



Agricultural and Seasonal Workforce Services Advisory Committee

Meeting details

Date: Thursday, March 19, 2020

Time: 8:30 a.m. to 12:00 p.m.

Location: Skype meeting due to COVID-19

Committee members present

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

Committee members absent

None

Non-voting agency representatives

- Todd Phillips
- Kimberly Gierach
- Tomas Madrigal
- Uriel Iñiguez
- Ignacio Marquez

ESD staff

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

Summary

Welcome and Introductions

Employment Security Department (ESD) Policy Director, Dan Zeitlin, welcomed everyone and asked them to introduce themselves.

Agenda

Dan Zeitlin reviewed the agenda for the meeting and asked if anyone had any questions. There were no questions. (See Addendum I.)

February 20, 2020 Meeting Minutes

Dan Zeitlin requested that everyone review the February 20, 2020 meeting minutes and provide their feedback.

A motion to approve was initiated by Jon DeVaney and seconded by Michelle Besso. The February 20, 2020 meeting minutes were approved.

One correction was sent via email by Jon DeVaney regarding certifications on page 5. Correction was made.

COVID-19 Department of Health Discussion

Department of Health presented information with regard to the response to COVID-19 and took questions from the committee. Summary of questions and responses from Department of Health was provided by Tomas Madrigal (See addendum II)

COVID-19 Committee

Dan Zeitlin facilitated the discussion to develop a memorandum that was subsequently sent to Governor Inslee urging him to declare food production an essential operation and the safety and health of the workers, managers, and owners involved as a priority in the wake of COVID-19. (See Addendum III)

Agenda Items for Next Meeting

- COVID-19 Discussion from:
 - Governor's Office update
 - State Agencies update/activity on COVID-19

Public Comments

None

Closing Comments

Dan Zeitlin thanked everyone for their continued active participation and for their commitment to this work, then ended the meeting at 12:13 p.m.

2020 Meetings

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

- **April 2, 2020 – 8:30 a.m. to 12:00 p.m.**
Skype Meeting

ADDENDUM I



AGENDA

Agricultural and Seasonal Workforce Services (ASWS)
Advisory Committee

Thursday, March 19, 2020 | WorkSource Columbia Basin | 815 N. Kellogg Street, Suite D, Kennewick, WA 99336

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, ASWS Director Agenda Review
8:40 am	Approval of February 20, 2020 Meeting Minutes
8:45 am	COVID-19 Discussion Update Department of Health – Todd Phillips/staff members <ul style="list-style-type: none"> Policies Quarantine Housing Notification to worker Issues Employer posters
10:00 am	Break
10:20 am	COVID-19 Discussion (continued)
11:45 am	Closing Comments <ul style="list-style-type: none"> Discuss next agenda
11:50 am	Public Comments
12:00 pm	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

ASWS Advisory Meeting

Who is going to be responsible for assuring the H-2A workers that are coming are coming to a safe space beyond the growers. Is there a state agency that will be there?

DOH: DOH does pre-occupancy inspections before workers arrive for licensed facilities. We don't test surfaces or get into that kind of technical inspection.

LNI: Will you be implementing any of those new guidelines in pre-occupancy inspections?

DOH: It's not in our rules, it's guidance. We are there for a short period of time.

Eric: We're doing regular polling on social media in state and national level. Overwhelming majority of workers are not being informed. 76% of domestic workers. Phone conversations with worker leadership across the state. As we look at the supply chain, multiple places where that social distancing does not exist. What is the state going to do?

Rosalinda: Concerned, H2A structure was never created for social distancing. Does the health department know the number of H-2A workers already in the state? Basic knowledge that the Health Department should have. Does the Health Department know?

DOH: That's not something we track in our temporary worker housing program. The H2A program happens, from a federal level, the health and safety of the people that end up in the homes is our focus. Potentially something we need to elevate to a level beyond my office. Local Health Jurisdictions.

Rosalinda: At this point has anyone heard concern of workers by H2A workers in the state? Health Jurisdictions or Health departments or anybody. What do we know of the folks that are already here.

DOH: Haven't been made aware of any temporary housing with workers. They normally don't come to us, LNI or other agencies?

Eric: Taskforce is timely because the fear is that this community is falling through the cracks. We don't have places for people to go now, with additional flux of workers. Workers leaving community to consulate, then travel to border. From border they go to the states. All of which violate social distancing. We had a mumps disaster last year. Add to that workers are coming into these communities unaware where medical facilities are. Heigene procedures. What's happening in Agriculture, there is a defacto waiver of social distancing. How do we start making sure this community is protected.

Rosalinda: Huge gap in Governor's containment order. I tried to support 22 workers to be moved from a location in Whatcom county due to contaminated water, but the Local Health Jurisdiction does not have a place to put them.

Eric: We have been in contact with the Mexican consulate, there are no plans on Local Health Jurisdictions. Feeding our community to the wolves, no one is paying attention.

DOH: Glaring truth that Public Health system in State and Nation has really suffered. I hear you when you say Local Health Jurisdictions are feeding to the wolves, some are well prepared, and some are very tiny. I think bringing up these gaps and issues can help them deal with what they can deal with, it's possible, but it brings up the glaring truth about where our public health system has been in the last few years.

Mike Gemplar: We have some promotoras in some private non profits, and have some system of health outreach from some of the clinics. Is there any way we can use some of those folks in education campaign. Don't we have some small infrastructure in health outreach?

Rosalinda: I know the promotora work done in the past is very effective for short periods of time but highly underfunded. Mostly women keep doing their outreach. Has been a struggle for the last 10 years. My concern is what about their health? Mobilizing a large enough group of promotoras in H2A workers is not impossible, but we need to consider them and their families. For them to do this kind of dangerous volunteer work I wouldn't do that.

Michelle Besso: Involving clinics, clinics cutting back their outreach and mobilize their resources to deal with COVID-19, not sure what resources that they would have.

ESD: We were part of a meeting with some of the promotoras, there is discussion of promotoras being able to have access to farmworker housing and growers. Also talking about teleskype and drive through clinics to provide those services. That meeting this afternoon that started with Mary Jo Ibarra, invited DOH as well. We have to think outside the box. The promotoras are going to be a piece of that information for prevention and to help farmworkers in those temporary housing facilities.

Mike Gemplar: Are some of the promotoras paid or are they all volunteer

ESD: Some of the promotoras are workers at the clinic

LNI: Conference call, Chelan, Douglas County Health department, Mary Jo is trying to get involved in this effort

ESD: This plan is coming from the promotoras

LNI: trying to move to teleskype, eric has described to us and Rosalinda has communicated that to us and they are trying to figure out what now to do with social distancing.

Eric: Social Distancing requirements are defacto waived. Is that accurate? What needs to be put in place

Rosalinda: As a follow up, is there a way to look at what are the arrival dates for more workers and is there any way to delay the arrivals before they come.

: what can the governor do to enforce some of those rules based on the law that was passed during the fires.

John: Haven't seen the guidance coming out, their employers are still trying to figure out what the recommendations are. This is moving very quickly and everyone is doing the best that they can and don't want to say that employers are being neglectful to their employees.

Michele Besso: It's become an all consuming occupation, the fact that there is not even basic information of how to sanitize, employers have a responsibility to get out that basic information.

DOH: We send out hundreds of emails with CDC posters, etc. The process is beginning.

John: One of the frustrations is that we've been dealing with fresh produce with hygiene for 10 years because of the law. Not just for corona virus, just had a berry recall for Noro Virus. Workplace has been dealing with how to sanitize.

Ros: Have signs on any door our building. We are a third-party audited farm. We right off the bat, the farmers voice, as soon as things started to shut down we had a meeting with all of our employees, Costco supplies, sanitation, childcare, proper hand washing. Generalization that farmers don't care takes me a back. Doing our best to still seed our leek starts. People pruning our apple orchard. There's bad apples in farmers in the state, we do care about our team members, addressing sanitation, and shaking in our boots hoping we are going to have people to harvest and work, it's looking pretty scary for the season.

Mike Gemplar: there are some situations on the farm where social distancing is natural, where rows are 9-20 feet apart, one person per tree, when people eat lunch, when people travel together to field, their house there are places where we have to make changes, some are natural but others not.

Eric: An outbreak in our industry is going to be catastrophic for all. I'm scared about what is going to happen in our industry if we remain in our silos. State doesn't have the ability to take action. How do we cross these silos, where are we going to quarantine people, doing press releases about what is not happening with workers.

Rosalinda: Agree with Eric, looking at this also as a resource. Wanted to also say that this concern is so big, not personal, it's a system issue that we get a chance to work on together to make it better. Every industry all our community is being effected by this issue. Looking at it as a global scale, appreciate being able to have this conversation and do our best to figure it out.

Michelle Besso: I don't think we're prepared, Business as usual is not going to solve this.

Rosalinda: there's a two week period before you even start showing symptoms, lets think two weeks from now what that could look like.

: Mike and John have raised a fair point, of what is recommended and what's required, I would like some guidance as quickly as possible, where are the holes as system and what can we be, I'd really appreciate it going through it.

: Better understanding what the requirements are and what they are not.

: Big issue for us is unemployment insurance, people that are not being covered.

Mike Gemplar: Whether it's required or not, we better find a way to deal with that.

Michele Besso: There are no Public Health guidance that would impact workers. Warehouses are very different than orchards. The biggest gap I see immediately, the migrant and H2A worker coming into our communities. To prevent them from getting sick and impacting the communities. Send people back to Mexico with the disease. I think the conversation has to happen at the governor level, not only because of requirement and resources.

Mike D.: Mike Gemplar identified that he has a back order for supplies. Is there any department of health ability to prioritize supplies for this sector.

: When the governor prohibited all meetings of 50 people or less?

Rosalinda: Mike said something, we as a taskforce we should look at what we believe is necessary whether it is required or not, to prevent the spread of this virus.

Eric: The public also has expectations from us as an industry, people are concerned, racism is a live and well, a fear that we have is that our community will be targeted. Mexican government are deeply concerned about what will happen to Mexican nationals. What is the best practice.

Ignacio: Trying to figure out the process. Once we come up with something then what? Do we take it to Department of Health or agencies, does there have to be some type of rulemaking process, this is not something we recommend. How do we make sure that it is a requirement.

: First step is getting recommendations out. We don't have housing recommendations.

: Lay on the table. Incentive/Disincentive for employees to admit they are feeling bad because they are afraid of losing money and not going to be able to make some money or get unemployment insurance, etc. We have enhanced unemployment processes. At some point, I hope we can get into that because I think it's critical that people need to be in quarantine, I was with a person who has a confirmed case of COVID-19, those people need to be in quarantine. I want to make sure that they aren't scared of telling people because they are not going to be able to feed themselves.

Michele Besso: There is no assurance that they would receive some funds to do that. Can you clarify that?

ESD: I'm concerned that many workers might not meet requirements for Unemployment Insurance, have to have worked a certain amount of hours (680) to qualify for UI. If disaster unemployment assistance became available. When the President declares a physical disaster. Effort at federal level to make disaster unemployment assistance available for any governor that asks for it. Not yet. Have passed emergency rules. If someone with COVID-19 is in the workplace, and have to quarantine workforce all workers can get UI and not have to look for work. Our system has been overwhelmed by people claiming unemployment insurance the rules aside.

Not a subject matter expert of how federal bill will change. Can take questions on UI not paid sick leave.

: There is some guidance about the Families First Coronavirus Response act that is available April 2, 15 days after signing. When things are done in a hurry a lot of times things fall through the cracks. I want to

Michelle Besso: Letter to the Governor from C2C and FUJ to delay H2A workers. We need a process of sitting down and looking at what resources and information would be needed to say we have some Public Health provision for bringing people in without putting their health and other people's health at risk. I don't think we're there.

John: I don't think it's so binary, every worker and every resident in the state is struggling with this. I think it's setting an extremely high bar for guestworkers.

Michele Besso: We have the workers that are here already, and bringing thousands more people into the mix. This is an opportunity for us to prevent something before it goes south.

Mike Gempler: John as Food System and Food System Businesses being classified as a priority, taking that designation and using it, not clear exactly what that designation is and how far reaching it is but it is something that should be on our list, establishes food system and food businesses as a priority for the governor to solve problems getting supplies. Do other people agree with that?

Rosalinda: I agree with that. I do.

Mike Gemplar: I think it's something that the governor's office can work with, it focuses us.

Dan: Being classified as a priority, what does it do?

Mike Gemplar: John Devaney identified that

John: Food production continues to be a priority. One of the advantages is the importance of the food system. Maintaining food at a time of instability. Statement by secretary of agriculture. General public and government identify that food needs to continue. We make those requests we are more likely to get them. To get earlier in line to get those supplies. Housing – waiver authority to get additional housing certified to isolate workers showing symptoms. Employers are asking, are there waiver authorities that we can pursue.

: Who identified AG as an essential

: Centers for Disease Control, Agriculture is exempted from these kind of emergency orders.

JOHN: How do we help local law enforcement understand that brown people are essential workers.

: Want a citation that agriculture is a priority industry, perhaps people in state government can help us find that.

: Not affirmative list that agriculture is exempt, but guidance that it shouldn't be ordered closed. Governors orders, CDC guidance, food are not subject to restrictions.

: We need to turn that into the affirmative. WE've been identified as crucial we need help solving problems

Rosalinda: I agree

Michele Besso: I agree, but safety of workers has to be maintained in that.

Todd (DOH): Decisions are based on things like that, it's balanced out, the public health side, economic side, Has the governors office been made aware of this has a decision been made? Pose the question to the response team, it is now a state and federal response team.

Dan: Food production is essential, would it make sense for us a list of what we need from the government to do that?

: Using housing for quarantine, money for non-profits

: I like it, it's a good focus

Todd: As state agencies I can take it to the responding entity, managing the situation. There may be somebody from ESD even that is part of the response team.

ESD: How can we get wage replacement to people? Health we have, our challenge has been using UI as flexibly as possible, but only so far, and covers so many people not enough. Maybe we should give people an opportunity. Food production is essential, what do we need from our government to do that.

: Is there a reason that this wouldn't go straight to the governor right now. We have to get ourselves together first before making noise.

: Feeling a tremendous sense of urgency

... Dropped off call

END DOCUMENT

ADDENDUM III

TO: Governor Inslee
FROM: The Agricultural and Seasonal Workforce Services Advisory Committee
Re: COVID-19 Response
Date: March 19, 2020

The [Agricultural and Seasonal Workforce Services Advisory Committee](#) was established in Engrossed Second Substitute Senate Bill 5438 (C 441, L 2020) to provide advice on the H2-A temporary agricultural program. Given the unprecedented challenge faced with the COVID-19 outbreak, the Committee, composed of farmworker and agricultural employer representatives, is recommending immediate action to address this crisis.

Specifically, the Committee is urging the Governor to declare food production an essential operation and the health and safety of the workers, managers, and owners involved as a priority.

Below are a set of issues that the Committee believes are essential to address immediately. The Committee believes that we, our members, and other critical stakeholders, including but not limited to health officials, should be called to work with the Governor's office and other agencies to implement these and potentially other goals.

1. Ensure agriculture, food manufacturers and food processors can obtain needed cleaning and sanitizing materials for field operations and temporary worker housing and provide sufficient testing for COVID-19 with the cost covered by the Government.
2. Identify the capacity of medical facilities to respond to the needs of any agricultural employee if/when they become symptomatic.
 - Ask what support is needed to Farmworker/Community clinics and provide that support so that they are prepared to handle capacity to test in the smaller communities.
3. Ensure preventative information is provided by Public Service Announcement (PSA) in a culturally appropriate manner to all agricultural employees.
 - Ensure that everyone has access to timely informational PSAs via TV/radio as agricultural employees may not have website access.
4. Ensure agricultural employees are made whole for self-quarantining or other loss of employment related to the COVID-19 virus.
 - Conduct an inventory of what medical/time loss benefits have been provided for agricultural employees quarantined for the suggested 14 days.
 - Address gap in fact that employers are not prepared to pay H2-A workers for time loss due to COVID-19 and they are not covered by Unemployment Insurance (UI).
5. Identify quarantine facilities in all agricultural producing areas for agricultural employees.
 - Emergency centers have been identifying facilities for quarantine.
6. Ensure agricultural employees are provided with needed documentation establishing them as essential workers in case of a "shelter/stay in place" order.

7. Ensure state resources are provided to assist with appropriate social distancing.
 - Personal Protective Equipment provided to farm workers to assist with prevention.
 - Adequate transportation.
 - Acceptable temporary worker housing (distance between beds, sanitization of housing, frequency of sanitation practices) with guidance from DOH and local health jurisdictions.
 - Financial support for employers to provide housing that promotes social distancing.
8. Ensure no agricultural employee will lose their employment or otherwise face retaliatory action for reporting workplace concerns, lack of compliance and/or reporting being symptomatic. Ensure that employers will not be penalized for temporarily removing workers displaying observable symptoms from the workplace.

Advisory Committee Voting Members

Michele Besso

Representing Agricultural Workers
Attorney, Northwest Justice Project

Jon DeVaney

Representing Agricultural Employers
President, Washington State Tree Fruit Association

Mike Gempler

Representing Agricultural Employers
Executive Director, Washington Growers League

Rosalinda Guillen

Representing Agricultural Workers
Executive Director, Community to Community

Rosella Mosby (Employer)

Representing Agricultural Employers
Owner Operator, Mosby Farms

Erik Nicholson

Representing Agricultural Workers
Vice-President, United Farm Workers

Delia Pena

Representing Agricultural Employers
Director of Orchard HR and H-2A, Zirkle Fruit Company

Ramon Torres (Farmworker)

Representing Agricultural Workers
President, Familias Unidas por la Justicia

Contact information

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