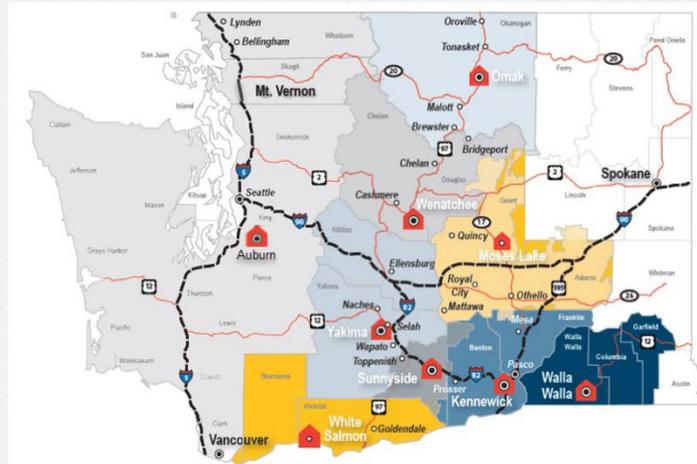
*The numbers reported are not reflective of the number of foreign workers that arrive in Washington State.

Main Application Holding Offices



Confirmed by 4 Employers – 110 workers are in Washington

Main Application Holding Offices Map



Agricultural and Seasonal Workforce Services ADVISORY COMMITTEE



Employment Security Department
WASHINGTON STATE

2:15pm: Break/Networking

ADDENDUM IV.

Committee Discussion Topic # 1:
Temporary Worker Housing



Temporary Worker Housing



- Wind-up & Next Steps

ADDENDUM V.

Customer Experience Study:
Presentation of Final Findings



Lacey Jacoby, User Experience Research, Anthro-Tech, Inc.

ESD Agricultural Recruitment Customer Experience Study

ARCX Initial findings slides report

June 02 2023

anthrotech



Project and Research Goals

The problem

- ⦿ The ESD agricultural recruitment system currently contributes very little to the apple, berry, cherry, grape, and pear production labor markets
- ⦿ ESD has limited understanding of how agricultural employers and agricultural workers connect with each other to meet their employment needs



Research goals

- ② Better understand the experience of agricultural farmworkers and employers with and around the Washington state agricultural recruitment system
- ② Identify key areas to improve the Washington state agricultural recruitment system

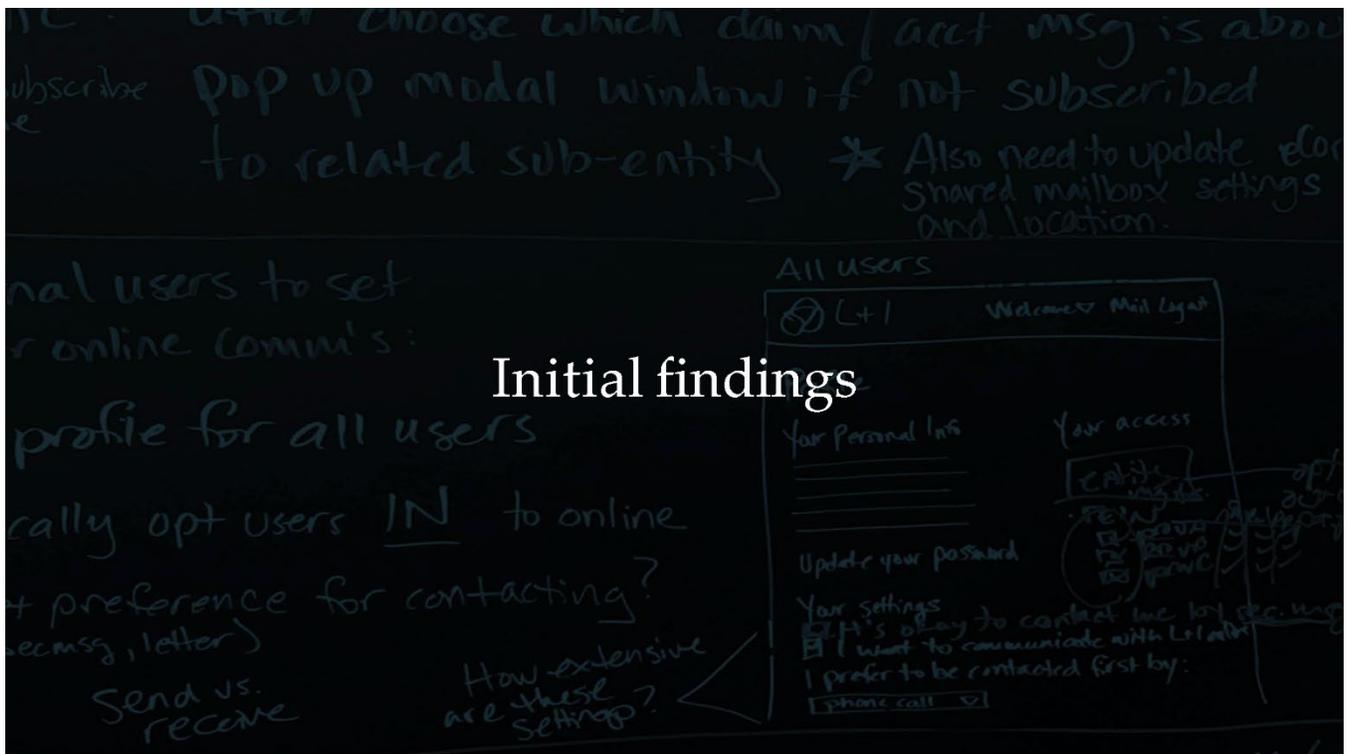
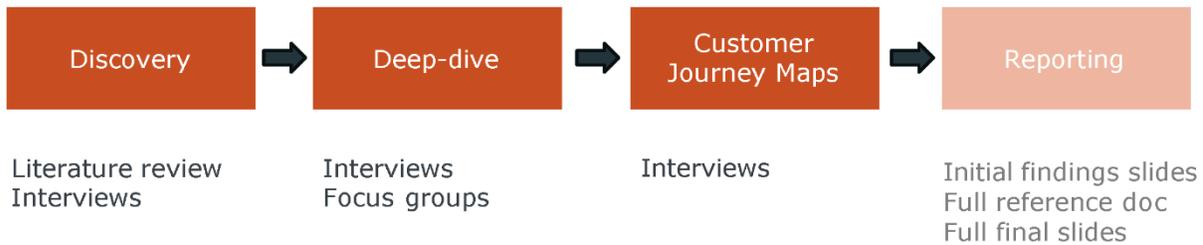


Areas of exploration

- ② To learn about agricultural workers' and agricultural employers':
 - Knowledge and opinions of ESD
 - Knowledge and opinions of H-2A program, including perceptions between H-2A and non-H-2A jobs and sites
 - Strategies for job seeking and job recruitment
 - Seasonal workflows of business and recruitment processes
 - Barriers to job seeking and job recruitment



Project phases



Themes from our Findings

- ② Community culture influences farmwork culture
- ② Hiring communication channel mismatches
- ② Problematic comparisons and perceptions of worker reliability
- ② Government complexity and disconnects



Community culture influences
farmwork culture

Disbalances

Work-life community culture is closely tied for workers

- ③ Fruit labor workers have low work-life separation
 - They seek out work, get hired and work in groups with family and friends rather than as individuals
- ③ Personal referrals support workforce cohesion and productivity, while inter-group conflicts risk propagating into work difficulties and disruptions
 - Individuals are less valuable and more difficult for employers to deal with one-by-one, while they also face difficulties to break into and be supported by a new group
- ③ Inter-personal relations can disproportionately affect their work prospects
 - In cases of divorce between married employees, or personal disputes, one may be asked to leave their job

Employers trust known worker recommendations more than ESD/WS referrals

- ③ Employers noted more success from relying on the recruitment efforts of others rather than themselves, preferring applicants who know other employees
 - Employers depend on existing employees, farmworker word of mouth and referrals, H-2A, and/or farm labor contractors
 - Employers don't rely on ESD WorkSource for labor recruitment because their worker referrals are ineffective - the applicants don't show up or stick around
- “[My] cousin was working there and helped [me] get a job. Talked to [me] in person and he said when they need people, I'll bring you in.”
- Farmworker

Not all domestic workers have a community to support them in their job seeking and getting

- ③ Most workers that are new job applicants or without a preexisting relationship - need a recommendation from someone within the company or someone who knows the employer
 - Workers face challenges in finding a job if they do not have a recommendation from someone connected to the employer
 - They are either unaware, or unfamiliar with ESD WorkSource resources supporting referrals for job orders

“I don't have as much family here like they do. ... they would ask me if I knew anyone there and I would say no, then they would never call me back. I have looked for a lot of jobs but without someone to help me get the job and recommend me, I couldn't get the job. ... they don't give me the job. It's hard to find a job. It's easy if you know someone who can recommend you but without a recommendation or acquaintance, it's hard to find a job.”

- Farmworker



Hiring communication channels

Mismatches

Farm workers face communication channel barriers in systems not adapted to their demographics

- ③ Farm workers, like other low-income groups, often lack
 - Reliable transportation
 - Proficiency in English
 - Communication protocols and resources that are "standard" for other population segments
 - Email
 - Voice mail
 - Website access / fluency

"[Workers] don't have transportation. They usually don't have cell phone reception. They don't speak the language. ... We say go online and click here, ... but that's not doable most of the time. ... So we think we have these services available ... but not for that group of workers. Maybe for office workers or people raised here. ... Even my dad doesn't have an email address. ... We assume too much. They need help setting up their voice mails. So when we establish processes and systems, we need to keep those things in mind."

– Community Partner

Transportation barriers diminish worker connections to employers as well as WorkSource staff communications

- ③ Many workers said they have unreliable access to transportation and many share cars with friends or family to reduce costs
- ③ One employer said that groups of job seekers often travel to the farm in a single car; if the employer cannot provide a job to everyone in the car, they may not be able to hire any
 - Such situations produce hiring challenges where because it can't be "all" it has to be "none"
- Getting to ESD/WS office locations and appointments can be a difficulty for farm work candidates

"Normally a couple hours after we start, guys will show up in cars because someone in our crew texted them and said come over here, these guys are nice, good fruit, decent pay, they'll call their friends and we'll have 10-15 more people by the end of the day."

– Employer

Language barriers create gaps and indirect intermediaries between employers and workers

- ③ Most employers do not speak Spanish or Mixtec languages, and most workers do not speak English
- ③ Many workers also cannot read or write in any language
- ③ Employers often outsource this language barrier between themselves and workers by relying on current and/or previous employees as well as farm labor consultancy firms

"My wife speaks Spanish so it's generally safer for her to answer [the phone]. I can get through in the field but struggle on the phone. It's almost all Hispanic [workers]."

– Employer

"If your father doesn't speak Spanish, only Mixteco, they should have that information available in that language. [What sites?] In general. Looking in general. Like Craigslist. But sometimes it's only in English. If I spoke in English, I could find more."

– Farmworker

Low-income farm work is associated with low technology access and adoption

- ③ Most workers are not digitally connected, and many are unfamiliar with resumes, account and password creation, email use, and other digital tools
- ③ Because the ESD referral process requires workers to complete several digital steps, WorkSource staff said they often create informal referral mechanisms that don't "count" as official referrals; specifically, directly connecting workers and employers to each other in-person or over the phone

"For people who don't know phone numbers or the technology, you have to walk to the farm and arrive or know someone. It's difficult to use."

– Farmworker

"I tell my farmworkers and employers, if you need any farmworkers for harvesting or pruning, call me two weeks in advance so I can advertise through the radio....I tell the employer I'll call for them and send the farmworkers their way."

– WorkSource Staff Member

Employers and workers rely on personal phone calls and in-person visits to connect with each other

- ③ Most workers find jobs using word-of-mouth communication within their personal networks and communities
- ③ Most interaction with employers takes place via phone or in-person visits
- ③ Few workers use the internet for any stage of job searching, although some use social media (possibly through others) to communicate with personal networks
- ③ Employers passively recruit through current employees' personal networks

"It was easy for us [to find a job] because a close friend of mine was a manager at the ranch and had been working for 20 years and told us to come to the job."

– Farmworker

"I am the owner-operator of my company, and to be totally honest, I do zero recruitment. All my workers have a long history working in this area... I pretty much hire whoever will come to my door for the most part."

– Employer

Worker reliability

Problematic comparisons and perceptions

Worker reliability is an unfair comparison

- ③ Employer opinions about worker reliability are based on unfair biases rather than individual characteristics
 - **Foreign H-2A workers are "higher-quality"**: Employers consider foreign H-2A workers to be highly reliable because their lives (in WA state) are artificially highly fixed and certain
 - **Domestic workers are "lower-quality"**: Employers are not entirely comfortable relying on the seasonal domestic workforce because their lives are less stable and more uncertain
 - **ESD/WS referred workers are "lowest-quality"**: Employers don't trust the quality of workers referred to them from ESD/WS because this line of work is not friendly to newcomers or outsiders

Employers consider H-2A foreign workers to be: higher quality

- ③ Employers are led into thinking they must pay more to get better workers
 - H-2A contracts and resources (e.g., housing and transportation) are heavily invested in and setup long in advance as "insurance" and the cost of doing business these days
 - H-2A foreign worker situations are artificially designed to meet employer needs and so are conflated as being better workers

"We're not experiencing challenges because we've learned to adapt. We have H-2A workers that are reliable and you know they're going to come to work everyday, we give them a ride to work everyday. If we didn't have those 107 H-2A workers, we'd have a shortage and probably wouldn't be able to pick harvest."

– Employer

Worker Reliability: Foreign H-2A workers are "higher-quality"

For farm work, too early is bad, but too late is worse

- ③ "Delivery" of H-2A foreign workers occur just in time as a large batch at the appointed start of the contract
- ③ When the timing lines up, everyone is happier and perceptions of "quality" have a greater chance of going up

"When you have workers that are brought in from the start, that helps because you're getting higher quality workers."

– Employer

Worker Reliability: Foreign H-2A workers are "higher-quality"

H2-A work adversely impacts domestic workers by raising an inaccessible foreign standard of work

- ③ The US dollar is more valuable in their home economies often with lower levels of labor protections
 - They are incentivized to do more work to capitalize on a temporary high-earning opportunity
- ③ Foreign workers are assigned by their work authorization visa to just one employer
 - So they will remain entire duration of contract even if pickings might be better elsewhere

"Under the H-2A job [for a local], they tell you to leave if you don't meet expectations. There are no breaks, and are bad working conditions. ...the supervisors put a lot of pressure, to do a lot of work in little time."

– Farmworker

"They show up on time, don't complain about the money or the state of the crops. It's easier to work with the folks coming up vs. the locals. [The locals] seem to be too particular in our experience ...We definitely see a stronger work ethic for the ones who come up with an intent to work vs. the local demographic."

– Employer

Worker Reliability: Foreign H-2A workers are "higher-quality"

Employers consider seasonal domestic workers to be: lower quality

- ③ When they lose domestic workers, employers feel it is out of their control and tend to spite disloyal workers as a result
 - Employers are accustomed to not being able to raise the price of basic food and are fearful of rising wages driving them out of business

“There’s nothing that holds them ..that says I’m committing to this employment because they’re here locally. Another job comes that they like better or pays better, they can jump without notice.”

- Employer

Worker Reliability: Domestic workers are “lower-quality”

Farm work is (near) minimum wage work, subject and sensitive to local inflationary pressures

- ③ Farm work is a low-income job in the USA that produces more uncertainty in the lives of domestic farm workers than H-2A guests
 - Domestic workers must balance their work alongside unique local challenges (rent, child care, unreliable transportation, etc.)

“In agriculture, there are many [social welfare] benefits. You can qualify for payments for your children, stamps, if it's not enough pay, you can qualify.”

- Farmworker

“H-2A come to make money but they don't have to pay more anything. It's not fair competition. Locals have to pay bills, property tax, etc.”

- Farmworker

Worker Reliability: Domestic workers are “lower-quality”

Employers consider seasonal domestic workers to be: lower quality

- ③ With relatively limited benefits and security, local workers don't have much reason to remain loyal to an employer
 - Instead they are more biased to follow work whenever and wherever they can to increase their earnings

“Cherry season is the most difficult season to recruit; because the cherry is everywhere, all over the place. ...They may leave to go work elsewhere”

– AGE, Participant 06

“Typically, when people get jobs in the springtime, if you're late, you'll miss out. Because they will go to the first employer that starts right then, so you miss out on those employees”

– AGE, Participant 05

Worker Reliability: Domestic workers are “lower-quality”

Seasonal domestic workers face generational upward mobility challenges and stigmas

- ③ Are encouraged to upskill and seek better opportunities and higher earning potential
 - Feeds into grower/employer perceptions that they are not as hard working or lasting as previous generations

“I think as a younger generation, a 2nd generation migrant, they are not interested in field work. They are ..going to school, pursuing different careers and not staying in agriculture ..their children have never worked in the field. They say we do the hard labor so our children don't have to!”

– Employer

“... it has made it more challenging to try and get the work done in a timely manner at an affordable rate because people have been indoctrinated to get more and more per hour and doing less hours”

– Employer

Worker Reliability: Domestic workers are “lower-quality”

Employers consider ESD/WS referred workers to be: lowest quality

- ③ For employers, the majority of returning prior workers are a more familiar, "in-the-know" entity who know when and where to show up
- ③ Those coming from ESD/WS are construed as outsiders, possibly with ulterior motives
- ③ Newcomers are seen as risky and less welcome as a kind of liability as well as inefficiency that involve more recruitment documentation and tracking efforts for less certain outcomes
- ③ Homogenous farm worker groups work the best together, which poses difficulties for minority farm workers in terms of assimilation and access

Worker Reliability: ESD/WS referred workers are "lowest-quality"



Government complexity

Disconnects

Farm workers and employers misunderstand and underappreciate ESD and WorkSource

- ③ Workers and employers do not have clear and well-defined understandings of what ESD/WS is and what services they offer
 - Lack of familiarity perpetuates cyclical negativity: devaluation and under-utilization
- ③ Most workers believe social security numbers are required to receive support at WS offices
 - Other offices (UI, OIC) bring workers to WS offices
- ③ Many employers believe workers referred from WorkSource are more interested and motivated for UI rather than agricultural labor

“Historically, they don’t stay very long. I don’t know why ...It’s frustrating when we spend a lot of time in the hiring process and they show up with a form from unemployment and they need our signature for them to meet their unemployment needs ...I have refused, because I explain I am still hiring.”

– Employer

Employers are tired and worried of being potentially deemed as being in violation from over-regulation

- ③ Agricultural employers see ESD, like most government agencies as a kind of enforcer or auditor rather than as working in support of them

“It’s important that ESD understand we don’t get a lot of communication from them. ...They’re coming out and making sure we’re complying with the contract terms and conditions. ...The more they act like our friends, then people don’t think they’re *not* our friends. ...I’ve had ESD call me with complaints, ...but I don’t ever get a friendly call about– hey, how are you doing? How’s the recruitment process going? How’s your program doing? You have any questions for us? Do you have any concerns? Nothing of that sort. That’s what I mean by friends or friendly.”

– Employer

Complex details in the H-2A program and agricultural regulations make them difficult to execute in practice

- ③ H-2A contracts require too much rigid forecasting in an uncertain work climate
- ③ Employers must plan and invest very far in advance to depend on H-2A foreign workers
- ③ By the time ESD/WS domestic worker referrals might show up, it is often considered to be "too little, too late"
- ③ No employer described sending any H-2A foreign worker back if/when they hired a domestic worker

"If you have more than one ranch that hits at the same time, it can get tricky to have enough people because you have these spikes in labor needs. That's the other hard part with H2A is all the planning you have to do around that ..It's definitely not an exact science."

– Employer

"If anybody comes and shows interest and are willing to sign the H-2A contract and are able bodied, and the parameters are wide open, it's pretty hard not to hire someone."

– Employer

Employers worry that they can't keep up with all the changing labor laws

- ③ Employers said they feel they are heavily over-regulated and are fearful for being found in violation of something they didn't know about
 - This demotivates them from being involved in hiring processes and incentivizes them to rely on intermediaries for "labor solutions"

"There's so much liability, not only from department of labor. My biggest worry would be ...one of these pro bono attorney groups, it's so easy for them to start a lawsuit. And then we have to pay \$300 an hour to hash it out."

– Employer



Agricultural and Seasonal Workforce Services
ADVISORY COMMITTEE



3:30pm: Break/Networking

Committee Discussion Topic #2:
Inter-Agency Coordination



Inter-Agency Coordination



- Summary of Topic
- Committee Discussion

Closing



**Employment
Security
Department**
WASHINGTON STATE

Dan Zeitlin, Director, ESD Employment System Policy & Integrity Division

Closing



- Summary of Meeting
- Discuss Future Agenda Items
- Good of the Order
- Public Comment



Agricultural and Seasonal Workforce Services ADVISORY COMMITTEE



Employment Security Department
WASHINGTON STATE

Next ASWS Advisory Committee Meeting

Wednesday, July 19, 2023

1:00 p.m. – 3:00 p.m.

Contact information

Dan Zeitlin, Director of Employment System Policy & Integrity Division

Employment Security Department • Policy, Data, Performance and Integrity