



Agricultural and Seasonal Workforce Services Advisory Committee

Meeting details

Date: Thursday, July 2, 2020

Time: 8:30 a.m. to 11:30 a.m.

Location: Skype meeting due to COVID-19

Committee members present

- Michele Besso
- Jonathan DeVaney
- Michael Gempler
- Rosalinda Guillen
- Rosella Mosby
- Erik Nicholson

ESD staff

- Dan Zeitlin
- Alberto Isiordia
- Norma Chavez
- Rene Maldonado
- Craig Carroll
- Sara Crosby
- Gustavo Aviles

Non-voting agency representatives

- Ignacio Marquez
- Todd Phillips

Committee members absent

- Ramon Torres
- Uriel Iniguez
- Delia Peña

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 Sara Crosby to take roll. All committee members were present except Ramon Torres, Delia Pena and Uriel Iniguez. Mike Gempler joined the meeting later in progress.

Agenda

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

Meeting Minutes

Dan Zeitlin requested that everyone review the meeting minutes for June 18, 2020 and provide their feedback. Erik Nicholson made a motion to approve the minutes for June 18, 2020. Jon DeVaney seconded the motion. Meeting minutes were approved.

H-2A Application Data Report

Norma Chavez reported on H-2A application data.

Applications	# Applications	# Workers
Received/Processed	229	20,370
Withdrawn	18	2,577
Impossibilities	4	235

H-2A Verification & Referral Process

Sara Crosby facilitated discussion on Improvement Ideas – Impact exercise for the H-2A Verification & Referral Process. (See Addendum II.)

A sub-group of the committee presented an in-depth perspective on the Improvement Ideas – Impact exercise. (See Addendum III.)

Wagner-Peyser Grant

Alberto Isiordia and Norma Chavez completed the final portion of a report which answered questions 8, 9 and 10 which were posed at the May 23, 2020 Wagner-Peyser presentation. (See Addendums IV & V.)

Action Items

- Compile data for these three areas:
 - Costs incurred by the office to administer the H-2A program
 - Funds to administer other department programs for farmworkers
 - Amount of funds allocated by the federal government to administer the H-2A program and all other agricultural programs within the department.
- Discussion on possible virtual Town-hall for farmworkers.

Agenda Items for Next Meeting

- H-2A Verification & Referral Process – Impact discussion
- Total number of H-2A workers in the State of Washington as of July 16, 2020.

Public Comments

Wendy Pantoja

Kathy Baros-Friedt

Anne Fischel – Strengthening Sanctuary Alliance, provided written comment for minutes. (Addendum VI.)

Adjourned

Dan Zeitlin thanked everyone for their continued active participation and for their commitment to this work, then ended the meeting at 11:53 a.m.

2020 Meetings

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

- **July 16th, 2020 – 8:30 a.m. to 11:30 a.m.**
Skype meeting

ADDENDUM I



AGENDA

Agricultural and Seasonal Workforce Services (ASWS)
Advisory Committee

Thursday, July 2nd, 2020 | 8:30 am – 11:30 am | SKYPE

Agenda Items

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, Director – Agricultural and Seasonal Workforce Services Agenda Review
8:40 am	Approval of Meeting Minutes for June 18 th , 2020
8:45 am	Update on FLC Applications – Norma Chavez
8:50 am	ESD Role & ASWS Advisory Committee – Dan Zeitlin
9:00 am	H-2A Verification & Referral Process – Sara Crosby <ul style="list-style-type: none"> Improvement ideas – Impact discussion
9:45 am	Break
10:00 am	Wagner-Peyser Grant – Alberto Isiordia
11:00 am	ASWS Meeting Future Ideas for Farmworker Access – Norma Chavez
11:05 am	Closing Discussion <ul style="list-style-type: none"> Discuss next agenda
11:10 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

ASWS - Improvement Ideas - Impact Worksheet

		1: Low Impact	3: Medium Impact	5: High Impact
		Minimal impact, impacts minimal number people, or has an impact outside the of scope of ESD's domestic recruitment processes.	Moderate improvement to the effectiveness of domestic recruitment.	Significant improvement to the effectiveness of domestic recruitment, impacts large number of people.
#	Short Title	Group Difficulty Rating	Impact Rating 1-5	
2	Improve relationships	1.0	Choose 1-5	
5	Disclose referrals to employers	1.0	Choose 1-5	
6	Faster connection of workers and employers	1.0	Choose 1-5	
18	Communication to workers in process	1.0	Choose 1-5	
21	Field check data	1.7	Choose 1-5	
27	Field checks and visits	1.8	Choose 1-5	
16	Communication and outreach to workers	2.0	Choose 1-5	
19	Publicity	2.3	Choose 1-5	
31	Worker training	2.3	Choose 1-5	
25	Employer resources	2.7	Choose 1-5	
11	Labor Shortage Study/Displacing workers?	3.0	Choose 1-5	
12	Labor Shortage Study	3.0	Choose 1-5	
14	Customer Experience Study	3.0	Choose 1-5	
15	Workers self-report referral outcome	3.0	Choose 1-5	
24	Employer training	3.0	Choose 1-5	
32	Review calculations	3.0	Choose 1-5	
20	Reporting System	3.3	Choose 1-5	
34	Connection to UI	3.5	Choose 1-5	
17	Disclose DOL reports to ESD	3.7	Choose 1-5	
26	Clarify roles	4.0	Choose 1-5	
33	Able and Available	4.0	Choose 1-5	
36	WorkSource and employer processes	4.0	Choose 1-5	
22	Employer communication to workers	4.3	Choose 1-5	
28	Workers & Contracts	4.8	Choose 1-5	
1	Recruitment by phone	5.0	Choose 1-5	
4	Outside WorkSource WA	5.0	Choose 1-5	
7	Language access	5.0	Choose 1-5	
8	Referral Tracking & Follow up	5.0	Choose 1-5	
9	Smart phone app	5.0	Choose 1-5	
10	Provide employer identity	5.0	Choose 1-5	
13	Collect more data	5.0	Choose 1-5	
23	Family Housing	5.0	Choose 1-5	
29	Balance workforces	5.0	Choose 1-5	
30	Rotating crews	5.0	Choose 1-5	
35	Data Collection on # of H2A	5.0	Choose 1-5	
37	Competitive practices	5.0	Choose 1-5	
3	WorkSource WA	5.0	Choose 1-5	

The committee's shared goal is a successful agriculture workforce and industry. Our charter states that the committee is required to submit a report that:

- Identifies and recommends approaches to increase the effectiveness of the Department's recruitment process as part of the H-2A application. This report may include recommended changes to state law that would increase recruitment and hiring of domestic workers in agriculture in Washington.

ADDENDUM III**ASWS Committee Recommendations to Increase the Effectiveness of Recruitment and Hiring of Domestic Workers****Date: June 29, 2020****From: Ramon Torres, Rosalinda Guillen and Michele Besso****I. Employment Security Department Recruitment Process**

The ESD recruitment and referral system for farm jobs currently does not function effectively. The ESD computer systems don't fit the Wagner Peyser requirements (the requirement to suppress the name of Employer prevents worker from directly applying to Employer through online job match) or the needs of farmworkers. First of all, many farmworkers do not have ESD computer accounts, and if they do, they do not have easy access to email and to web browsers on personal computers. Secondly, the fact that when a worker does apply for a farm job online, that an ESD employee must go in manually, find that application, and screen the worker before passing on the application to an employer, makes the referral slow and unwieldy. Unfortunately, the current job services system was not built with farmworkers in mind. This system has to be redesigned in order to be functional for this purpose. It is unclear to what degree the recommended improvement ideas would make a sufficient difference to correct for these system barriers. We have not ranked each individual idea because to have impact, a series of changes must be adopted together to create a reliable, workable referral system.

The suggested ideas that might have some impact in combination would be: #5 (disclosing worker referrals directly to employers), #8, #17 #18, #6, #16, 19, #20, 24, #7 and #2 (depending on the specific concrete steps ESD takes to improve its relationships with workers and CBO's, as well as coordination with other state agencies.) ESD could also help workers by providing training as to how workers can access and use the US DOL seasonal jobs website to find jobs.

II. Employer Recruitment and Hiring of Domestic Workers**A. Transparency and Accountability on the part of Employers as to local worker recruitment and hiring is needed.**

- a. Recruitment: A system by which Employers would be required to post on their website and/or report to ESD the recruitment efforts they are making, such as radio ads, flyers, and job fairs, as well as the results of this recruitment.
- b. Accountability: Employers share the recruitment reports (data as to the number of applicants for the jobs advertised, whether hired and if not hired, the basis for denial of applicant. Contact information of applicants retained for possible ESD audit. (See #'s 17, 21, and 8.)

- c. It is only with this level of transparency that both Employers and workers can evaluate what recruitment efforts are effective and the numbers of available workers in each area.

B. Hiring Process:

- a. The hiring process for job applicants needs to be simple, accessible and prompt. Common practice for hiring farmworkers outside of the H-2A system has generally been informal. Introduction of H-2A clearance orders should not be allowed to introduce barriers to the hiring of domestic workers. The following improvement ideas would be helpful as part of a solution:
 - i. #17, Disclose DOL reports to ESD: This is an essential step for accountability and verification;
 - ii. 33, 28 Able and Available: Limit the disqualification of workers to those workers who cannot say that they are “able and available” for the length of the contract, rather than all workers who do not want to sign a contract committing them to complete the entire work period or be disqualified from future employment.
 - iii. 25: Hiring process training for employers, with templates for interviews and hiring process. Streamline Employer hiring process. Limit extraneous steps and barriers. This step will not work in isolation, without accountability measures.
 - iv. 22: Require employers to communicate hiring decision at the time of interview or application.
 - v. 9: Development of a smart phone app for workers to scan when applying in person: This might be a useful tool for tracking and accountability when used in conjunction with other measures.
 - vi. #30: Encouraging and facilitating Employers to hire available local crews for specific seasonal tasks, even if not available for the entire growing season.
- b. Verification: One necessary component that is not listed in the Improvement Ideas chart is adequate staffing of ESD’s ASWS office to have a presence in agricultural communities to develop relationships with farmworkers and to verify compliance with H-2A requirements.

ADDENDUM IV

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Agricultural and Seasonal Workforce Services Committee Q&A

June 18, 2020

PURPOSE

To respond to questions posed by the Agricultural and Seasonal Workforce Services (ASWS) Committee during the public meeting held on May 21, 2020. The questions were posed after considering presentations made on the Foreign Labor Certification Grant and the Wagner-Peyser Grant. The responses are intended to inform committee members so that they are better positioned to make recommendations in response to the following request made through [Engrossed Second Substitute Senate Bill \(ESSSB\) 5438](#):

Analyzes the costs incurred by the office to administer the H-2A program, the funds to administer other department programs for farmworkers, and the amount of funds allocated by the federal government to administer the H-2A program and all other agricultural programs within the department.

QUESTION & ANSWER

1. Understand the numbers for most recent fiscal year, what is variance?

Below is a table reflecting this current year's budget Fiscal Year (FY) 2020, through April 2020 for the Employment Connections Division - ESD's division responsible for providing Labor-Exchange services for both business and job seekers.

Employment Connections Division Budget

Program Year 2020: (July 19–June 20)
Budget Period (July 19-Apr 20)

ESD Division	Funding Source	FY20 Budget	FYTD Expenditures	% of FY20 Budget Spent (10 months = 83.33%)	FY20 Variance
Employment Connections (EC)	Wag-Peyser 90%	\$9,459,569	\$7,991,486	84.48%	\$1,468,083
Employment Connections (EC)	Wag-Peyser 10%	\$1,155,803	\$778,349	67%	\$377,454

Employment Security Department

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2. What is being spent? What activities are required vs recommended? So that we can evaluate best use of available resources.

There are three funding sources that support ESD’s administration of the H-2A program. Below is a list of those sources along with what we know about what is spent on H-2A program administration.

Funding	ESD Funding	Amount Spent on H-2A Activities	Purpose
Federal Foreign Labor Certification (FLC) Grant	\$400,000 (FY 20)	Not tracked	H-2A & H-2B program administration
Federal Wagner-Peyser Grant	\$15,040,605 (PY 19)	Not tracked	To help match individuals who are seeking employment and employers who are seeking workers
State Claimant Placement Program (Employment Connections)	\$11,029,797 (FY 20)	Not tracked	To help re-employ unemployment claimants
State Claimant Placement Program (ESSB 5438)	\$1,758,437 (FY 20)	100%	H-2A program administration, oversight and assistance

ESD leverages all these funding sources to administer H-2A program required activities. Those required activities are:

- H-2A Application Processing - Review and adjudicate H-2A applications from employers ([20 CFR 655.121\(c\)](#));
- Domestic Worker Recruitment - Recruit domestic workers for agricultural employers seeking to use the H-2A program and certify there is a labor shortage if we cannot recruit enough domestic workers to meet employer needs ([20 CFR 655.121\(c\)](#) and [20 CFR 653 Subpart F](#));
- Housing Coordination - Coordinate with the State Department of Health and the State Department of Labor & Industries to ensure that all temporary housing used for the H-2A program complies with local, state and federal regulations ([20 CFR 655.122\(d\)](#));
- Complaints - Process employment service and employment-related law complaints ([20 CFR 658 Subpart E](#));
- Field Checks - Conduct random, unannounced field checks to determine and document whether wages, hours and working and housing conditions are being provided as specified in clearance orders ([20 CFR 653.503](#)).
- Discontinuation of Services - Administer the discontinuation of services when employers are found out of compliance with a clearance order or employment-related law ([20 CFR 658 Subpart F](#));
- Surveys - Conduct annual prevailing wage and employment practice surveys to help the Department of Labor (DOL) set prevailing wage rates and minimum employment practices for H-2A contracts as detailed in ([20 CFR 655.120](#)); and
- Outreach - Conduct stakeholder engagement and outreach activities ([FLC grant](#)).

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3. Make sure money is spent efficiently and properly.

4. Look at where money is being spent and look at where domestic farmworkers are benefitting – support local families to access these jobs, keep payroll within the state

ESD administers programs and services that support domestic farmworkers as a partner of WorkSource at the local level which includes our migrant seasonal farmworker (MSFW) outreach program. We also provide financial benefits to farmworkers through state administered Unemployment Insurance and Paid Family and Medical Leave programs. While we track services provided to farmworkers, we do not have a method that quantifies how much money is spent on farmworkers for the variety of services and programs we administer at this time. We also do not have a method for quantifying impact of keeping payroll within the state.

5. How do we ensure, and what will it cost, to protect workers and keep them safe from pandemics, crisis, etc...?

Calculating the cost to protect workers and keep them safe from pandemics is beyond ESD’s scope given multiple organizations contribute toward this effort, although we recognize we can have an important role in providing economic security. For example, our Paid Family and Medical Leave and Unemployment Insurance programs continue to provide key economic support to workers and their families impacted by the COVID-19 pandemic. Presently, these resources are being accessed at unprecedented levels. Our Agricultural and Seasonal Workforce Services (ASWS) office and our MSFW outreach program also help protect our farmworkers and employers by offering information on worker rights, responding to complaints and providing navigation support for community resources. Costs associated with the administration of the ASWS office and other related operational aspects are covered in question 2 and question 9.

6. What are the results of the money being spent?

Below are the most recent performance outcomes for Wagner-Peyser and MSFW Statewide, report includes:

- Number of job seekers and businesses served over the most recently completed 4 quarters (April 19-Mar 20) with link to data source, and
- Last 2 complete years of employment outcomes for Job Seekers (April 18-Mar 20)
- Statewide Employer performance outcomes for past year (Apr 19-Mar 20)
- MSFW service outcomes (equity indicators, minimum service level indicators, complaints and apparent violations reported for PY 2018 (July 18-June 19)

Data Source: WA State WorkSource Performance Dashboard

<https://esd.wa.gov/labormarketinfo/WorkSource-system-performance>

All Job Seekers Served (Statewide): April 19-Mar 20

All Seekers Served	
Self-service customers	118,711
Staff-assisted customers	101,539

New to WorkSource	
New	89,674
Returning	102,144

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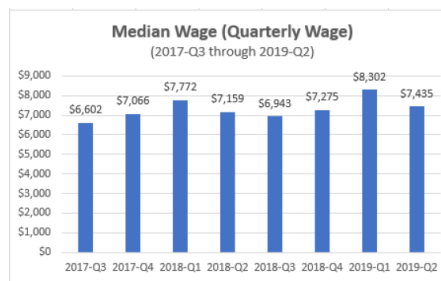
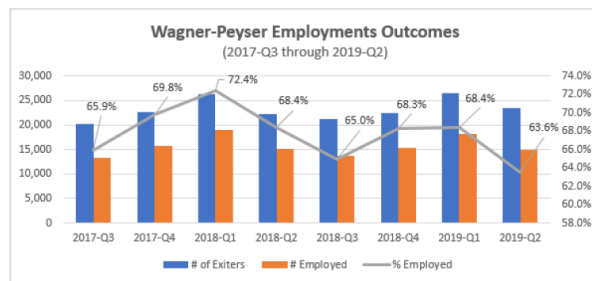
Last 2 years Employment Outcomes – All Job Seekers: (April 18-Mar 20)

Employments data are delayed

Employments are based on wages received the second quarter after a person exits (since service date with no services planned). Wage data comes in about 45 days after the quarter ends.

Example: If the final service is on January 3 (exit date), exit is the quarter of Jan-Mar, and the quarter to check for wages is July-Sept. Wages for this quarter would be reported by Nov 15 (approx. 11.5 months from Exit date).

Quarter	# of Exiters	# Employed	% Employed	Median Wage (Quarterly Wage)
2017-Q3	20,188	13,305	65.9%	\$6,602
2017-Q4	22,561	15,758	69.8%	\$7,066
2018-Q1	26,327	19,061	72.4%	\$7,772
2018-Q2	22,266	15,231	68.4%	\$7,159
2018-Q3	21,221	13,792	65.0%	\$6,943
2018-Q4	22,451	15,336	68.3%	\$7,275
2019-Q1	26,532	18,160	68.4%	\$8,302
2019-Q2	23,477	14,920	63.6%	\$7,435



All Employers Performance (Statewide):

Data Period: April 19 - March 20

Employers using WorkSource

Employers served	7,859
# of Job Listings	255,143
Employers receiving staff-assisted services	6,532

	PY 2019 Q4 (Apr-Jun 2019)	PY 2019 Q1 (Jul-Sept 2019)	PY 2019 Q2 (Oct-Dec 2019)	PY 2019 Q3 (Jan-Mar 2020)	Total
Employers served	4,450	4,097	3,501	3,497	7,859
# of Job Listings	61,677	79,648	60,960	62,012	255,143
Employers receiving staff-assisted services	2,633	1,798	2,011	1,999	6,532

*Participant Counts are for 4 rolling quarters, 4/1/2019 through 3/31/2020
Q2 After Exit Employment and Wages are for exiters during 4/1/2018 through 3/31/2019
Q4 After Exit Employment Rate - 10/1/2017 through 9/30/2018*

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MSFW Specific Outcomes

Data Period: June 18 - July 19

MSFW Equity Indicators

	# of MSFWs	% of MSFWs	# of Participants	% Participants	Indicator Met (Y/N)?
Total Participants	4135		99,641		
Referred to Employment	55	1%	1,160	1%	Yes
Received Staff Assisted Services	4111	99%	95648	96%	Yes
Referred to Support Services	809	20%	7076	7%	Yes
Career Guidance	1478	36%	51937	52%	No
Job Development Contact	3024	73%	68,246%	68%	Yes

MSFW Minimum Service Level Indicators

Minimum Service Level Indicator	Compliance Level	Actual Level
Placed in a Job (Entered Employment)*	42.5%	88.41%
Placed \$.50 Above Minimum Wage*	14%	100%
Placed in long term non-ag job (Employment Retention)*	3%	77.33%
Reviews of Significant Offices	100%	0%
Field Checks Conducted	25%	0%
Outreach contacts per staff day worked	5	9.28
Timely Process of ES Complaints	90%	100%

Complaints and Apparent Violations Reported

	Complaints	Apparent Violations*
MSFW ES Related	40	2
MSFW Non-ES Related	4	0
Non-MSFW ES Related	0	0
Non-MSFW Non-ES Related	0	0
Total	44	2

*Only apparent violations referred are reported in LEARS.

7. Cost of ensuring compliance – doesn't show up in existing budget because we hadn't been doing it.

8. Review the grant agreement from DOL, which outlines what ESD is allowed/required to do with the federal funds.

For all core programs under WIOA (Wagner-Peyser being one of them), Governors are required to submit unified or combined state plans that include a four-year strategy and operational plan for the continuation of the workforce development system in alignment with DOL priorities. The state's plan is considered by DOL to be a grant agreement.

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DOL communicates instruction to states every four years. The most recent instructions were provided in a [manual](#) shared by DOL via e-mail to states in November 2019. DOL provided further instruction via [TEGL 10-19](#). This a summary of the elements DOL requested a response for as it pertains to Wagner-Peyser:

- Employment Service Staff – A description of whether the state will be using merit staff employees and how the State will provide professional development for employees to provide quality services and improve knowledge of WorkSource partner resources.
- Meaningful Unemployment Insurance (UI) Assistance – Description of how the state intends to provide information and meaningful assistance to individuals requesting assistance to file an UI claim.
- Re-employment Assistance to Claimants – A description of the state’s strategy for providing re-employment assistance to UI claimants and other unemployed individuals.
- Coordination Between Employment Service and UI – A description of how the state intends to facilitate communication between employment services and UI in order to ensure work test requirements are met, necessary job search assistance is provided and/or connections to training programs are offered.
- Agricultural Outreach Plan – A description of how the state intends to provide services to MSFWs and agricultural employers in alignment with Wagner-Peyser requirements.

Washington State provided its response to these instructions, led by the Workforce Training & Education Coordinating Board, through the [Talent and Prosperity for All](#) plan submitted to DOL in March 2020. To see ESD’s response, please see [pages 215 – 234](#).

9. Vision of what services need to be carried out to provide effective domestic/foreign recruitment, certification, processing, survey, enforcement → put a number on it

Through ESSB 5438, the legislature declared it to be in the public interest to provide adequate protections for foreign and domestic workers and provide education and outreach opportunities to help growers maintain the stable workforce they need. The ESSB 5438 created the Agricultural & Seasonal Workforce Services (ASWS) office, which is tasked with:

- Processing and adjudicating foreign labor certification applications from employers;
- Processing complaints consistent with [20 CFR 658 Subpart E](#);
- Conducting field checks and field visits, as required by DOL;
- Administering the discontinuation and reinstatement of services process consistent with [20 CFR 658 Subpart F](#); and
- Conducting training and outreach activities to employers who are using agricultural and seasonal workforce services and programs within ESD.

ESSB 5438 is also intended to fund work needed to develop and complete the annual Agricultural Prevailing Wage and Employment Practice Surveys that provide DOL information needed to make a determination on setting minimum prevailing wages and employment practices for foreign workers. Given all these elements are captured as part of ESSB 5438, we believe all need to be carried out effectively.

The fiscal note attached to ESSB 5438 provided a breakdown of the FTE support ESD envisioned needing to effectively carry out duties associated with conducting field checks, processing H-2A

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related complaints, administering discontinuation of services, developing Agricultural Prevailing Wage and Employment Practice surveys and provide training/outreach to workers and employers. The following table provides an FTE breakdown of the current funding attached to ESSSB 5438, which is intended to provide \$1,758,437 in funds annually to ESD for FY 2020 and FY 2021. It is important to note multiple classifications represented in this table have or will change depending on agency needs.

Job Classification	FY 2020 FTE #	FTE Purpose
WMS Band 2	1.0	Manage ASWS office
Administrative Assistant 3	1.0	Provides administrative support to team, organizes records and manages bilingual phone line
WorkSource Specialist 5	9.0	7 field inspectors 1 outreach specialist 1 program coordinator supporting contract processing
EMS Band 3	0.3	PDPI Director/EC Regional Director/LMEA Director
Management Analyst 5	0.2	PDPI analyst support setting up procedures/rules etc.
Economic Analyst 3	1.6	Survey development and implementation
Research Analyst 1	0.8	Survey development and implementation
WMS Band 3	0.2	Program Evaluation, Research & Analysis Manager
Totals	14.1	

State funding attached to ESSSB 5438 does not fund all services needed to administer the H-2A program. ESD also leverages federal and state funding sources as detailed in question 2. The following services are funded through federal and state grant funding not attached to ESSSB 5438:

- Domestic worker recruitment – funded by the Wagner-Peyser Grant and State Claimant Placement Program funding allocated to the Employment Connections Division.
- Outreach to farmworkers (including field visits) – funded by the Wagner-Peyser Grant.

The following services are funded partially by the state funding attached to ESSSB 5438 along with other federal and state grant funding:

- H-2A application processing – funded by State Claimant Placement Program funding attached to ESSB 5438 and the FLC Grant.
- Prevailing Wage & Employment Practice Survey – funded by State Claimant Placement Program funding attached to ESSSB 5438, limited FLC Grant funding and the Wagner-Peyser Grant.
- H-2A complaint processing & discontinuation of services – funded by State Claimant Placement Program funding attached to ESSSB 5438, the Wagner-Peyser Grant and State Claimant Placement Program funding allocated to the Employment Connections Division.

Further analysis is needed to determine how to maximize federal funding in order to reduce reliance on state funding.

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10. Is there a way to look at enforcement budgets for other industries; what is being spent on enforcement for other industries

Below is an overview provided by the Washington State Department of Agriculture’s Pesticide Compliance program.

Agency	Washington State Department of Agriculture
Compliance Area	Pesticide Compliance
Purpose	Enforces federal and state regulations relating to the storage, distribution, transportation, disposal and use of pesticides through outreach/education, inspections and investigations (complaint driven).
Budget	~\$2.27 M annually
FTEs	20 FTEs = program manager, admin support, case review, internal training, 3 working area managers and 13 field inspectors
Compliance Activity	Conduct ~200 inspections and process ~100 complaint investigations annually – see WSDA Pesticide Management Division 2019 Annual Report
Observation	The most comparable service to H-2A field checks are Worker Protection Standards (WPS) inspections which average approximately 20 hours per inspection. WPS inspections have traditionally required an on-site inspection during significant periods of agricultural production that must include a records review, observations, worker interviews and employer/supervisor interviews.

We are in the process of gathering additional information from agencies like the Department of Labor & Industries. We will provide additional information in future presentations and in that process, share how that information feeds into decisions associated with the budget/staffing of the ASWS office.

CONTACTS

- Alberto Isiordia, Central Regional Director, 509-836-1115
- Michael Schulte, Program Integrity Manager, 425-367-3341
- Juan Martinez, RESEA/Wagner Peyser/MSFW Program Operator, 360-480-2757
- Norma Chavez, Agricultural and Seasonal Workforce Services Director, 509-734-5922

ADDENDUM V

Agricultural and Seasonal Workforce Services Committee Q&A Addendum for #10

Agency	Washington State Labor & Industries DOSH
Compliance Area	Division of Safety & Health Compliance (Region 5 Central Washington)
Purpose	Enforces federal and state regulations relating to safety and health by fixing workplace hazards which reduces risk for injuries and illness through inspections and investigations (monitor/complaint driven).
Budget	~\$2.20 M annually
FTEs	20 FTEs = 1 program manager, case review, internal training, 4 working supervisors and 15 field inspectors
Compliance Activity	Conduct inspections and process complaint investigations
Observation	One region of six regions in Washington. Compliance staff are located statewide. DOSH includes agriculture visits and inspections that include biological hazards, chemical safety, machine safety and personal protective equipment. Required an on-site inspection during significant periods of agricultural production that must include an on-site review, records review, observations, worker interviews and employer/supervisor interviews. The DOSH program is separated in three categories Consultation, Education & Outreach, and Compliance. The entire program includes 400 employees statewide.

Agency	Washington State Department of Transportation
Compliance Area	Civil Rights Office of Equal Opportunity /External Civil Rights Compliance DBE Program
Purpose	Enforces FHWA federal and state regulations relating to socially and/or economically disadvantaged owned minority, small business, women-owned, veteran-owned contractor opportunities in transportation, through outreach/education, technical assistance, access to construction plans, inspections and investigations (complaint driven /random requests/agency request).
Budget	~\$2.95 M annually
FTEs	15 FTEs = 4 program managers, case review, internal training, 11 field inspectors statewide
Compliance Activity	Conduct on site reviews, comply with OEO requirements, process complaint investigations annually, attend pre-construction meetings and update with PE offices regularly
Observation	A comparable service to H-2A field checks are inspections. Compliance staff are located statewide. Inspections have traditionally required an on-site inspection during significant periods of construction that must include an on-site review, equipment verification, records review, observations, worker interviews, supervisor, contractor/employer interviews, and project engineer interviews.

ADDENDUM VI

From: [Anne Fischel](#)
To: [Johnson, Tamara \(ESD\)](#)
Cc: [Kathy Baros Friedt](#); [Guillen, Rosalinda \(ESD Partner\)](#)
Subject: Agricultural and Seasonal Workforce Services Advisory Committee
Date: Thursday, July 2, 2020 12:05:12 PM

Dear Tamara Johnson,.

Please add my comment to the minutes from the July 2 meeting:

I support the proposal that meetings take place at a time when farmworkers are able to attend, that the meetings have a translator to support participants who need it, and that a town hall meeting be scheduled for the committee to introduce itself to farmworkers, report on its activities so far, discuss possible next steps, and ask for input.

In our experiences of doing outreach and advocacy work, we've learned the importance of taking steps to include the people who are most impacted, and remove barriers to access caused by schedules or language. These are fundamental equity issues. They are necessary to begin building confidence that the community is being listened to and respected. The benefits of this approach far outweigh any inconvenience caused by rescheduling--or the loss of efficiency from simultaneous translation.

Thank you,

Anne Fischel
Strengthening Sanctuary Alliance
Olympia, WA.

Contact information

Dan Zeitlin, Director of Policy, Data, Performance & Integrity Division DZeitlin@ESD.WA.GOV

Employment Security Department • Policy, Data, Performance and Integrity
