



# Agricultural and Seasonal Workforce Services Advisory Committee

## Meeting details

**Date:** Thursday, July 16, 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
- Rosella Mosby
- Erik Nicholson

### Non-voting agency representatives

- Ignacio Marquez
- Uriel Iñiguez

### Committee members absent

- Ramon Torres
- Delia Peña
- Rosalinda Guillen
- Todd Phillips (Dave Gifford represented DOH)

### ESD staff

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

## 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. All committee members were present except Ramon Torres, Delia Pena and Rosalinda Guillen. 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 approval of meeting minutes be postponed until the next meeting since there wasn't a quorum.

**H-2A Application Data Report**

Norma Chavez reported on H-2A application data.

Status of Applications	# of Applications	# of Workers Requested/ Labor Certifications*
Commenced	232	20,481
Withdrawn	18	2,577
Impossibilities	4	235

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

**H-2A Workers in Washington State**

Norma Chavez stated that ASWS office is unable to provide actual number of H-2A workers in the state at this time but will continue to work to be able to provide data at a future meeting. Due to the busy harvest season, employers were not able to respond to our request for information.

**H-2A Verification & Referral Process**

Sara Crosby facilitated a discussion on Improvement Ideas – Impact Exercise 3 for the H-2A Verification & Referral Process. (See Addendum II.)

After extensive discussion of the Improvement Ideas and understanding by the group that the ideas can be removed or added to the ASWS Report to Legislature and Governor by the committee in future meetings, Mike Gempler made a motion to allow ESD to move forward with drafting language and answering questions regarding the nine Improvement Ideas discussed today. The motion was seconded by Rosella Mosby. It was noted there was a quorum of members present at the time, so the motion was passed without a roll call vote.

**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**

- Current and future budget for ASWS office
- Overview of agricultural wage survey cost
- H-2A Verification and Referral Review: Anything missing from the list?
- Next steps

**Public Comments**

Dan Fazio, WAFLA – written comments submitted (Addendum III.)

**Adjourned**

Dan Zeitlin thanked everyone for their continued active participation and for their commitment to this work, then ended the meeting at 11:16 a.m.

2020 Meetings

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

- July 30<sup>th</sup>, 2020 – 8:30 a.m. to 11:30 a.m.  
Skype meeting

Addendums

ADDENDUM I



AGENDA

Agricultural and Seasonal Workforce Services (ASWS)  
Advisory Committee  
Thursday, July 16, 2020 | 8:30 am – 11:30 am | SKYPE

Agenda Items

TIME	TOPIC
8:30 am	Introductions <ul style="list-style-type: none"> <li>• Welcome from Dan Zeitlin, Director, ESD Policy, Data, Performance and Integrity Division &amp; Norma Chavez, Director – Agricultural and Seasonal Workforce Services</li> <li>• Agenda Review</li> </ul>
8:40 am	Approval of Meeting Minutes for July 2, 2020
8:45 am	Update on FLC Applications – Norma Chavez
8:55 am	H-2A Verification & Referral Process – Sara Crosby <ul style="list-style-type: none"> <li>• Improvement ideas – Impact discussion</li> </ul>
10:00 am	Break
10:15 am	H-2A Verification & Referral Process – Sara Crosby <ul style="list-style-type: none"> <li>• Improvement ideas – Impact discussion</li> </ul>
11:00 am	ASWS Meeting Future Ideas for Farmworker Access – Norma Chavez
11:05 am	Closing Discussion <ul style="list-style-type: none"> <li>• Discuss next agenda</li> </ul>
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

Improvement ideas with 2+ votes

ESD recruitment processes/systems				VM	ALL	Scope	Additional information needed/ questions
6	Faster connection of workers and employers	3.0	5.0			Could ESD directly inform an employer that a worker had applied? Allow workers opportunity to apply directly. Facilitate direct connection. ESD to continue to evaluate ESD processes/procedures for most effective way. Dept of labor website and they post H2A job orders with contact info (unsuppressed job order) but ESD still under rule to list suppressed job orders - can we get a waiver to list unsuppressed job orders with direct contact info. Worker to call employer directly from WS Office when customer is in office (currently does happen already, but majority of applicants are online). Find ways to make process more Lean (possibly Lean workshop/project). More push from WS/better relationship than just posting info regarding rights/terms/conditions on website - include in local areas/posters/booths, social media). Workers most commonly use texting and whats app - how can we use technology workers are currently using to facilitate this process. Text alert concept - most people have phones - people can opt in to text alert that employment is available. Ganaz app is used by farmworkers as a job match app - can we look into this/learn from this?	What staffing would be required for staff to spend time in person with farm workers? What would it take to request waiver/what does that look like? What would it look like to have more out there like seasonal jobs website? If customers see employer info online, how will they learn about rights/terms/conditions (videos, links, posters in local areas, booths, social media regarding H2A jobs)? How can we know whether changes are having an impact? How do we track/monitor/account for more informal activities that are resulting in referrals? Implementing some of these ideas might make it challenging to track data. How do we measure whether new tools are being used? Note: H2A field checks are tied to referral placements
18	Communication with workers in process	3.0*	5.0			Explain to customers next steps in the process after they applied - more information about hiring process they are in. More thorough follow up with customers regarding why they did/didn't take a job. Education around process (workshops on getting jobs - what opportunities are there to educate on the process?). Re-design so it's as barrier-free as possible for workers. Note - don't just refer to/rely on seasonal jobs website.	How to reconcile information shared regarding agriculture jobs vs other jobs? Why is there a discrepancy and how easy is it to resolve info on federal site vs WS site regarding H2A jobs?
8	Referral Tracking & Follow up	3.0*	6.0*			ESD outreach by phone to customer who have been referred - ask about outcome of referral - phone follow ups with log. Employers to possibly provide copy of recruitment report to ESD to compare to referrals and determine outcomes. Track degree to which workers are reaching out to ESD and how can ESD incentivize relationships with workers to encourage reporting to ESD. Can we use an app or text so that workers can respond quickly and easily regarding referral tracking. Allow short registrations and allow staff to create short registrations on behalf of customers.	What is staffing/budget impact/need for staff to reach out to referrals for follow up? What is the volume of referrals from Work Source? What would this cost?
3	WorkSource WA	2.0	2.0			More contact with applicants, understanding applicants, short registrations - will increase relevance and improve reputation. Could work better with more outreach work. More direct contact with people and continue to improve WS WA. Make ESD services more accessible - study how to improve access to workers. Need to build system up from where workers are - there's an active flow of information within worker communities. Workers sign up for daily whats app message with list of new/available agriculture jobs. Note - a lot of this is already covered in the ideas above.	Information about difficulty of implementing these ideas

Improvement ideas with 2+ votes

ESD recruitment processes/systems				VM	ALL	Scope	Additional information needed/ questions
5	Disclose referrals to employers	2.0*	3			Tell employer when we have referred a worker to them and they can expect to hear from them. Employer could call worker directly. Could help with consistency between reports to DDL and reports in ESD system (referral tracking), could help with providing info from ESD to employers regarding referrals and outcomes. Get the word out to employers that ESD can help recruit for hiring - annual letter/email/notice prior to start of season to provide info about how the system works/services.	How can ESD better connect to employers so that employers better understand services/help ESD can provide? Is it possible to expand outreach regarding H2A/agriculture to other areas? Resource impact?
14	Customer Experience Study	2.0*	4			Understand experience of customers when referred. Barriers/difficulties on accessing system? Direct feedback from farmerworkers (surveys, interviews, statistical, etc) - hear from workers themselves on barriers to accessing jobs and ESD system before we make firm conclusions on best way to fix it. Understand disconnect between number of available jobs and number of referrals. Position ESD to better connect both workers and employers	Cost estimate and study designs (options for different scenarios - survey, sending questions to constituents, and what other ways could we do this?) Approach for study needs to meet farm workers where they are at.
15	Workers self-report referral outcome	2.0*	3			How do we get workers to report from their side the outcome/experience from referral. This is closely connected to first couple ideas regarding different ways to communicate with workers. Create incentives for workers to self-report outcome of referrals.	Which would be more effective - follow up from workers vs direct outreach from ESD?

Direct/informal hiring (outside of ESD)				VM	ALL	Scope	Additional information
25	Employer resources	2.0	3.0			Resources and best practices already exist but not all H2A employers participate in those resources. How can we broaden access to those resources and make sure all employers have access to materials to prevent new participants don't make mistakes. Focus on new participating employers in program - provide them access to existing training and content already developed. Focus on areas where there have been identified issues. Include templates, interview best practices, samples of questions, focusing on qualifications of job listed in order. Best practices to streamline hiring and notifying applicants when hired. 50% rule regarding hiring local workers who qualify during that period. More resources available online (so they aren't required to go to conference to access). Provide information via email to employer at time they apply with key points, compliance tips for supervisors, things to consider as you go along (rather than big conference people must attend in person).	Fiscal impact, resource impact needed to do this. How do we measure the effectiveness of this intervention? Did it make a difference and how do we know?
21	Employer training	2.0	2.0			POC, new expectations, make sure everything is taken care of before start of new contract - make sure they know before contract starts who to talk to/clear up confusion/process. Training not just happens in a classroom. Expert point of contact for new employers to contact with questions / building relationships.	

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**ADDENDUM III****Wafla Comments**

July 16, 2020 Agricultural and Seasonal Workforce Services Meeting

At the meeting, ESD reported that there were 20,481 labor certifications through July 15. ESD also reported that it did not know how many H-2A workers were in the state. Several minutes later, a committee members commented that there were “20,000 H-2A workers in the state.”

**Wafla’s first request is that ESD explain (again) to committee members and on the record that the number of labor certifications is NOT the number of workers, and historically the number of actual workers is 75 percent or fewer of the number of labor certifications.**

Since ESD has itself confused this metric, it would be useful to remind committee members of the difference between labor certifications and the actual number of workers.

**Regarding the substance of the meeting, wafla supports ESD’s work around recruiting U.S. workers.** ESD has done a good job in recruiting workers. ESD is being unfairly blamed because they have provided fewer referrals. The fact is there are fewer qualified agricultural workers who are looking for work.

There are areas where ESD could improve and it starts with trust. In previous years, ESD was much more cooperative with employers and employer groups and publically stated that it was not an enforcement agency. Lately, ESD appears to have moved toward a role as a quasi-enforcement agency. If this is in fact the case, it will hamper ESD moving forward. It will create an adversarial relationship with employers. Specific examples of this loss of trust are the bill to charge employers for using H-2A and Policy 4060. **Our request is that ESD provide a clear statement of its role in enforcement.**

The committee discussed recruitment reports, and we see this as an opportunity to build trust with the employer community. There is a requirement to complete and sign a recruitment report when the employer hits the 50 percent mark of its H-2A contract. There is no requirement that employers send this report to ESD. If employers see this as a way for ESD to fine the employer, they will not provide the report to ESD. However, if employers see ESD in the role of helping them comply with the regulation, they will voluntarily send the report. Here is our suggestion:

1. ESD should reach out to employers whenever they send a referral, and remind the employer of its obligation to hire willing, able, and qualified job seekers.
2. ESD should reach out to employers at the 50 percent mark, remind them of their obligation to create the recruitment report, and ask if they could send ESD a copy of the signed report.

Wafla looks forward to working with the agency on an initiative in this regard.

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**Contact information**

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*Employment Security Department • Policy, Data, Performance and Integrity*

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