

## Ag Outreach Plan – Public Comment & WCDD Response

July 11, 2013

Name	Entity	Comments	WCDD Response
Kirk B. Mayer	Washington Growers Clearing House Association	<p>Dear Partners,</p> <p>The Washington Growers Clearing House Association is a non-profit tree fruit grower association with approximately 2,100 tree fruit growers statewide. According to the ESD Annual Agricultural Report Washington tree fruit growers employed 13,279 seasonal employees on farm in January, which peaked at 76,218 employees in July, had 59,694 in September and averaged 33,449 overall. Note: In my comments when I use the term seasonal, I am not differentiating between seasonal and migrant farmworkers. When an agricultural employer hires an employee I doubt the employer knows if the employee is a migrant farmworker.</p> <p><b>Shortage:</b>----Tree fruit growers in Washington State have experienced harvest labor shortage(s) for many years. My records show that USDOL has received H-2A applications for employee from Washington State agriculture since <u>at least</u> 2004.</p> <p>I have seen data showing H-2A requests in 2004 &amp; 2005 but do not know how many were actually certified those years. However my records do show that USDOL did certify H-2A employees for Washington State agriculture from 2006 through 2013. (814 employees in 2006, 1,688 in 2007, 2,513 in 2008, 1,882 in 2009, 2,991 in 2010, 3,182 in 2011, 4,546 in 2012 and 4,023 in 2013-through May 31st). Such certification by USDOL cannot occur unless DOL recognizes a <i>shortage of available domestic employees</i>. ESD may not have recognized the shortages or the significance of the actual shortage because H-2A workers were addressing most of the areas that had the most significant shortages. The use of the federal H-2A program, mechanical aids, changing orchard structure, etc. has reduced the seasonal tree fruit production related labor shortages, <i>but has not eliminated them</i>. Growers prefer to hire domestic employees rather than use the H-2A program. Note: H-2A use dropped in 2010 due primarily to the fact that the H-2A rules changed administratively, resulting in organized labor lawsuit threats, resulting in uncertainty as to</p>	<p>In recognition of the comments offered, ESD has modified the language discussing labor shortages. The intent of this section was not to make a policy statement around labor shortages or to provide a robust account of how labor shortages are defined. The intent was to acknowledge that availability of labor is of concern in Washington, which increases the value of having staff designated in major agricultural areas with the charge of dedicating a majority of their time to MSFW and agricultural employer outreach. These outreach efforts allow staff to better link MSFWs to support services and to facilitate the movement of farmworkers between employers, as recognized by the comment concerning ESD’s successful outreach during the cherry harvest.</p> <p>Additional clarification was also provided through the addition of an introduction. The introduction highlights the purpose of the Agricultural Outreach Plan, which is to present a plan for outreach that responds to questions posed by the Department of Labor.</p>

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		<p>what rules were actually legal, contributing to reduced use of the program.</p> <p><b>Actual Agricultural Labor Shortage:</b> --The actual shortage of “legal” agricultural employees is unknown but it has been guestimated that the unauthorized agricultural workforce in the US could exceed 70% of the current workforce. That potentially means that in July the tree fruit industry alone is short 50,000 legal employees???</p> <p><b>Mechanical Aids, etc.:</b> Given the consistency of labor shortages, increases in production, etc. the increased use of mechanical aids, the federal H-2A program and grower consolidation; coupled with industry funded research into labor saving devices/procedures/practices, etc. is expected to continue. Labor shortages are expected to continue for some time, at yet to be fully determined consequences.</p> <p><b>Wages</b> – Due to higher than usual shortages, in the last couple years, tree fruit growers have increased their use of H-2A and hired more workers through ESD than in the past. Unfortunately, those hired through ESD tend to have little or no experience. Experienced farmworkers tend to not use WorkSource. Given the fact that more inexperienced workers have been hired the past two to three years by tree fruit growers, and that harvest related wages are piece rate, it shouldn't be as surprise that that the overall average equivalent hourly tree fruit wage rate would be negatively impacted.</p> <p><b>ESD WorkSource office use:</b> Over the years employers and potential employees have moved away from using WorkSource for agricultural employment. The ESD website is not that user friendly. The lack of employee and employer use of ESD WorkSource offices has been a concern for several years. The Washington Growers Clearing House Assn. (WGCHA) has worked with ESD (WorkSource) in an effort to find ways to increase the use of the ESD website by both employers and potential employees, with little success. WGCHA has had WorkSource at tree fruit grower board meetings in an effort to increase communications &amp; understanding between employers and WorkSource. WGSCCHA has provided suggested language for the ESD to consider using in</p>	
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		<p>their Harvest Bulletins.</p> <p><b>Outreach:</b> Employment Security outreach into orchards has been very successful during cherry harvest. That effort has facilitated the speedy relocation of potential employees to employers in need. WGCHA has also participated with others in the ESD facilitated agency conference call leading up to harvest.</p> <p><b>Housing:</b> Agricultural Associations including the WGCHA have worked closely with the Department of Commerce (formerly DCTED), housing authorities, and growers, etc., in an effort to increase seasonal housing capacity in agricultural areas. Typical landlords are not interested in developing housing used seasonally. Housing authorities and non-profit housing providers have found it very difficult to cash flow seasonal housing. The State legislature recently eliminated the most productive seasonal housing program (a partnership with growers) that they have ever had, the DOC “Infrastructure Loan Program” and they have just this season shut down access to 300 beds in Monitor Washington due to budget cuts. DOH has recently raised temporary worker housing license fees and technical assistance that aided growers in their struggles to address the vast variety of County, State and Federal Housing Standards has been cut back or eliminated. Growers continue their struggle to address the need for seasonal agricultural housing.</p> <p>Thank you for the opportunity to comment.</p>	
<p>Lisa Heaton &amp; Pedro Serrano</p>	<p>Department of Labor &amp; Industries</p>	<p>Pedro Serrano from our Division of Safety &amp; Health offered the following feedback concerning the Washington State PY13 Agricultural Outreach Plan. He suggested adding the following items under the outreach/numerical goals section.</p> <ol style="list-style-type: none"> <li>1. Use Spanish-language media (print, TV, and radio) to reach the intended target audience.</li> <li>2. Participate in multi-agency/organization roundtables.</li> <li>3. Partner with agricultural organizations who work with farmworkers.</li> <li>4. Conduct traditional one-on-one outreach to agricultural</li> </ol>	<p>In recognition of the feedback provided, ESD has applied the technical corrections offered and added a brief introduction noting that Employment Security Department is a partner of WorkSource – Washington’s one stop workforce development system – in the provision of employment and training services.</p> <p>The LNI’s outreach goals, as suggested, align with ESD’s outreach goals and are noted within different sections of the Agricultural Outreach Plan. It should also be noted that ESD has or is presently involved in efforts</p>

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		<p>employers.</p> <p>When I read over the document, it is not entirely clear to me what WorkSource does in relation to ESD. Are they a vendor that provides ESD services? It might be helpful to readers that are unfamiliar with ESD and WorkSource to explain this on page 1 under the Customer Needs Assessment section.</p> <p>There were a few lines that might need some small edits, such as the last line on page 1 “7ear” probably is meant to say “year.” On page 2, the first and third paragraphs have a sentence that appears to repeat the same information. There is a sentence in paragraph 2 that might need to be reworded. It currently reads, “WorkSource significant agricultural offices increased communications...”</p> <p>Thanks for allowing us the opportunity to offer comments and feedback.</p>	<p>to enhance its delivery of services, specifically, strengthening partnerships with government agencies and agricultural organizations that work with farmworkers.</p>
<p>Ignacio Marquez</p>	<p>Department of Agriculture</p>	<p>Thank you for giving the Washington State Department of Agriculture an opportunity to review and comment on your outreach plan. We are very excited to join ESD in leading an organized, state-wide, and comprehensive approach to find ways to help the farmworker community.</p> <p>Here is my preliminary review of the plan.</p> <ol style="list-style-type: none"> <li>1. There is a typographical error in the last sentence of the last paragraph on page one.</li> <li>2. It would be worthwhile to state the "labor shortages" information was taken from employer surveys through the Labor Market and Economic Analysis division.</li> <li>3. I am assume the shortages mentioned in paragraph three on page two were anecdotal. I wonder whether that needs to be clarified.</li> <li>4. Washington State Department of Agriculture also provides pesticide recertification sessions at the WorkSource offices in Sunnyside and White Salmon.</li> <li>5. Spanish basic computer classes are offered at the WorkSource</li> </ol>	<p>In recognition of the feedback provided, ESD added language recognizing the availability of basic computer classes in Spanish at WorkSource offices in Wenatchee, Sunnyside and Yakima. The change in UI policy – allowing ESL and ABE class attendees to waive the job search requirement – was also acknowledged. Lastly, ESD modified the language discussing labor shortages to acknowledge that availability of labor is of concern in Washington, which increases the value of having staff designated in major agricultural areas with the charge of dedicating a majority of their time to MSFW and agricultural employer outreach.</p>

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		<p>offices in Yakima and Sunnyside during the non-harvest months.</p> <p>6. ESD recently changed its UI policy to allow seasonal workers (such as farmworkers) attend ESL or ABE classes while they receive unemployment insurance benefits and waive the requirement to conduct job search. This might be a worthwhile mention.</p> <p>Again, thank you for the opportunity. Please let me know if you have questions.</p>	
Dan Ford	Columbia Legal Services	<p>I submit the following comments on the Washington State Wagner-Peyser Outreach Plan for the Program Year 2013:</p> <ul style="list-style-type: none"> <li>• Vigorous, regular and effective outreach is vital to providing employment opportunities to workers, a workforce for growers, and to make the H-2A system function. One effective effort was establishing outreach stations that ESD had during harvest. A couple of years ago ESD decided to eliminate all of the stations and to encourage people to use the temp agencies. ESD should bring the stations back.</li> <li>• Agencies should consult and work in partnership with community groups and representatives. Uriel Iniguez informs me that he asked ESD to be on his farm worker radio programs a number of times and ESD representatives declined. ESD had participated in earlier years.</li> <li>• P. 1, 3<sup>rd</sup> paragraph: ESD reports poor working conditions, such as lack of steady work, poor housing, and health risks, contribute to a need for supportive services. ESD should provide workers with information on farms with good working conditions and report on efforts to improve working conditions.</li> <li>• P. 2, 1<sup>st</sup> through 3<sup>rd</sup> paragraphs: ESD states that the lack of reported “labor shortages” and relatively flat wages signify a balance between supply and demand. (ESD did</li> </ul>	<p>In recognition of the feedback provided, Washington State’s Monitor Advocate will engage with Mr. Uriel Iniguez to learn more about how ESD can participate in radio programs led by the Commission on Hispanic Affairs. ESD also provided clarification around the value of “staff assisted job orders” and modified the language discussing labor shortages to acknowledge that the availability of labor is of concern in Washington.</p> <p>ESD recognizes that the outreach stations, also known as the orange trailers, where popular among growers and MSFWs. While ESD no longer uses these orange trailers, we use other methods of outreach that are similar including the deployment of mobile tents along roadways in rural areas to help match workers and employers.</p> <p>ESD acknowledges that concerns remain in regards to the safety and health of MSFWs. While ESD does not serve in a leading capacity on these specific issues, ESD will continue to collaborate with agencies such as the Department of Labor &amp; Industries, Department of Agriculture &amp; Department of Health to resolve these issues. An example of these efforts includes a workgroup meeting attended by State agencies that serve the agricultural industry in an effort to enhance collaboration and increase communication with stakeholders.</p>

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		<p>report on one atypical spot shortage.) The last reported average annual earnings per worker dropped 2.1 percent from 2009 to 2010. Employment Security Department, 2011 Agricultural Workforce Report at 21.</p> <ul style="list-style-type: none"> <li>• P.3, paragraph 2: ESD reports on various outreach activities intended to reach farm workers. Efforts to reach workers close to where they live and work are most effective. (See first bullet above.) ESD should collect information on the effectiveness of its outreach activities and report this information.</li> <li>• P. 7, paragraph 3: It would be helpful for ESD to describe “staff assisted job orders” and why they are more effective in facilitating recruitment.</li> </ul> <p>Thank you for your consideration of these comments.</p>	
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