



# Agricultural and Seasonal Workforce Services Advisory Committee

## Meeting details

**Date:** Friday, November 22, 2019

**Time:** 11:00 a.m. to 2:00 p.m.

**Location:** WorkSource Yakima, Mt. Adams Conference Room , 1205 Ahtanum Ridge Drive, Union Gap, WA 98903

### 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

- Kimberly Gierach
- Uriel Iniguez
- Ignacio Marquez

### ESD staff

- Joy Adams
- Sara Crosby
- Dan Zeitlin
- Alberto Isiordia
- Gustavo Aviles
- Norma Chavez
- Cecilia Arellano

## Summary

### Welcome and introductions

Employment Security Department (ESD) Employment System Policy Director, Dan Zeitlin, welcomed everyone and asked everyone in the room to introduce themselves. When introductions were complete, Ignacio Marquez, from the Director's Office of the Washington State Department of Agriculture, made the traditional meeting toast with slices of Washington- grown apples.

### Agenda

Dan Zeitlin reviewed the agenda for the meeting and asked if anyone had any questions. There were no questions.

### ASWS Office Update

Dan Zeitlin formally introduced Norma Chavez as the new director of the Office of the Agricultural and Seasonal Workforce Services. Norma thanked everyone for inviting her to the meeting. She expressed that she appreciates the opportunity to lead the office and looks forward to working with everyone.

**October 17, 2019 Meeting Minutes**

Dan Zeitlin requested that everyone review the October 17, 2019 Meeting Minutes and provide their feedback. Ignacio Marquez requested minor changes. Changes were noted by Joy Adams.

A motion to approve was initiated and seconded. The October 17, 2019 Meeting Minutes were approved.

**Domestic Recruitment Discussion**

Dan Zeitlin informed everyone that Alberto Isiordia would present on the Domestic Recruitment discussion (see Addendum II). In the last meeting it was noted that further education for members is needed on this topic, which must be considered in the report to be submitted to the Legislature and Governor in October 2020.

Alberto summarized the responsibilities of local offices and Migrant Seasonal Farmworker (MSFW) staff to recruit up to 50% of the contract until it expires. ESD's responsibility in H-2A recruitment is to ensure that the individual being referred for jobs meets criteria.

Erik noted that he was surprised that such a small number of individuals are hired. It was discussed that in 2015 ESD implemented a new system that allows individuals to apply online versus in person at a WorkSource center. Other factors include the impact of timing and workflow on data, as well as an increase in applicants from other countries.

Mike Gempler noted that it is important to recognize that H-2A employers receiving referred individuals would need to offer that person a job, as the impacts of not offering them a job are greater.

Roaslinda asked, "How do we know 23 were hired and for how long?" Alberto responded that there is a gap and that a lot of this information is based on our staff following up with employers, but that we also get this information from Unemployment Insurance (UI) data. We see inconsistencies in the number of individuals who reported they were hired and those who reported they were not.

Uriel asked, "What is the percentage of follow up with employers?" Alberto responded that we need to follow up with staff and we are required to follow up with employers considering domestic workers until 50% of the contract is complete.

Rosalinda asked, "How are you going to establish a recruitment in Mexico and in the United States, so that domestic workers get the same information?" It was noted that recruitment in Mexico focuses on H-2A contracts and in the U.S. we serve everyone.

It was noted that several gaps are referenced within the briefer and that not all the recruitments go through ESD. A lot of recruitment occurs outside of ESD, as a lot of interaction and hiring doesn't involve ESD.

A facilitation exercise was conducted of what obstacles and needs we have. (See Addendum III.)

The question was raised: If the 50% rate has been met, who do workers call if they feel that they were wrongfully denied employment? Transparency of H-2A employers is important for recruitment for domestic workers, as in the past stakeholders have contacted ESD to see what employers needed workers and the employer information was not provided.

Ignacio noted that we don't have UI data to pull from in order to go back and see what employers reported for hiring. We would like to see how we could match UI data with the data employers submit.

It was discussed that the committee may find it helpful to walk through the referral process from the employer and employee perspective.

### **Data Discussion**

Gustavo Aviles, from LMEA, and Alberto Isiordia led the data discussion (see Addendum IV).

Gustavo noted that on the first page are the data sources from which they pull information. Please refer to the briefer to review the data source and the relevant characteristics for agricultural analysis. The UI report allows us to get worker contact information. The WorkSource Case Management System is used to provide the data in Alberto's recruitment briefer. The case management system does not speak to the UI system, but Gustavo's team uses both systems and tries to create a report based on both.

As of November 26, states will participate in the SWIS system which allows them to know if workers are working in other states.

Gustavo then referred to the [2017 Agriculture Workforce Report](#). He noted that we are looking at 2017 and not 2018 because of the lag in data and the resources to produce the report.

Mike asked if the Quarterly Census of Employment and Wages (QCW) report captures Social Security Numbers and jobs. Gustavo noted that this report does not account for H-2A workers.

Mike noted that Page 7 of the report needs to be labeled better so that individuals can better understand the data.

Erik also noted that he finds Figure 4 intriguing as it is showing a growth of employment in agriculture, while we are trying to fill a shortage.

Ramon noted that there are recruitment efforts happening in the market of which we are not a part.

Uriel noted that, when we talk about H-2A contracts, it has to go through ESD. In the contract it states the number of workers being requested. Does this include the number of domestic and foreign workers needed? It was clarified that this number only includes the number of foreign workers needed to fill the gap.

Ignacio noted that every year the number of workers needed changes due to many factors.

Due to confidentiality regulations, we cannot disclose the number of workers that an employer has. This data is gathered for statistical purposes only, not for regulation.

Page 25 is the first attempt to look at inter and intra industry employment transfers.

Ignacio asked, "Are workers moving out of agriculture and going into another industry or is there a shortage of workers? We need to compare year to year to see."

Ramon asked, “Is there a process to get accurate information on the employers? We encounter a lot of employees who get paid in cash and so this leaves no record of the employee working there.”

Gustavo responded, “Remember, these are UI employers and so even if they pay in cash, they should be reporting that.”

QCEW database is the standard database that we use. Is there a way to get the number of workers other than counting SSN’s?

Page 17-30 focuses on trying to measure if there is a labor shortage. We hear that there is, but we are trying to figure out if there is.

It was recommended that Gustavo Aviles attend the next meeting.

At this time a data facilitation exercise was conducted. (See Addendum V.)

### **Agenda Items for Next Meeting**

1. Deep dive into domestic recruitment
  - ESD perspective/process map
  - Employer perspective/process map

### **Public Comments**

(See Addendum VI.)

### **Closing Comments**

Dan Zeitlin thanked everyone for their active participation and for their commitment to this work, then ended the meeting.

## **2019 meetings**

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

- **January 16, 2020 – 8:30 a.m. to 4:00 p.m.**  
**ESD WorkSource Skagit**  
**2005 E College Way**  
**Mount Vernon, WA 98273**

**Addendum I****Agenda****Agricultural and Seasonal Workforce Services (ASWS) Advisory Committee**

Friday, November 22, 2019 | WorkSource, Suite A | 1205 Ahtanum Ridge Dr, Union Gap, WA 98903

**Agenda Items**

<b>Time</b>	<b>Topic</b>
11:00 am	Introductions <ul style="list-style-type: none"><li>• Welcome from Dan Zeitlin, Employment System Policy Director</li><li>• Public Comments/Introduction</li><li>• Agenda Overview</li><li>• ASWS Office Update (Director Introduction)</li></ul>
11:15 am	Approval of October 17, 2019 Meeting Minutes
11:20 am	Domestic Recruitment Discussion <ul style="list-style-type: none"><li>• Domestic recruitment process presentation</li><li>• Facilitated discussion</li></ul>
12:35 pm	Break – Distribute Lunches
12:50 pm	Data Discussion <ul style="list-style-type: none"><li>• Existing data source and analyses presentation</li><li>• Facilitated discussion</li></ul>
1:50 pm	Confirm Agenda for Next Meeting
1:55 pm	Administration
2:00 pm	Adjourn

For more information, please visit the ASWS website at <https://esd.wa.gov/newsroom/Ag-committee>



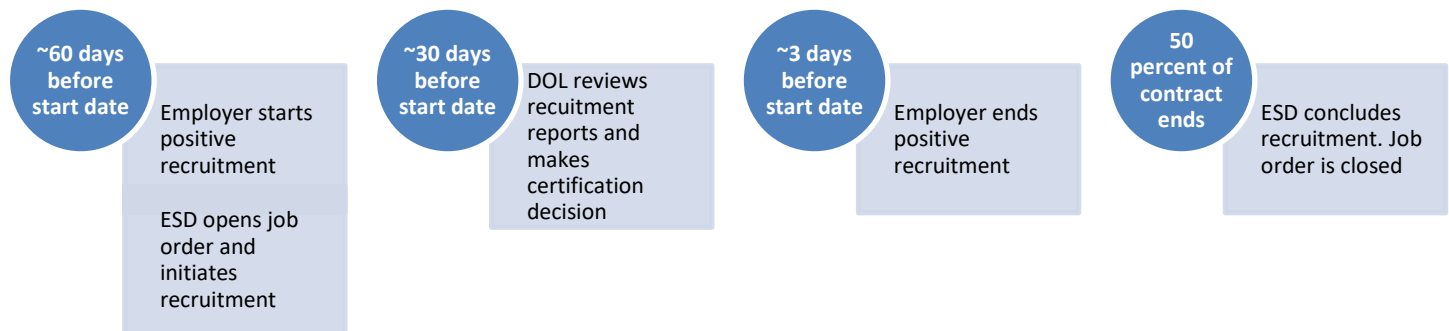
**H-2A Domestic Worker  
Recruitment  
November 2019**

**DOMESTIC RECRUITMENT RESPONSIBILITY OVERVIEW**

Domestic worker recruitment is a critical part of the H-2A labor certification process to ensure there is a test of the local labor market prior to granting an employer access to foreign workers. The recruitment process is also intended to ensure domestic workers are given priority over foreign workers.

As of October 2019, a prospective H-2A employer submits an application through the U.S. Department of Labor’s (DOL) Foreign Labor Application Gateway (FLAG) system no less than 60 and no more than 75 days in advance of the date of need. Upon submission, the FLAG system automatically issues the employer’s application to the appropriate state workforce agency for review and approval. Once approved by the Employment Security Department (ESD), the employer is required to initiate a positive (proactive) recruitment of domestic workers. Approximately 30 days before to the date of need, the DOL reviews progress made toward filling the desired positions and makes a labor certification determination, approving positions for employers that were not filled during that initial period of recruitment. An employer’s obligation to engage in positive recruitment concludes on the date H-2A workers depart for the employer’s place of work.

Meanwhile, ESD’s recruitment efforts initiate once an H-2A application is approved and continues until 50 percent of the work period lapses. As part of its recruitment efforts, ESD is required to maintain an open job order on [WorkSourceWA.com](http://WorkSourceWA.com). Participating H-2A employers must hire all qualified and eligible workers that apply for positions requested up until 50 percent of the period of work lapses. An employer may only reject applicants for lawful, job-related reasons.



Employers are required to submit a recruitment report to DOL on the date specified in the notice of acceptance. Beyond this initial submission, the employer is required to keep this recruitment report updated until 50 percent of the period of work lapses. The report must be made available for post-certification audits and upon request by authorized representatives, namely DOL. Elements of the report need to include:

1. The name of each recruitment source;
2. The name and contact information of each referral or applicant and disposition (hired/not hired/no show to the employer, etc.), of each worker;
3. Confirmation that the employer's former US workers were contacted and by what means; and
4. A lawful job-related reason for not hiring any US worker who applied for the position but was not hired.

Concurrently, DOL requires ESD staff to upload a recruitment report into the FLAG system no later than 32 days before the date of need or start of the contract. This report contains the name of the applicant referred, contact information, date of referral and outcome of the referral (hired/not hired/no show to the employer, etc.).

As of October 21, 2019, employers are no longer required to recruit by using newspaper advertisements. Instead, DOL will advertise the employer's job opportunity on [seasonaljobs.dol.gov](https://seasonaljobs.dol.gov), which is an expanded version of DOL's electronic job register.

### **CURRENT ESD LOCAL OFFICE ROLE**

Once ESD receives an H-2A application (ETA 790) from the FLAG system, the ESD Agricultural and Seasonal Workforce Services Office (ASWS) issues the application to the local WorkSource office (otherwise known as the "order holding office") that serves the area that has the highest number of worksites identified in the application. This order holding office is responsible for creating a job order on WorkSourceWA.com that summarizes information such as the duration of employment, job requirements, work schedule, wages and benefits.

The job orders do not disclose the name of the employer. The agricultural clearance system federal regulations at [20 CFR 653.501\(b\)\(2\)](https://www.ecfr.gov/current/title-20/chapter-I/subchapter-B/part-653/subpart-501/section-653.501(b)(2)) state, "the ES office must suppress the employer information in order to facilitate orderly movement of workers." The job order is opened for the recruitment of U.S. workers when the ETA 790 is reviewed and accepted by the ASWS. The job order on WorkSourceWA.com automatically closes after 50 percent of the work period ends.

The order holding office is also responsible for engaging in recruitment, to include:

- Promoting H-2A jobs to partners, staff and job seekers;
- Managing all online applicants by screening each to ensure they meet minimum qualifications;
- Updating referral and placement information in the case management system;
- Ensuring job seekers applying in person or online are informed of their rights; and
- Following-up on complaints and/or apparent violations.

WorkSource offices in agricultural areas often leverage their migrant seasonal farmworker outreach specialists by having them follow-up on referrals while conducting field visits, posting fliers in areas where workers congregate and connecting H-2A workers to community resources.

### **REFERRAL AND HIRE ACTIVITY**

ESD transitioned to a new case management system, Efforts to Outcomes (ETO), in 2016. ETO continues to face a number of challenges, including accurately capturing data. The system is subject to continuous updates as a new case management system ("Phoenix") is under development. Accordingly, the data below is not 100% accurate, but is directional.

**Table 1. H-2A Applicants Summary for H-2A Job Postings**

H-2A Job open year	Total Job Postings	Postings with at Least One Applicant	Unique Applicants	Total Applications
2014*	103	82	-	563
2015*	151	88	-	320
2016	151	75	52	188
2017	286	206	445	800
2018	243	200	307	733
2019**	314	280	636	1691

\*Data from previous case management system, SKIES

\*\*As of November 2019

**Table 2. H-2A Referral Summary for H-2A Job Postings**

H-2A Job open year	Total Job Postings	Referred to Employer	Unique Customers Referred	Hired
2016	151	11	9	4
2017	286	120	89	19
2018	243	56	35	4
2019**	314	127	87	23

\*\*As of November 2019

**WORKER RECRUITMENT GAPS**

The labor market test and domestic worker recruitment requirements are designed to protect job opportunities for US workers. Below are common critiques of the system:

1. **DOL labor market test** – H-2A regulations require positive recruitment to begin approximately 60 days before work is intended to start. Approximately 30 days later, DOL decides how many positions to certify based on the number of job seekers ESD and the employer report to have been placed on the job (see figure on page 1). As it relates to agricultural seasonal labor positions, it is not customary for job seekers to apply for jobs that are set to start in 60 to 30 days. Most field workers look to start work immediately and may not apply for these jobs as a result. Furthermore, employers have communicated that some workers that are hired well in advance of the date of need do not show up for work, which at times results in an employer losing certification for a needed position.
2. **Commitment to fulfill the contract** – While some workers appreciate having the guarantee of work during a certain period of time, some workers have communicated that the commitment to work the entire period of the contract has a discouraging impact, especially in today’s environment where many workers are accustomed to working for employers that pay the best wage rates. Committing to a single employer limits their mobility within the market. Employers have stated that the commitment to work the full contract is critical to meeting their needs and consistent with the expectation being set for foreign workers.
3. **Inconsistent ESD follow-up on referrals** – ESD staff have been inconsistent in following up on referrals to employers and recording referral outcome information in the case management system. A key focus of the Agricultural and Seasonal Workforce office in coordination with existing outreach staff will be to update policies, procedures and training, as well as accountability for properly managing referrals.
4. **ESD Oversight** – ESD is federally required to process complaints per [20 CFR 655.185](#) and apparent violations per [20 CFR 658.419](#), as well as conduct field checks per [20 CFR 655.503](#). A key focus of the Agricultural and Seasonal Workforce office in coordination with existing outreach staff will be to update policies, procedures



and training, as well as accountability, to ensure more timely fact finding and follow up on apparent violations of law.

5. **WorkSourceWA.com registration** – To refer a job seeker to an H-2A job in a manner that is trackable in our system, a job seeker must have a WorkSourceWA.com account. This requires a seeker to have some computer literacy, an e-mail address and a resume. In situations where workers do not want to or are unable to establish an account, a referral may still be made. ESD staff, however, do not enter this information into the case management system.
6. **Domestic worker interest** – Given the prevalence of H-2A and, in some cases, the sense that foreign workers receive preference, some domestic workers communicate having little interest in H-2A job opportunities. This is especially prevalent in areas where employers have transitioned to H-2A after receiving an audit from the Department of Homeland Security.
7. **Inconsistent employer follow-up** – While responsive during the labor market test phase of recruitment, some employers do not consistently respond to requests for outcomes of job applicants or do not have staff adequately trained to process H-2A referrals. It is noted that employers are not required and subsequently do not commonly share recruitment logs once the 50 percent period has ended.
8. **Undocumented workforce** – It has been reported that over 50 percent of the agricultural workforce may be undocumented. Anecdotally, we have heard workers lacking legal documentation are also less likely to apply for H-2A jobs.

## DISCUSSION

The following questions are intended to encourage critical dialogue:

1. What actions can ESD, in partnership with the WorkSource system, take to enhance the integrity of the recruitment process?
2. What steps can employers take to strengthen the integrity of the process?
3. What steps can community organizations take to strengthen the integrity of the process?

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**Addendum III****RECRUITMENT BARRIERS AND NEEDS FACILITATION**

- Need common understanding of recruitment processes for ESD and employers
- Gaps and barriers of workers
- Understanding of Recruitment Report
- Hiring process by employers that people experience: interest to job (hired on the spot vs. other steps)
- What people are told about expectations (long days, work in the rain, messages that deter, unwanted/unwelcome, don't need you, H-2A coming)
- Information shared about job/recruitment efforts?
- Better understanding of data/success rate - ESD process for getting data
- Informal labor market – many do not engage with ESD
- Active sharing of info between workers - \$pay
- More transparency and disclosure of 50% rule and telephone number people can call if wrongly denied
- No way to know who is the employer in our area – who applies/trying to hire. Transparency of community organizations knowing who is hiring H-2A referrals – want to know about worker shortages
- Resource even for non-H-2A employers – hard to fill jobs even in highly populated areas
- Multiple farms competing for domestic workers – always a shortage
- Data: don't have UI data on actual hires – match UI data with employer data
- ESD, LNI and whole system work together
- Grievance process for workers
- After H-2A approved – domestic workers sent away, union/grievance, neutral, also re: injured workers
- Employers and ESD do not give reports
- Some referred workers decline, do not want whole contract period.
- Fluid workforce – where am I making the most money today? Or workers who only want to pick cherries - move around. Employers really need workers through whole period
- Disconnect between the way farmworkers want to work vs. H-2A (contracts, etc.) If you quit before contract ends, ineligible to ever work for company again.
- What does referral look like? Define process - workers may not always follow up on referral
- Each office is different – may not be consistent between WorkSource offices
- How do we get workers looking for jobs to ESD/employers?
- Many come directly from California to the employers
- ESD barriers – 500 members don't even speak Spanish – would not trust/go through ESD
- Examine H-2A recruitment requirements (news/online/etc. – recruiting requirements vs. reality
- Denials to employers – Recruitment Report used to decide whether employer eligible. Employer and ESD provides information.
- Reports not typically reviewed after 30 days
- Many workers turned away because of H-2A workers – both local and H-2A workers need representation and place to complain
- Role of labor contractors quite extraordinary - who's running the farm - contractors or owners?
- Focus on the complaint process for workers denied - fundamental
- No confidence/trust in agencies/processes



# Agricultural Data Sources and Analyses

November 18, 2019

## Data Sources

Agricultural employment and worker counts, as well as labor movement in and out of agriculture, can vary with the data source, yet overall estimates tend to be consistent among the sources used for agricultural labor market analyses conducted by the Washington State Employment Security Department (ESD). The data sources for ESD's analyses are:

**Quarterly Employer Unemployment Insurance (UI) Tax Reports:** ESD receives quarterly wage and hour data for UI covered workers. Employer UI reports are by firm, rather than worksite. Consequently, wage data for firms with multiple worksites can include information on workers who do not work at the physical location listed in the UI tax reports.

**Quarterly Census of Employment and Wages (QCEW):** Produced by the U.S. Bureau of Labor Statistics (BLS) and ESD, this count provides monthly industry employment and quarterly wage data for workers covered by the UI system. Covered employment includes all hired agricultural labor except small farm operators, non-resident aliens, independent contractors and corporate officers. QCEW data is derived from employers' quarterly UI tax reports and quarterly surveys of employers who have more than one worksite in the state, making QCEW data specific to employer locations.

**UI Benefits Management System:** The system used by ESD to administer UI benefits is the Unemployment Tax and Benefits System (UTAB).

**WorkSource Case Management System:** Efforts to Outcomes (ETO) is the case management system used by ESD and its partners in the workforce system to collect job seeker data and employer information to help manage the provision of services to customers. The ETO system is undergoing improvements parallel to an initiative to launch a new system ("Phoenix").

**State Wage Interchange System (SWIS):** The SWIS is a data sharing tool jointly managed by the U.S. Department of Education (ED) and the Department of Labor (DOL) that allows states that sign the data sharing agreement to exchange interstate quarterly wage records with any other state signing the agreement to satisfy performance reporting requirements in [Section 116 of the Workforce Innovation and Opportunity Act \(WIOA\)](#). The SWIS agreement replaces the Wage Record Interchange System (WRIS and WRIS2) data sharing agreements previously executed by most States.

**Main characteristics of available employer and worker data**

**Figure 1.** Characteristics of ESD’s data sources for agricultural analyses.

Washington State, 2019

Source: Employment Security Department/PDPI/LMEA

Data source	Relevant characteristics for agricultural analyses
Quarterly employer UI tax reports	<ul style="list-style-type: none"> <li>• Quarterly reports</li> <li>• Employer data:               <ul style="list-style-type: none"> <li>○ Firm identifiable information (UI account, name, etc.)</li> <li>○ Firm industry classification based on the North America Industry Classification System (Firm NAICS code)</li> </ul> </li> <li>• Worker data:               <ul style="list-style-type: none"> <li>○ Name</li> <li>○ Social Security Number</li> <li>○ Gross quarterly Amount Paid</li> <li>○ The number of hours worked in the quarter</li> </ul> </li> </ul>
QCEW	<ul style="list-style-type: none"> <li>• Worksites per firm</li> <li>• Physical worksite address</li> <li>• Physical worksite industry classification based on the North America Industry Classification System (worksite NAICS code, a.k.a. establishment NAICS code). The industry assigned to each physical worksite is based on the primary business activity of the establishment, which is determined by relative share of production costs and/or capital investment. In practice, other variables, such as revenue, value of shipments, or employment, are used as proxies. The U.S. Census Bureau generally uses revenue or value of shipments to determine an establishment's primary business activity.</li> <li>• Jobs per physical worksite</li> <li>• Jobs during the pay period that included the 12th day of the month               <ul style="list-style-type: none"> <li>○ Excludes workers not covered by UI (e.g., self-employed and other type of farm workers) – BLS estimated that 30% of ag workers were excluded in 2017 at the national level.<sup>1</sup></li> </ul> </li> </ul>
UI Benefits Management System	<ul style="list-style-type: none"> <li>• Subset of UI reports – workers who have filed a UI claim</li> <li>• Identifiable information of UI claimants and UI claim related employers:               <ul style="list-style-type: none"> <li>○ Worker most recent known address</li> </ul> </li> </ul>
WorkSource Case Management System	<ul style="list-style-type: none"> <li>• System in development since May 2016:               <ul style="list-style-type: none"> <li>○ Fields specific to meet federal <a href="#">Participant Individual Record Layout (PIRL)</a> requirements and to identify farmworkers or food processing workers (MSFW).</li> </ul> </li> <li>• Worker data (WIOA requirements plus operational needs):               <ul style="list-style-type: none"> <li>○ Name, Social Security Number and Date of Birth</li> <li>○ Other identifiable and demographic information. For example: gender, veteran status, etc.</li> </ul> </li> </ul>

SWIS	As of November 1, 2019, 26 states have signed the State Wage Interchange System (SWIS) data sharing agreement <a href="https://www.doleta.gov/performance/swis.cfm">https://www.doleta.gov/performance/swis.cfm</a>
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**Current analyses, reporting format and schedule**

ESD publishes an yearly agricultural workforce analyses in its [Annual Agricultural Workforce Report](#) – the 2017 report was published September 2019. The year of the report reflects the calendar year data used for the agricultural analyses. The process and resources allocated to publication of the annual agricultural workforce report provides data with a two years lag. It includes:

**UI covered employment and wages in agriculture:** Covered employment in the agricultural sector captured by the QCEW program without the covered employment of the industries that constitute the subsectors of Forestry and Logging (NAICS 113), Fishing, Hunting and Trapping (NAICS 114), and the industry groups of Aquaculture (NAICS 1125) and Support Activities for Forestry (NAICS 1153).

- Total agricultural employment.
- Estimated variable and stable covered employment: variable covered employment is a reflection of the crop seasonal changes in employment demand.
- Average annual wages: the averages are calculated by using all the wages of UI covered jobs (stable and variable employment) in the establishments.
- Average hourly wages by industry and median hourly wages by industry

**Agricultural labor force dynamics**

- Inter- and intra-industry employment transfers: employment transfers are calculated using employer’s quarterly UI taxes reports. ESD counts SSNs that change employer from quarter to quarter.
- Labor shortages: ESD uses the definition of labor shortage published in 2013 in the American Journal of Agricultural Economics (Hertz, T., and S. Zahniser. 2013. “Is There A Farm Labor Shortage?” American Journal of Agricultural Economics 95 (2): 476-481), and modifications of it. It uses QCEW data and defines a labor shortage as an annual increase in wages (40 percent or more) and annual decrease in employment (50 percent or less) in a geographic area. ESD further refines this definition and applies it to each agricultural industry in the state and agricultural reporting areas.

**Future analyses and reporting format**

ESD is planning to conduct agricultural stakeholder meetings to request suggestions for improving the **annual agricultural workforce report** and publication format from a pdf document on ESD’s website to an interactive web application with downloadable data.

**Potential additional analyses to describe Washington State agricultural labor force dynamics**

- Inter- and intra-industry employment transfers: add a count of SSNs that change industry from each quarter of the previous year to exclude changes due to agricultural seasonal work.
- Labor shortages: Conduct literature reviews to identify other methods used to estimate labor shortages and assign economic analysts to develop an internal method based on available data.

The proposed changes highlighted in this section are expected to require an Economic Analyst (1FTE), an IT Developer (0.5 FTE) and an IT Database Administrator (0.5 FTE) throughout December 2020.

**Contact information**

Dan Zeitlin, Director of Policy, Data, Performance & Integrity Division [DZeitlin@ESD.WA.GOV](mailto:DZeitlin@ESD.WA.GOV)

**Addendum V****DATA FACILITATION**

- Workers leaving industry? Do they return to the agriculture industry next season?
- How to get information regarding workers paid cash? A lot of workers are paid cash – no record of those people.
- Number of jobs in QCW – is there a way to get to the number of workers? Count SSNs?
- Growth of employment numbers at the same time as labor shortage? We need to better understand the dynamic.
- Monthly employment numbers, instead of annual average.
- Seasonal worker housing – suggest law changes to inspect not just H-2A.
- Information about the cost of the survey – impacts growers.
- Farmers are going out of business – cannot afford higher wages.

## Action Items –

- Questions?
- Missing?
- Processes – variety of visuals and information

**Addendum VI**

November 22, 2019

WorkSource Yakima  
1205 Ahtanum Ridge Dr. Suite A  
Union Gap, WA 98903

**RE: ASWS Advisory Committee – Public Comments****Committee Members:**

Thank you for allowing me to speak today. My name is Samantha Mendoza. I am an account executive at wafila. I work with farmers who use the H-2A program. I also help farm workers and I am the liaison with the Mexican Consulate from wafila.

First let me tell you about myself. I was born and raised in Mexico. My parents were peasants; we rented land to harvest tomatoes and cilantro. My mom would pick us up from school to take us to do homework in the field while she worked. Later, we moved to the city of Guadalajara in Mexico.

I did well in school and I was allowed to attend university. I earned a degree in Science of Communication. I am a mother of three children and as a mother I want my children to have a better life than me. Just like me, there are hundreds of parents who work in the field and want the same for their children; they want them to go to college. So every year there are fewer people willing to work in the field; that's where the H-2A program comes in because at the end of the day planting, harvesting, packaging and distributing food is vital. The H-2A program helps employers to bring willing, able, and qualified workers from Mexico, where they were earning close to the minimum in Mexico, about \$5.00 dollars per day. That is correct, about \$5.00 per day.

I have a request for this committee that you do something about the Washington state survey. I would like to request that this committee obtain information about the cost of this survey, and compare it to what other states with similar size H-2A program spend on their survey.

As an account executive, I am getting calls from farmers who ask if they are required to fill out the survey. I tell them that it is a voluntary survey and that they are not required to fill it out. The farmers do not understand the reason for the survey. Farmers are going out of business because they cannot afford the high wages they are forced to pay. This is causing a lot of pressure on supervisors and workers to increase production. Of course, workers want to earn as much as they can, but they would rather earn a little less and not have so much stress.

Farmers have heard that the survey costs more than \$500,000 and that ESD wants them to pay for it. They have also heard that Washington state spends much more than any other state on its survey. I don't know if this is the case.

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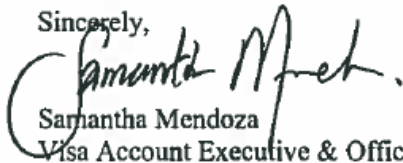
Is it possible that we simplify the survey, explain it better to farmers, and save some of the money for other priorities.

Let me tell you about one of those priorities. Last summer, I worked with farmers whose workers were injured or died. I worked with a grower in the Yakima area whose workers were struck by another vehicle on the way back to the housing after work. One worker died, and 11 workers were badly injured. In another incident in Okanogan County, a worker went swimming on his day off and sadly passed away because he drowned. Since this worker was not covered by workers' compensation, there was no money to send his body home. I am told that the Mexican Consulate used to have more funds to send workers home on cases like these, but the Mexican Federal Government has reduced the aid. In the case of the worker in Okanogan, the farmer, wafla, and the other workers all chipped in for this expense. It cost about \$7,500. When I'm told that we are spending more than five hundred thousand on a survey that no one understands when workers need basic services, it seems like our priorities are not in the right place.

I understand that this committee must make recommendations for changes to the H-2A program. Before you make recommendations, you should have facts. That is why I am asking that you get more facts about this survey. First, you should find out how other states are doing it, and how much they are spending. Once you have that information, you should spend time trying to understand this survey. My observation is that employers are very angry about it and perhaps you can understand why, after you find out what other states that utilize the H-2A program are doing.

I will be eager to find out what you learn. Thank you again for allowing me to share my views.

Sincerely,



Samantha Mendoza  
Visa Account Executive & Office Lead

**wafla**

(509) 379-0984

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cc: Committee Members (Voting & Non-Voting)



November 22, 2019

WorkSource Yakima  
1205 Ahtanum Ridge Dr. Suite A  
Union Gap, WA 98903

**RE: ASWS Advisory Committee – Public Comments**

Committee Members:

My name is Renson Miranda. I am a field services manager at wafila. I work with supervisors and farm workers to make sure they understand their obligations under the H-2A program.

Thank you for allowing me to share a request with this committee.

First, let me tell you about myself. I was born in Guanajuato Mexico and immigrated when I was three years old along with my pregnant mother. I was raised on a farm, and have worked in the agriculture sector ever since. In addition to my full time job at wafila, I own a livestock farm and harvest my own feed for my livestock. I have family on both sides of the border. As Samantha has stated or will state, people in Mexico are eager to come to Washington state to work under the H-2A program because it offers the ability for them to earn generational changing wealth in a safe way compared to those that risk their lives crossing the desert for a better opportunity. Washington offers the highest wages in the nation for workers. It is my job to help our team make sure that we also offer the best working conditions in the nation as well.

Another part of my job is to help inspect housing for farmers who want to use the H-2A program to make sure it meets regulatory requirements. When I began at wafila, I learned that farmers are required to license all seasonal workers housing under the Washington Temporary Worker Housing standard. As a farmer, I never knew this. My understanding is that no one at the state enforces temporary worker housing requirements unless a farmer enrolls in the H-2A program. Worker housing must meet stringent requirements if the farmer enrolls in H-2A, but if the farmer does not enroll in H-2A, there is no inspection unless it is requested by the farmer.

This committee is tasked to propose laws that benefit ALL seasonal workers. My request is for the committee to propose a system that will guarantee that ALL seasonal worker housing is inspected and licensed, and not wait until growers enroll in H-2A. I understand that it is the job of the committee to compare the working conditions of workers who are working under H-2A and workers who are not, and to recommend changes in the law. I would suggest that one of the places you start is seasonal worker housing.

In the end, I think we all want excellent housing and working conditions on all farms. I am anxious to find out what the committee finds when it comes to reviewing the seasonal housing

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inspection for all farmers that provide seasonal housing and the penalties you propose for unlicensed temporary worker housing.

Thank you again for allowing me to speak to the committee.

Sincerely,



Renson Miranda,  
Regional Field Staff Manager

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cc: Committee Members (Voting & Non-Voting)