CERTIFICATION OF ENROLLMENT

**SUBSTITUTE HOUSE BILL 2226**

Chapter 233, Laws of 2024

68th Legislature

2024 Regular Session

EMPLOYMENT SECURITY DEPARTMENT—DATA COLLECTION—H-2A WORKERS AND HAND HARVESTERS

EFFECTIVE DATE: June 6, 2024

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| Passed by the House March 5, 2024  Yeas 56 Nays 39  LAURIE JINKINS  **Speaker of the House of Representatives**  Passed by the Senate February 28, 2024  Yeas 27 Nays 22  DENNY HECK  **President of the Senate** | CERTIFICATE  I, Bernard Dean, Chief Clerk of the House of Representatives of the State of Washington, do hereby certify that the attached is **SUBSTITUTE HOUSE BILL 2226** as passed by the House of Representatives and the Senate on the dates hereon set forth.  BERNARD DEAN  Chief Clerk |
| Approved March 25, 2024 1:48 PM | March 26, 2024 |
| JAY INSLEE  **Governor of the State of Washington** | **Secretary of State**  **State of Washington** |

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**SUBSTITUTE HOUSE BILL 2226**

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AS AMENDED BY THE SENATE

Passed Legislature - 2024 Regular Session

**State of Washington 68th Legislature 2024 Regular Session**

**By** House Labor & Workplace Standards (originally sponsored by Representatives Ortiz-Self, Berry, Gregerson, Ramel, Santos, Reeves, Reed, and Davis)

AN ACT Relating to collecting data on the H-2A worker program and from certain hand harvesters; adding a new section to chapter 50.75 RCW; adding a new section to chapter 50.38 RCW; and creating a new section.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF WASHINGTON:

NEW SECTION. **Sec.**  A new section is added to chapter 50.75 RCW to read as follows:

(1) Whenever the department conducts a field check or field visit of an employer, the department must collect the following information:

(a) The number of H-2A workers the employer has at each work site; and

(b) The actual geographic location of where the H-2A workers are living during their employment with the employer.

(2) The department must compile the information and compare the number of workers sought by an employer on the employer's H-2A application with the number of H-2A workers actually working for the employer.

(3) The department must make the information available to the advisory committee appointed under RCW 50.75.040 on a quarterly basis.

NEW SECTION. **Sec.**  A new section is added to chapter 50.38 RCW to read as follows:

(1) The department must conduct, or cause to be conducted, a comprehensive annual wage survey of non-H-2A workers hand harvesting apples, cherries, pears, and blueberries.

(2) At a minimum, the surveys must:

(a) Gather information on wage rates received for harvesting activities;

(b) Include a question concerning whether the survey respondent made an unemployment insurance claim in the same period of time used to compile any list of unemployment claimants used as a basis for the phone survey described in this section;

(c) Gather information on the respondent's age, gender, and whether the respondent was born in the United States or the number of years the respondent has lived in the United States; and

(d) Gather information on whether the respondent earned the reported wages while working on a farm that employed H-2A workers to do the same kind of work.

(3) The survey must:

(a) Be designed to receive responses from a minimum of 2,800 workers;

(b) Include field surveys designed to receive responses from a minimum of:

(i) 1,200 apple harvesters;

(ii) 200 pear harvesters;

(iii) 200 blueberry harvesters; and

(iv) 350 cherry harvesters; and

(c) Use best practices for administering a field survey of unknown populations.

(4) The survey may use a phone survey to gather the additional responses.

(5) The department must provide $25 incentive payments for survey respondents who are eligible to respond to the survey.

(6) The department must submit a report to the appropriate committees of the legislature annually by May 1st on surveys conducted under this section. The report must include:

(a) Information about the number of responses; and

(b) Individual responses, without names, including each respondent's answers to the inquiries described in subsection (2) of this section, except that unemployment claim data may be aggregated to the extent necessary to comply with federal law.

NEW SECTION. **Sec.**  If any part of this act is found to be in conflict with federal requirements that are a prescribed condition to the allocation of federal funds to the state, the conflicting part of this act is inoperative solely to the extent of the conflict and with respect to the agencies directly affected, and this finding does not affect the operation of the remainder of this act in its application to the agencies concerned. Rules adopted under this act must meet federal requirements that are a necessary condition to the receipt of federal funds by the state.

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Passed by the House March 5, 2024.

Passed by the Senate February 28, 2024.

Approved by the Governor March 25, 2024.

Filed in Office of Secretary of State March 26, 2024.