

December 23, 2019

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Jennifer Wakerhauser
Deputy Legal Counsel
Department of Workforce Development
P.O. Box 7946
Madison, Wisconsin 53707

SECRETARY'S OFFICE

Dear Ms. Wakerhauser,

At the October 23 Migrant Labor Council meeting, a committee of employer and worker advocates were tasked with investigating several concerns. It was requested that this new committee bring its findings to the full Migrant Labor Council. As the committee chair, I am writing to request information that is needed for the committee to complete its work. We would like to receive this information no later than Monday, January 20, 2020 in order to prepare for the January 29 Migrant Labor Council meeting. If the information requested is not available or cannot be provided, or if you need clarification about the information we are requesting, please contact me as soon as possible. My e-mail address is kevingm@sbcglobal.net, and my telephone number is (608) 216-0340.

The areas of concern raised at the October 23 meeting related to work agreements and the enforcement of the disclosure requirements of §103.915, Wis.Stats., as well as issues related to the work search requirements for unemployment insurance and collection of overpayments. The committee is also looking for information regarding migrant workers' access and usage of drivers licenses, but will seek information for the Wisconsin Department of Transportation on this matter.

Work agreements and required disclosures to migrant workers

With regard to work agreements and the required disclosures to migrant workers, the committee requests the following information:

1. We recently learned that the Department plans to update the Migrant Labor Work Agreement form (DETM-5223-F). As a committee with both employer and worker advocate representatives, we request the opportunity to offer feedback on the next version of the form. Please provide us with a current draft of the Work Agreement Form and let us know the appropriate way to offer any suggestions.
2. Please provide additional information concerning your current investigation and enforcement policies regarding work agreements and disclosures. We are not requesting information or discussions on past investigations. Instead, please describe, generally, the policies and procedures we can expect to see in the 2020 growing season. Specifically, we would like the following information:
 - a. Describe the steps the Department would take to determine joint employment in a case involving a labor contractor and farm owner.
 - b. In an ongoing investigation, describe steps that would be taken to determine whether the workers received or did not receive the required disclosures both at the time of recruitment and at the time of hire.
 - c. Describe the steps that would be taken to prevent retaliation by employers against

workers who share information with migrant labor inspectors. Describe any additional protective measures that would be implemented in a case of potential human trafficking.
d. Describe how the Department determines when to refer a case of suspected migrant labor abuses to the federal Department of Labor. How does the Department enforce the state migrant labor protections when a case is given to the federal enforcement agency?

Unemployment Insurance issues

We want to understand the financial effect of UI overpayment collection processes on Wisconsin's migrant workforce and their families. To help the committee determine the effect, we request the following information:

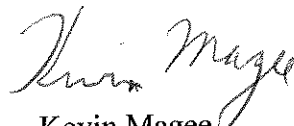
1. How many Wisconsin migrant workers have had benefit reductions and how many have overpayments remaining? We would like this information for each year from 2013 through 2018.
2. What is the median benefit reduction amount of a Wisconsin migrant worker?
3. What is median overpayment amount Wisconsin migrant workers owe?
4. Please provide the number of migrant worker UI applications for January 2010, January 2016, and January 2019.

If this information is not available for migrant workers separately, please provide this data for the following Zip Codes, which are for the Texas home communities for a majority of migrant workers coming to Wisconsin:

Brownsville: 78520, 78521, 78523, 78526
Eagle Pass: 78852, 78853
Edinburg: 78839, 78840, 78841, 78842
Harlingen: 78550, 78552, 78553
Hidalgo: 78557
McAllen: 78501, 78502, 78503, 78504, 78505
Mercedes: 78570
Mission: 78572, 78573, 78574
Pharr: 78589
Progreso: 78579
Weslaco: 78596

We believe that this information will allow the Migrant Labor Council to better evaluate the issues raised at the October 23 meeting and develop solutions to problems affecting both workers and employers. As I mentioned, if you are not able to provide this information by January 20, please let me know so that I can inform our committee.

Sincerely,



Kevin Magee
Migrant Labor Council