

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

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

Approved March 25, 2024 1:48 PM

JAY INSLEE

Governor of the State of Washington

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

FILED

March 26, 2024

**Secretary of State
State of Washington**

SUBSTITUTE HOUSE BILL 2226

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)

READ FIRST TIME 01/30/24.

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

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

6 NEW SECTION. **Sec. 1.** A new section is added to chapter 50.75
7 RCW to read as follows:

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

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

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

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

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

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

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

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

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

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

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

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

19 (3) The survey must:

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

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

24 (i) 1,200 apple harvesters;

25 (ii) 200 pear harvesters;

26 (iii) 200 blueberry harvesters; and

27 (iv) 350 cherry harvesters; and

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

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

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

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

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

38 (b) Individual responses, without names, including each
39 respondent's answers to the inquiries described in subsection (2) of

1 this section, except that unemployment claim data may be aggregated
2 to the extent necessary to comply with federal law.

3 NEW SECTION. **Sec. 3.** If any part of this act is found to be in
4 conflict with federal requirements that are a prescribed condition to
5 the allocation of federal funds to the state, the conflicting part of
6 this act is inoperative solely to the extent of the conflict and with
7 respect to the agencies directly affected, and this finding does not
8 affect the operation of the remainder of this act in its application
9 to the agencies concerned. Rules adopted under this act must meet
10 federal requirements that are a necessary condition to the receipt of
11 federal funds by the state.

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.

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