



Agricultural and Seasonal Workforce Services Advisory Committee

Meeting details

Date: Thursday, January 20, 2022

Time: 8:30 a.m. – 11:30 a.m.

Location: Virtual meeting due to COVID-19

Committee members present

- Jonathan DeVaney
- Michael Gempler
- Delia Peña
- Edgar Franks
- Michele Besso
- Jeff Perrault

Non-voting agency representatives

- Todd Phillips
- Ignacio Marquez

Committee members absent

- Victoria Ruddy
- Rosalinda Guillen
- Uriel Iniguez

Guests

- Rudy Mondaca (For Uriel)

ESD staff

- Dan Zeitlin
- Bertha Clayton
- Tamara Johnson
- Gustavo Aviles
- Craig Carroll
- Rene Maldonado
- Juan Martinez
- Ana Alcala-Rodriguez
- Petra Meraz
- Matt Kline

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. Six voting members were present and 2 were absent.

Agenda

Recording timestamp **00:04:00**

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

Meeting Minutes

Recording timestamp **00:06:45**

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

H-2A Application Data Report - Petra Meraz

Recording timestamp **00:07:32**

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

Jon DeVaney (WSTFA): How many of these are new employers and how many are employers that have multiple applications or changed the timing of their applications?

Petra Meraz: There are 4 new H-2A Specials employers (beekeepers, shepherders etc.); 5 new H-2A employers.

ASWS Office Update – Craig Carroll

Recording timestamp 00:13:32

All compliance positions have been filled. We have the supervisor position in recruitment until January 27. Since Oct 1st we have conducted 16 field visits. We have 3 more scheduled. We are continuing to schedule field visits as contracts begin in the next couple of months. We also conducted 2 trainings with employers this year.

Mike Gempler (WGL): How did trainings come about?

Craig Carroll: Compliance specialist contacted and offered the employers.

Action Item:

Tamara to share the Compliance Unit contact information with the committee. (See Addendum III.)

Bertha will engage the committee on field visit letters to employers and field visit questions of workers.

Customer Experience Study – Gustavo Aviles (See Addendum IV.)

Recording timestamp 00:17:22

Disaster Unemployment Assistance – Joy Adams (See Addendum V.)

Recording timestamp 00:29:00

LNI Emergency Rules – Teri Neely

Recording timestamp 00:48:00

Wildfire smoke stakeholder meeting – January 27

LNI would like stakeholder feedback/perspectives around ambient heat – through survey.

Report Recommendations Updates – (See Addendum VI.)

Recommendation #2 – Dan Zeitlin

Recording timestamp 01:02:00

The committee recommends ESD directly inform employers of applicants for H-2A job openings.

Recommendation #3 – Ana Alcala-Rodriguez

Recording timestamp 01:04:07

The committee recommends that ESD track job referral outcomes more consistently.

Recommendation #5 – Craig Carroll

Recording timestamp 01:08:00

Create enhanced resources and best practices for employers to access in order to increase employer compliance with H-2A laws and rules, streamline hiring.

Recommendation #6 – Craig Carroll

Recording timestamp 01:30:00

The committee recommends enhancing employer training.

Recommendation #7 – Ana Alcala-Rodriguez

Recording timestamp 01:34:15

Improve ESD's tracking and monitoring of quarterly domestic worker placements to ensure it is then conducting field checks as federally required.

Recommendation #8 – Dan Zeitlin

Recording timestamp 01:40:50

Measure the impacts of implementing recommendations regarding employer resources and training.

Recommendation #9 – Juan Martinez

Recording timestamp 02:02:48

The committee will work with ESD to examine the allocation of the funding sources for the H-2A administrative functions and identify gaps in funding and needed resources to address those gaps if they exist.

Recommendation #10 – Dan ZeitlinRecording timestamp **02:04:30**

Develop mechanisms to strengthen and align coordination with other agencies to effectively and efficiently improve health, safety and working conditions in agriculture.

Action Item:

The Committee had a robust conversation about agency coordination and will continue to make enhanced coordination a priority.

Future Agenda Items

- FLC Applications
- Letters to Employers
- Field Visits
- Customer Experience Study Update
- DUA
- Agency Coordination
- Steps & Timelines for 2022 Report

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 11:30 a.m.

2021 Meetings

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

- **February 17, 2022 – 8:30 a.m. to 11:30 a.m.** – Zoom Meeting

Addendums

ADDENDUM I.



AGENDA

Agricultural and Seasonal Workforce Services (ASWS) Advisory Committee

Thursday, January 20, 2022 | 8:30 am – 11:30 am | Zoom

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"> • December 16, 2021
8:45 am	FLC Applications Update – Petra Meraz
8:55 am	ASWS Compliance Update – Craig Carroll
9:05 am	Customer Experience Study – Gustavo Aviles
9:30 am	Disaster Unemployment Assistance – Joy Adams Clallam, Skagit, and Whatcom counties
9:45 am	LNI Emergency Rules-Teri Neely
9:55 am	Break
10:10 am	2022 Report – Dan Zeitlin <ul style="list-style-type: none"> • Update on current recommendations • Next steps - timelines
11:10 am	Closing Discussion <ul style="list-style-type: none"> • Agenda items
11:20 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

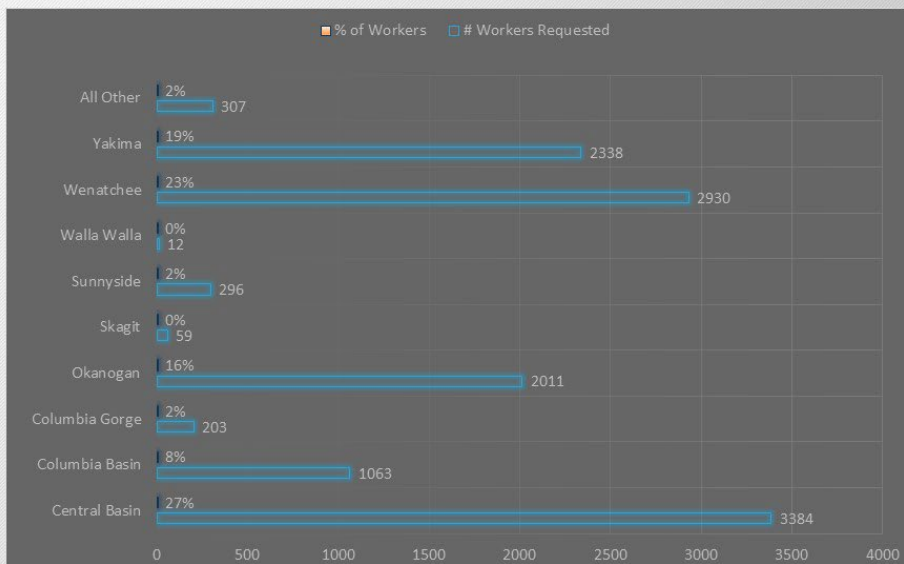
ADDENDUM II.

FLC Application Data Report



2022 H-2A Program Data (10/1/2021-1/12/2022)	2022				2021			
	Applications processed	Workers Requested	Active	Active Workers	Applications processed	Workers Requested	Active	Active Workers
Total Applications Received/Processed:	140	12,354			106	9429		
Number of Applications Withdrawn/Not Processed by DOL:	7	544			4	251		
Contract Impossibility:	0							
Total Number of Contracts Commenced:	28	1379	27	1132	18	887	15	812

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



ADDENDUM III.

ASWS Compliance Team State Coverage Map



AREA	OFFICE STAFF CONTACT INFORMATION	COUNTIES SERVED
Statewide	VACANT Compliance Unit Supervisor	Statewide
1.	WorkSource Union Gap Mireya Prieto TBD mireya.prieto@esd.wa.gov	Yakima, Kittitas, Klickitat, Stansania, Clark, Cowlitz, Wahkiakum, Pacific, Lewis
2.	WorkSource Columbia Basin (Moses Lake) Amador Madera, Compliance Specialist (509) 403-0424 amadera@esd.wa.gov	Grant, Lincoln, Adams, Spokane, Whitman
3.	WorkSource Wenatchee Alejandra Mendoza, Compliance Specialist (509) 423-0178 amendoza@esd.wa.gov	Chelan, Douglas
4.	WorkSource Columbia Basin (Kennewick) Arturo Espinoza, Compliance Specialist (509) 222-0849 arturo.espinoza@esd.wa.gov	Benton, Franklin
5.	WorkSource Walla Walla Tony Aceves, Compliance Specialist TBD anthony.aceves@esd.wa.gov	Walla Walla, Columbia, Garfield, Asotin
6.	WorkSource Okanogan (Omak) Gaten Hunt, Compliance Specialist (509) 222-4539 gaten.hunt@esd.wa.gov	Okanogan, Ferry, Stevens, Pend Oreille
7.	WorkSource Auburn Carlos Sandoval-Larios, Compliance Specialist TBD carlos.sandoval-larios@esd.wa.gov	Pierce, King, Snohomish, Skagit, Whatcom, Thurston, Mason, Kitsap, Grays Harbor, Jefferson, Clallam, San Juan, Islands



ADDENDUM IV.

Program Evaluation, Research & Analysis (PERA) Team Updates



Customer Experience Study



▪ Key updates:

- Following up on the previous meeting, connected with three research centers to get itemized cost estimates for their proposals:
 - Western Washington University (Center for Economic & Business Research)
 - University of Washington (Survey Research Division)
 - Washington State University (Social & Economic Sciences Research Center)

▪ Caveats:

- Cost estimates provided in this presentation are not official.
- Assumptions and proposals differ by universities and may change in the future.

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Western Washington University



Main proposal:

- *Employers:* One-on-one in-depth qualitative interviews and focus groups (in-person or virtual, with incentives) with **180 employers**.
- *Agricultural workers:* Survey-like instruments to guide the discussion (1 hr, in-person, with incentives) with **517 workers**.
- Total estimated cost is \$325,238.

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Western Washington University



Alternative proposal #1:

- *Employers:* One-on-one in-depth qualitative interviews and focus groups (in-person or virtual, with incentives) with **100 employers**.
- *Agricultural workers:* Unchanged
- Total estimated cost is \$293,243.

Alternative proposal #2:

- Same as above, but the study would include **50 employers**.
- *Agricultural workers:* Unchanged
- 4 ▪ Total estimated cost is \$275,429.

University of Washington



Main proposal:

- *Employers:* 10-15 minute online survey followed by one-on-one qualitative interviews (in-person, with incentives) with **50 employers**.
- *Agricultural workers:* 10-15 minute online survey followed by one-on-one qualitative interviews (in-person, with incentives) with **50 workers**.
- Total estimated cost is \$214,022.

Alternative proposal:

- Same as above, but the study would include **100 employers** and **100 agricultural workers**.
- 5 ▪ Total estimated cost is \$242,232.

Washington State University



Main proposal:

- *Employers:* One-on-one qualitative interviews (1 hr, virtual, with incentives) with **40 employers**.
- *Agricultural workers:* One-on-one qualitative interviews (1 hr, in-person, with incentives) with **60 workers**.
- Total estimated cost is \$283,364.

Alternative proposal:

- Same as above, but the study would include **100 employers** and **100 agricultural workers**.
- 6 ▪ Total estimated cost is \$578,950.

Suggested Research Proposal



- Approximately **50 qualitative interviews with employers** (in-person or virtual, with incentives)
- Approximately **50 qualitative interviews with agricultural workers** (in-person, with incentives)
 - Cost estimates for focus groups may be cheaper.
 - Cost estimates can vary based on the number of interviews.
- Focus on three main crops/activities: apple and pear harvesting (August-November) and cherry harvesting (June-August).
- These crops/activities are based on the review of job orders – we'll review the job orders more closely prior to the study

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Suggested Budget



- Submitted cost estimates varied:
 - WWU: between \$275,429 and \$325,238.
 - UW: between \$214,022 and \$242,232.
 - Does not include instrument development and analysis.
 - ESD to design the questionnaire and analyze the data: 0.5 ORS FTE (\$110,000) and 0.2 IT Data Administration (\$50,000).
 - WSU: between \$283,364 and \$578,950.
- Suggested budget proposal:
 - Request funding in the amount of \$400,000.
 - Potential funding sources: Washington State Department of Agriculture upcoming grant proposal

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Recap



- **Caveats:**
 - Cost estimates provided in this presentation are not official.
 - Assumptions and proposals differ by universities and may change in the future.
- **Outstanding questions:**
 - Is conducting ~50 interviews with employers and ~50 interviews with agricultural workers sufficient from the Committee's point of view?
 - What are the additional funding sources we may consider for this work?

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ADDENDUM V.

Disaster Unemployment Assistance for Northwest WA flooding



Joy Adams, UI Quality Assurance Manager
Employment Security Department

November Disaster Area



- On January 5th, President Biden declared a major disaster for the November floods and mudslides in the northwest corner of Washington
- Affected areas include:
 - Clallam County
 - Whatcom County
 - Skagit County
 - Lummi Nation
 - Nooksack Indian Tribe
 - Quileute Tribe
- Workers who live or work in these areas and are unemployed as a direct result of the disaster may be eligible for Disaster Unemployment Assistance

What is Disaster Unemployment Assistance?



- Disaster Unemployment Assistance (DUA) provides income support to workers who do not qualify for regular unemployment insurance
- This can include workers who do not have enough covered employment to qualify for a claim, those who have exhausted their regular UI eligibility, or other reasons related to the disaster.
- This program is very similar to Pandemic Unemployment Assistance, which expanded eligibility for income support benefits during the height of the COVID-19 pandemic.

Please help us spread the word!



- We do not yet have a timeline for when we will be accepting applications for DUA, but we expect to have information available on our website in the next couple weeks.
- Migrant and seasonal workers may qualify if their opportunity to work is affected by the disaster.
- As we begin to implement this program and provide communications, we will be asking you to help amplify our message to reach everyone who may need this assistance.
- We also would appreciate your feedback on specific needs and outreach we can provide to ensure everyone has equitable access to the benefits.

ADDENDUM VI.

Report Recommendations Update



ASWS Advisory Committee Presentation

December 16, 2021

Dan Zeitlin, Employment System Policy Director

Recommendation #1



Faster connection of workers and employers through process changes, including more direct and ongoing engagement with domestic job applicants. (Ana/Alberto)

STATUS: In progress

- The committee recommends that ESD help facilitate a faster connection of workers and employers through process changes including more direct and ongoing engagement with domestic job applicants.
- The committee recommends using texting or apps commonly used by the farmworker community for recruiting and job matching, including using text alerts to notify farmworker applicants of new job openings.

Recommendation #2



The committee recommends ESD directly inform employers of applicants for H-2A job openings. (Dan)

STATUS: In progress

- The committee recommends ESD directly inform employers of applicants for H-2A job openings, request a waiver from the U.S. Department of Labor (USDOL) to allow H-2A employers to manage and access their own recruitments through ESD's recruitment system, and establish measures to determine the impact and success of the change.
- The waiver recommendation was re-approved at the October meeting and will go to Governor.

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Recommendation #3



The committee recommends that ESD track job referral outcomes more consistently. (Ana)

STATUS: In progress

- More thorough referral tracking and follow-up could be achieved through more proactive engagement with both employers and workers to obtain information regarding referral outcomes, to include outreach by phone or text to farmworker applicants who have been referred using an app to communicate with farmworker applicants.
- The committee recommends it work with ESD to develop a Request for Information (RFI) to further scope and identify costs for text and/or app-based outreach to farmworkers.

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Recommendation #4



Complete a customer experience study to better understand the experience of farmworkers and employers in the ESD application and referral process. (Gustavo/Olga)

STATUS: In progress

- The study should focus on hearing the farmworker and employer perspectives on barriers to accessing jobs, usability of ESD systems, and the disconnect between the number of available jobs compared to the number of successful referrals.

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Recommendation #5



Create enhanced resources and best practices for employers to access in order to increase employer compliance with H-2A laws and rules, streamline hiring. (Craig)

STATUS: In progress

- Activities would include providing template forms and letters, compliance tips, interview best practices, and sample interview questions.
- Best practices would focus on educating employers on common mistakes that have been made in the past and how to prevent those mistakes from happening.
- It is recommended that resources are provided once to all existing employers, provided to new H-2A employers in the future, and provided to employers by email at the time they set up new recruitments.

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Recommendation #6



The Committee recommends enhancing employer training. (Craig)

STATUS: In progress

- Training may include formal training sessions, communication about employer resources, making sure employers understand the resources available to them, creating designated points of contact for employers with questions, and building relationships for ongoing conversations and education.

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Recommendation #7



Improve ESD's tracking and monitoring of quarterly domestic worker placements to ensure it is then conducting field checks as federally required. (Ana)

STATUS: Complete (on-going process)

- The committee believes ESD needs to improve its tracking and monitoring of quarterly domestic worker placements to ensure it is then conducting field checks as federally required (federal statute requires placement of a domestic worker to conduct a field check at an H-2A site).

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Recommendation #8



Measure the impacts of implementing recommendations regarding employer resources and training. (Dan)

STATUS: Not started yet

- The committee intends to measure and track the impact of implementing these recommendations.

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Recommendation #9



The committee will work with ESD to examine the allocation of the funding sources for the H-2A administrative functions and identify gaps in funding and needed resources to address those gaps if they exist. (Juan)

STATUS: Complete (on-going process)

- ESD will evaluate the existing charging structure to determine how to more accurately track and report costs associated with H-2A activities.

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Recommendation #10



Develop mechanisms to strengthen and align coordination with other agencies to effectively and efficiently improve health, safety and working conditions in agriculture. (Dan)

STATUS: In progress

- ESD-LNI-DOH have coordinated during COVID-19 to improve health, safety and working conditions through, for example, testing, vaccination and mask distribution initiatives.

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Contact information

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Employment Security Department • Policy, Data, Performance and Integrity
