

SHB 2226 - S COMM AMD

By Committee on Labor & Commerce

ADOPTED AS AMENDED 02/28/2024

1 Strike everything after the enacting clause and insert the
2 following:

3 "NEW SECTION. **Sec. 1.** A new section is added to chapter 50.75
4 RCW to read as follows:

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

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

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

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

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

19 NEW SECTION. **Sec. 2.** A new section is added to chapter 50.38
20 RCW to read as follows:

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

24 (2) At a minimum, the surveys must:

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

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

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

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

7 (3) The survey must:

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

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

12 (i) 1,200 apple harvesters;

13 (ii) 200 pear harvesters;

14 (iii) 200 blueberry harvesters; and

15 (iv) 350 cherry harvesters.

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

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

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

23 (a) Information about the number of responses; and

24 (b) Individual responses, without names, including each
25 respondent's answers to the inquiries described in subsection (2) of
26 this section.

27 NEW SECTION. **Sec. 3.** If any part of this act is found to be in
28 conflict with federal requirements that are a prescribed condition to
29 the allocation of federal funds to the state, the conflicting part of
30 this act is inoperative solely to the extent of the conflict and with
31 respect to the agencies directly affected, and this finding does not
32 affect the operation of the remainder of this act in its application
33 to the agencies concerned. Rules adopted under this act must meet
34 federal requirements that are a necessary condition to the receipt of
35 federal funds by the state."

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1 On page 1, line 2 of the title, after "harvesters;" strike the
2 remainder of the title and insert "adding a new section to chapter
3 50.75 RCW; adding a new section to chapter 50.38 RCW; and creating a
4 new section."

EFFECT: • Provides the Employment Security Department must make the information from field check or visits related to H-2A workers available to the advisory committee, rather than the Office of Agricultural and Seasonal Workforce Services.

• Modifies the wage survey question for unemployment claims to claims in the same period of time used to compile any list of UI claimants used as a basis for the phone survey.

• Requires the survey to 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.

• Provides that the survey be designed to receive responses from a minimum of 2,800 workers, rather than to receive responses from a minimum of 850 total fruit harvesters.

• Allows the use of a phone survey.

• Modifies the individual responses, without names, to include each respondent's answers to be included in the report to the Legislature.

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