



Agricultural and Seasonal Workforce Services Advisory Committee

Meeting details

Date: Wednesday, October 16, 2024

Time: 1:00 p.m. – 3:00 p.m.

Location: Virtual meeting via Zoom

Physical address: **Employment Security Department**, 212 Maple Park Ave SE, Olympia, WA 98501

Committee members present

- Jon DeVaney
- Michael Gempler
- Delia Peña
- Jeff Perrault
- Michele Besso
- Edgar Franks
- Rosalinda Guillen
- Antonio De Loera-Brust (proxy for Elizabeth Strater)

Non-voting agency representatives

- Ignacio Marquez (WSDA)
- Uriel Iniguez (LNI)
- Jerry Caird (DOH) (proxy for Juan Gamez)

Committee members absent

ESD staff

- Joy Adams
- Bertha J. Clayton
- Vickie Carlson
- Petra Meraz
- Carlos Sandoval-Larios
- Craig Carroll
- Commissioner Cami Feek

Summary

Meeting Recorded

This meeting was recorded and is available on <https://esd.wa.gov/newsroom/Ag-committee>

Welcome and Agenda Review

Employment Security Department (ESD) Policy Director, Joy Adams, welcomed everyone, reviewed the meeting agenda and asked if anyone had any questions. (See Addendum I.)

Roll Call – Vickie Carlson, Management Analyst, ASWS Office, ESD

Recording timestamp **00:03:20**

Joy Adams asked Vickie Carlson to take roll. 6 voting members were present at the time of roll call.

Approval of the August 2024 and of the September 2024 Meeting Minutes. Motion from Jon DeVaney, 2nd Antonio De Loera-Brust.

Commissioner Remarks

Recording timestamp **00:04:25**

- Commissioner Cami Feek, ESD

ASWS Office Update (Addendum II.)

Recording timestamp **00:07:10**

- Bertha J. Clayton, Director, ASWS Office, ESD

FY24 Roundup (Addendum II.)

Recording timestamp **00:28:32**

- Petra Meraz, Supervisor, Foreign Labor Certification Program, ASWS Office, ESD

FY24 Roundup (Addendum II.)

Recording timestamp **00:47:58**

- Carlos Sandoval-Larios, Temporary Supervisor, Compliance Team, ASWS Office, ESD

Good of the Order – Joy Adams

Recording timestamp **01:24:04**

- Michelle Besso & Mike Gempler requested to be sent all inter-agency agreements.

Future Agenda Items

None

Public Comment

Recording timestamp **01:27:08**

None

Adjourned

Joy Adams thanked everyone for their continued active participation and for their commitment to this work. Public meeting adjourned: 2:35 PM.

2024 Meetings

The next Agricultural and Seasonal Workforce Services Advisory Committee meeting is in-person, November 20, 1-5 pm, In-person

- *Union Gap WorkSource*: 1205 Ahtanum Ridge Drive, Union Gap, WA 98903

Addendums

ADDENDUM I.



AGENDA

Agricultural and Seasonal Workforce Services (ASWS) Advisory Committee
 Wednesday, October 16, 2024 | 1:00 pm – 3:00 pm | Zoom | 212 Maple Park Ave SE Olympia, WA 98501

TIME	TOPIC
1:00 pm	Joy Adams, Policy Director, Employment System Policy & Integrity Division, ESD <ul style="list-style-type: none"> • Agenda review – Joy Adams • Roll call – Vickie Carlson, Management Analyst, ASWS Office, ESD • Approval of the August 2024 Meeting Minutes • Approval of the September 2024 Meeting Minutes
1:10 pm	Commissioner Cami Feek, Employment Security Department <ul style="list-style-type: none"> • Commissioner Remarks
1:20 pm	ASWS Office Update <ul style="list-style-type: none"> • Bertha J. Clayton, Director, ASWS Office, ESD FY24 Roundup <ul style="list-style-type: none"> • Petra Meraz, Supervisor, Foreign Labor Certification Program, ASWS Office, ESD • Carlos Sandoval-Larios, Temporary Supervisor, Compliance Team, ASWS Office, ESD
2:15 pm	TWH Informational presentation – Improving Cherry Harvest Tent Camps in Washington state • Juan Gamez, ASWS Agency (DCH) Committee Member
2:45 pm	Good of the Order – Joy Adams
2:55 pm	Public Comment
3:00 pm	Adjourn. Next meeting: Wednesday, November 20, 2024, 1-5 pm, In-person Union Gap WorkSource: 1205 Ahtanum Ridge Drive, Union Gap, WA 98903

GROUND RULES

No side conversations | Phones on silent | Let people speak without interruption | Respect the opinion of others | Strive for understanding | Speak your mind |
 Some 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 quarter | Ask for silent you need |

Agenda

ADDENDUM II.

ASWS Office Update - October 2024



Bertha J. Clayton, ASWS Director, ESD

Office Updates



Harvest Plus, LLC Debarment

- [USDOL WHD press release](#)
- ESD press release forthcoming re: role in outcome
- ESD will initiate Discontinuation of Services as required by 20 CFR 658.501(a)(4)

Recruitment update

- Compliance Supervisor
- State Monitor Advocate

Training & conferences

- 2-day compliance training
- National Council of Agricultural Employers (NCAE)
- Waffa Summit (Presenters)

New ASWS data keeping system

- Automates processes and creates integrated work-flows
- Improved data management and reporting



ASWS: Looking ahead to FY 2025



ASWS

- Domestic recruitment coordination with Work Force Services Division

Personnel Updates:

- PS-5, Compliance Supervisor (Permanent)
- State Monitor Advocate
- Re-classification of compliance staff from PS-3 to PS-4
- Addition of PS-4 staff in Central Washington

FLC Team

- More automated processes
- Greater regional SWA communication
- Continued regular engagement with OFLC
- Focus: consistent and accurate application reviews

Compliance Team

- Refining scope of work
- Discontinuation of Services training
- Internal safety plan and protocols
- Leveraging technology in the field
- Continually updating processes
- Updating inter-agency data sharing agreements

Reminder: Change in H-2A TWH Inspections – 9 or fewer occupants



Effective November 1, 2024

1. DOH will be the primary inspection agency for H-2A TWH (L&I maintains jurisdiction, but will generally no longer be the primary inspection agency);

2. All H-2A TWH (inc. 9 or fewer occupants) will require a Dept. of Health application and license;

3. All TWH must comply with the construction standards at WAC 246-359. DOH will work to accommodate owners/operators during this transition by modifying requirements for H-2A TWH units with 9 or fewer occupants until a full transition is made.

Processing and Adjudicating Foreign Labor Certification Applications



Petra Meraz, Foreign Labor Certification Program Supervisor, ASWS, ESD

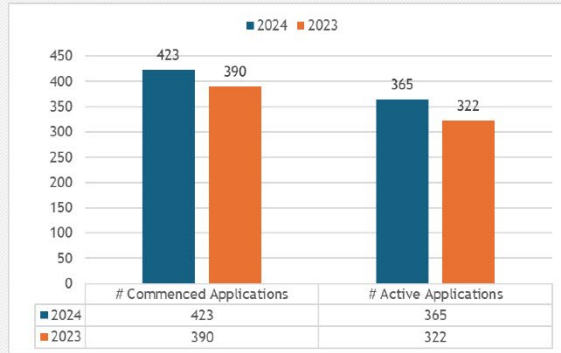
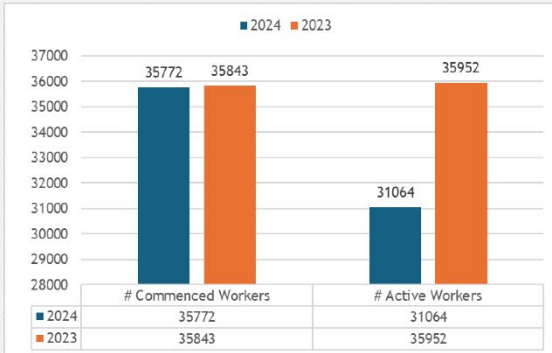
Annual Comparison Totals



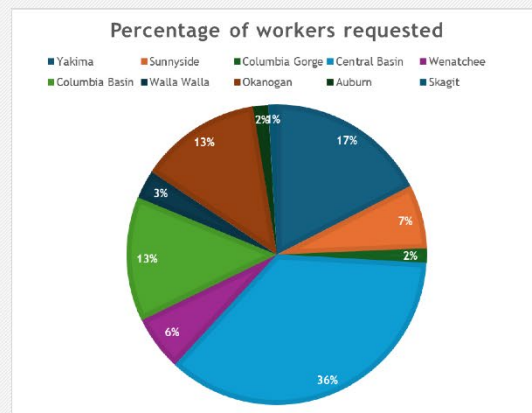
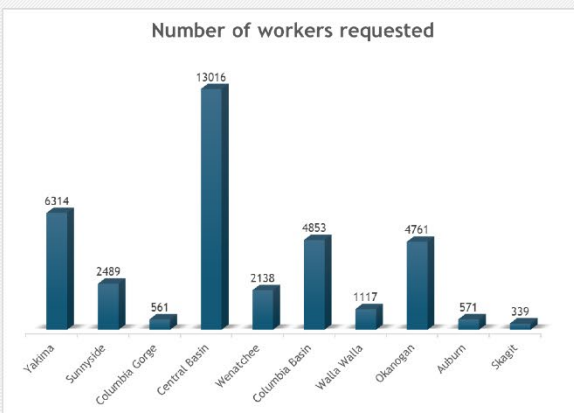
	2024	2023	% YoY Increase or Decrease
■ # Applications	444	428	3.73 %
■ # Workers Requested	36159	38639	-6.41 %
■ # Withdrawn Applications	21	24	-12.5 %
■ # Withdrawn Workers	446	2611	-83 %
■ # DOL Denied Applications	2	6	-67 %
■ # DOL Denied Workers	20	132	-85 %
■ # Impossibilities Applications	6	0	--
■ # Impossibilities Workers	227	0	--
■ # Certified Contracts	419	407	2.94 %
■ # Certified Workers **	35874	36183	-.85 %

**Please note: one worker may work on multiple contracts.

Commenced & Active Comparison Totals



Workers requested by AHO



5-year Trend



Common issues 2024



- Prevailing wage piece rate
- SOC code
- Workers in unapproved TWH housing
- Employers not ready for housing inspections

2025 Application Filing Tips



Crops with Reinstated 2022 Prevailing Wage for Piece Rate:

- List the specific crops that are covered under the reinstated 2022 prevailing wage for piece rate.

Housing for Contract Year 2025:

- Only include housing provisions applicable for the contract year 2025.

Job Duties Description:

- Provide detailed job duties according to the Standard Occupational Classification (SOC) codes.

Housing Readiness and Inspection:

- Ensure housing is ready and inspected in time to avoid any delays in the filing process.

Contact Information:

- Include two email addresses for contact purposes.

ADDENDUM III.

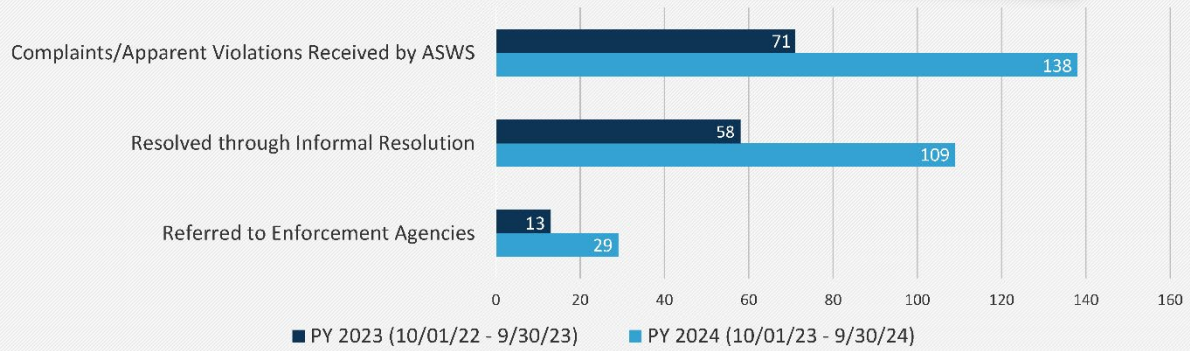
Completing site visits (field visits) and Field Checks



Employment
Security
Department
WASHINGTON STATE

Carlos Sandoval-Larios, Temporary Compliance Team Supervisor, ASWS, ESD

PY 2023 (10/01/22 - 9/30/23) vs. PY 2024 (10/01/23 - 9/30/24) Complaint System Comparison



PY 2023: 82% of Complaints/Apparent Violations were informally resolved by ASWS
 PY 2024: 79% of Complaints/Apparent Violations were informally resolved by ASWS

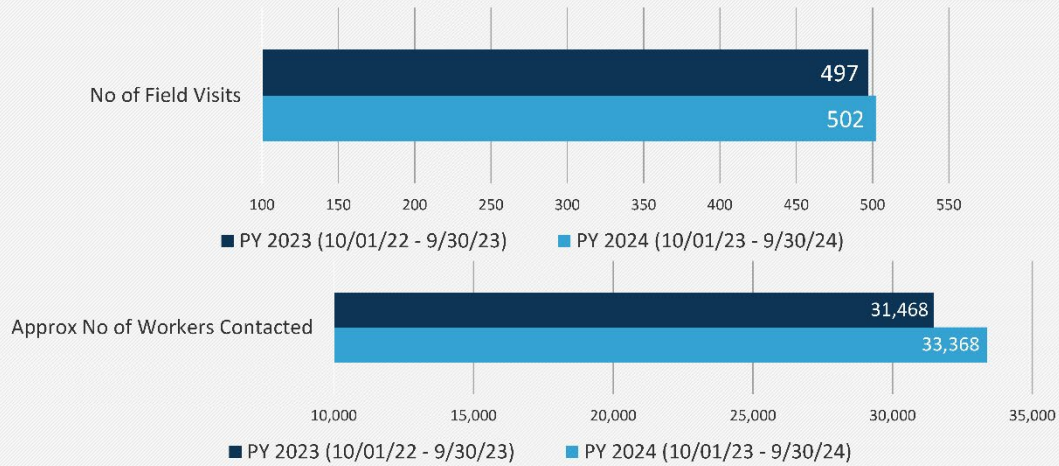
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PY 2024 (10/01/23 - 9/30/24) Top Four Complaints/Apparent Violations

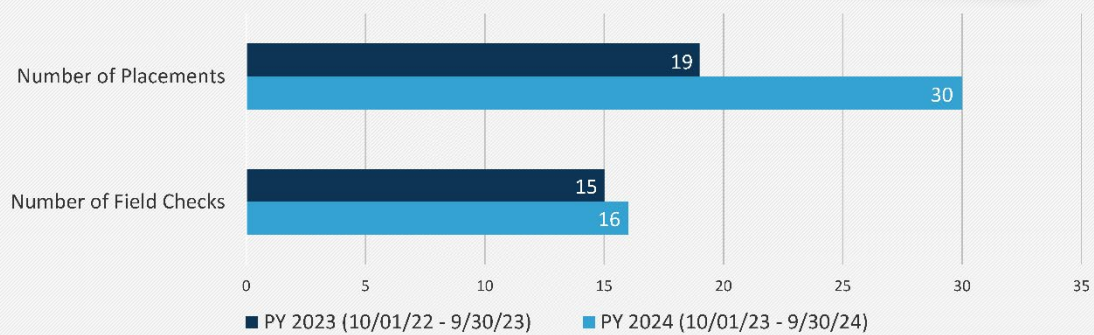


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PY 2023 (10/01/22 - 9/30/23) vs. PY 2024 (10/01/23 - 9/30/24) Conducting Field Visits (Site Visits)



PY 2023 (10/01/22 - 9/30/23) vs. PY 2024 (10/01/23 - 9/30/24) Number of Placements and Field Checks



*Placement amount does not equal number of field checks completed due to having more than one placement in job orders

PY 2023 (10/01/22 - 9/30/23) vs. PY 2024 (10/01/23 - 9/30/24)
Discontinuation of Services (DOS) Cases



PY 2023: 1 Case

PY 2024: 2 Cases

PY 2024 (10/01/23 - 9/30/24)
ESD ASWS H-2A Data Collection RCW 50.75.060
Qtr. 4 (7/1/24-9/30/24)



Field Visits (Site Visits)

- 106 site visits
- 13,409 workers requested/12,126 workers reported by employer (90%)*

Field Checks

- 5 field checks
- 644 total workers requested/610 total workers reported by employer (95%)

*Outlier contract inc. in data (108/340)
108 workers transferred from employer's earlier contract. Employer determined it would not bring the additional 232 H-2A workers requested as they were able to recruit sufficient domestic workers.

RCW 50.75.060 implemented by ASWS on June 6, 2024

WA ESD, WA DOH, WA LNI, WSDA Collaboration Agreements



Field Check IAA – WA ESD, WA DOH, WA LNI, WSDA

- **RCW 50.75.020** – (c) when conducting a field check, the office shall coordinate, to the extent possible, with the department of labor and industries, department of health, and department of agriculture in order to limit disruption to agricultural employers and efficiently use government resources
- **JLARC 2024 “ESD Administration of the H-2A Temp. Worker Visa Program** – recommended an IAA between WA ESD, WA DOH, WA LNI and WSDA for collaboration of field checks

Inspection of H-2A Temporary Worker Housing IAA – WA ESD, WA DOH, WA LNI

- Process and procedures for inspections and inter-agency communication
- Changes in procedure for 9 and fewer Temporary Worker Housing
- Complaint/apparent violation communication, referral procedures and Discontinuation of Services

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Good of the Order



- Future Agenda Items
- Public Comment

Public Comment



PUBLIC COMMENT:

If you would like to make public comment, including any suggested future agenda items, please state your name and spell it so we can capture it correctly for the minutes, as well as the organization you represent if any. Your comments are being recorded. However, if you would like your comments to be included in the meeting minutes, please submit them in writing via email to Vickie Carlson at Vickie.Carlson@esd.wa.gov. Please limit your comments to two minutes.

COMENTARIO PUBLICO:

Si desea hacer un comentario público, incluyendo temas ó elementos de seguridad para agendas futuras, por favor indique su nombre y deletreelo para poder capturarlo correctamente en los apuntes de la junta, también indique la organización a la que representa si hay alguna. Sus comentarios estan siendo grabados. Sin embargo, si desea que sus comentarios sean incluidos en los apuntes de la junta, por favor envíelos por escrito por correo electrónico a Vickie Carlson a vickie.carlson@esd.wa.gov. Por favor limite sus comentarios a dos minutos.



Agricultural and Seasonal Workforce Services ADVISORY COMMITTEE



Employment Security Department
WASHINGTON STATE

Next In-Person

ASWS Advisory Committee Meeting

Wednesday, November 20, 2024

1:00 p.m. – 5:00 p.m.

Union Gap WorkSource:

1205 Ahtanum Ridge Drive, Union Gap, WA 98903

Contact information

Joy Adams, Director of Employment System Policy & Integrity Division joy.adams@esd.wa.gov

Employment Security Department • Employment System Policy & Integrity