

Governor's Council on Migrant Labor Minutes

Wednesday, August 3, 2022

10:00 AM

Via MS Teams

Call to order: 10:00 AM CST

Meeting recorded via MS Teams at 10:00 AM CST

Roll Call taken by **Katie Mueller**

MEMBERS PRESENT:

Lupe Martinez, Ben Obergon, Erica Sweitzer-Beckman, Laura Waldvogel, Jose Martinez, Erica Kunze, Aimee Jo Castleberry, Rep. Jodi Emerson, Carolyn (Carrie) Flyte

MEMBERS ABSENT:

John Bauknecht, Senator Jerry Petrowski, Aimee Jo Castleberry, Kate Lambert, Senator Bob Wirth, Rep. Warren Petryk,

DWD STAFF PRESENT:

Tasha Jenkins (Bureau Director-BJS), Katie Mueller (Section Chief – BJS), Dom Tervalon (Program & Policy Analyst – BJS), Jennifer Wakerhauser (DWD Chief Legal Counsel), Rosa Ortega (Employment and Training Analyst – BJS), Pedro Albiter (Employment and Training Specialist – BJS), Mark Kunkel (DWD Rules, Records and Policy Coordinator) Beatriz Contreras (Employment and Training Specialist – BJS), Angelica Vasquez (State Monitor Advocate – BJS), Leticia Martinez-Guajardo (Employment and Training Representative – BJS), Diane Gertz (Employment and Training Supervisor – BJS)

OTHERS IN ATTENDANCE:

Gabriel Manzano, Priscilla Trevino, Maritza Caban, Heidi Rattner, Roderick Ritchson, Sylvia Solis, Juanita(Janie) Velasquez, Ashley Semington, Bridgit Adams, Alma Torres

AGENDA ITEMS

1. CALL TO ORDER:

Lupe Martinez called the meeting to order at 10:00 AM CST. The roll was taken by **Katie Mueller** and there were 9 members present which resulted in a quorum.

New members for council

Lupe and **Katie** started the meeting by introducing three new council members: **Representative Jodi Emerson (Eau Claire)**, **Ben Obregon**, and **Carrie Flyte**.

Representative Jodi Emerson serves on the State Assembly and just completed her second term. Worked in fighting human trafficking before being elected. She is working to make sure that migrant workers are being effectively served and protected.

Ben Obregon has been involved with a variety of groups (UMOS, legal action, migrant issues and programs) since 1980 when he came to Madison. Grew up as a migrant child out in the Western United States.

Carolyn (Carrie) Flyte from Flyte Family Farms in Coloma, Wisconsin. Current workforce includes 125 employees (14 full-time, the rest seasonal which includes some H-2A workers).

Lupe asked to take the motion to approve the Agenda for this meeting. **Jose Martinez** made first motion followed by **Erica Sweitzer-Beckman**. Agenda was approved.

Lupe moved on the approval of the meeting minutes from the January 19th and April 20th meetings. **Laura Waldvogel** motioned first for the January 19th, 2022 minutes then **Jose** seconded. **Laura Waldvogel** was also first to motion for approval of the April 20th, 2022 meeting minutes followed by **Erica Kunze** and **Aimee Jo Castleberry** seconding.

2. MIGRANT LABOR LAW UPDATES

Katie Mueller reported that as of August 2nd, 2022

MIGRANT HOUSING APPLICATIONS

- 229 Migrant Camp Applications received
 - 45 Migrant Workers Only
 - 166 H2A Visa Workers Only
 - 18 Both

MIGRANT HOUSING CERTIFICATIONS

- 213 Migrant and H-2A camps certified or partially certified

- 155 H2A Visa Workers Only
- 40 Migrant Workers Only
- 18 Both
- 2021: 205 Migrant and H-2A camps certified or partially
 - 135 H2A Visa Workers Only
 - 52 Migrant Workers Only
 - 18 Both

MIGRANT LABOR CONTRACTORS/CREW LEADERS

- 40 Contractors and 54 Agents certified
- 2021: 46 Contractors and 48 Agents certified

MIGRANT AND SEASONAL FARMWORKER OUTREACH (defined with in US Department of Labor's (DOL) terms):

- 2022: 1,181 (Total as of June 30th, 2022)
- 2021: 2,995

H-2A WORKER PROGRAM (End September 30th, 2022):

- USDOL has received H-2A 157 applications which DWD has processed.
 - From applications, 2,622 workers requested, 2,469 workers approved
- Fiscal Year 2021, USDOL received 137 applications which DWD processed.
 - 2,405 workers requested, 2,317 workers approved
- Received 20 more applications from the last fiscal year. 217 more workers requested with 152 more workers approved.

3. EMERGENCY RULES UPDATE

Katie Mueller started with Emergency Rule (EmR2204) which expired on July 28th, 2022. Updates were provided via Labor Alert to employers, contractors and camp operators on July 21st. DWD is currently working on the Permanent Rule by drafting suggestions for updates with internal review. Feedback has been received from council members and taken into consideration by DWD. During review DWD has engaged with DHS. A meeting will take places in next few weeks to explore some possible additions that could help in combating the spread of diseases in camps. Once review is completed DWD will work with Ad Hoc Committee to review the department's suggestions. No defined timeline at the moment.

4. AMERICAN RESCUE PLAN ACT (ARPA) UNEMPLOYMENT INSURANCE (UI) NAVIGATOR PROGRAM GRANT

Katie Mueller mentioned that DWD received the \$3 million American Rescue Plan Act (ARPA) UI Navigator Program Grant. Funding will help migrant seasonal farm workers and other underrepresented populations in better connecting with Unemployment Insurance (UI) support. DWD is working with UMOS in managing the grant funds and providing outreach.

Jose Martinez reported that new UMOs Director would be coming on board soon with additional positions being approved and posted focusing on UI Navigator Grant Program work. Location of working will primarily be on the eastern and central parts of Wisconsin. Outreach efforts will take place all over the state. Continuing to receive applications for the UI Navigator position. Looking for participation specifically in the Oshkosh, Wautoma, Stevens Point, Shawano and Keshena areas. Working on a solid outreach plan that will address key areas of concern. Collaboration with stakeholders, communities and employers will play a big role in building the plan. **Jose** touched on making efforts to reach out to those with language and technology barriers. He made it known that it's important that the UI Navigator assistance more that provide direct answers. UMOs want to establish 'How to's' for UI Navigator to utilize when working with individuals. A conference call is scheduled with DWD to solidify outputs.

Lupe Martinez added in by noting the importance of the migrant population having awareness of services when moving outside of Wisconsin to other states. He stated that the project would be challenging and interesting. Lupe suggested that Jose put a packet together that highlights the available positions to share with the council members.

Rep. Jodi Emerson wanted to know if there was a posting of the positions already out that can be shared. She knows of few people that would fit into some of the positions. **Lupe** answered with people interested can apply online. **Jose** added in by mentioning that the positions are currently posted on Indeed and UMOs' website. **Jose** also brought up an Indeed advertising issues that's affecting UMOs from spreading the word about the positions in some communities. UMOs HR is looking into solving this issue.

Erica Sweitzer-Beckman wanted to know if there was any preliminary information that could be shared with workers as they're heading home. **Jose Martinez** answered with information materials and packets being ready by late September/early October that would identify partners in Texas. A 1-800 phone number will be provided for the Navigator Program. Information for workers coming from Florida will be available as well. **Lupe** assured that UMOs would be able to be working with the Texas Workforce Commission.

Katie Mueller covered on updated on the Equity Grant from USDOL. DWD was approved for a \$6.84 million Equity Grant from USDOL. Grant is designed to promote equity among DWD's UI system which will lead to building more Spanish translation availability along with other languages.

5. AD HOC COMMITTEE ON MIGRANT LABOR UPDATES

Erica Sweitzer-Beckman said that focus will be on looking into changes around 301 and having discussions. She invited council members and others to join in discussions. From the discussions, the goal is to prepare the whole group of some of the proposed changes. Works has been done on UI issues with implementation changes being factored in. No scheduled

meeting at the moment waiting on DWD's drafting. Looking to have a finalized meeting date by the next council meeting.

6. AD HOC COMMITTEE ON MINIMUM HOURS GUARANTEE

Erica Sweitzer-Beckman stated that there are no updates since the last council meeting. Would like a meeting looking into next year to make any recommendations or updated discussion. Committee wanted employer representation of crop workers which was brought up in the last meeting. Seeing for participation for employers across different areas of agriculture outside of food processing.

7. OLD BUSINESS

Lupe Martinez shared that three new members have been re-appointed: **Erica Sweitzer-Beckman**, **Kate Lambert** and himself.

Lupe Martinez brought up a new items of discussion for today's meeting with **Katie Mueller** soliciting new topics that the group would like to see on upcoming meeting agendas. **Jose Martinez** suggested that wage and hours updates especially those that impact migrant and seasonal farm worker labor laws be shared at the meetings. **Erica Sweitzer-Beckman** agreed with **Jose's** suggestion. **Lupe** asked if **Katie** wanted to bring up the issue of the annual report. **Erica Sweitzer-Beckman** thought the wage and hour request was a good idea especially with DWD and USDOL representatives providing information. **Katie** touched on the Bylaws stating that the council submit a report to DWD in August that reports on the operations from the previous fiscal year. **Katie** noted that last year she submitted the report to the council for review. She said that **John B** mentioned the report was being dually submitted to DWD. Based on this information **Katie** wanted to know if the council wanted to repeat last year's process or do something different like working with a committee. **Katie** will move forward in drafting the report. **Lupe** asked for how the council would like to proceed. No suggestions from the council at the moment which leads to the continuation of last year's process. **Lupe** asked if **Katie** wanted to address referral pay. **Katie Mueller** said that **Erica** brought up a question. **Erica** mentioned referral pay being brought out over that last year. She had a concerns with use of referral pay in the context of migrant labor. The first concern that she had was that referral pay puts the worker in a potential role of taking on the responsibility of becoming a labor contractor without the intention of doing so. This is leading to involuntary identification as labor contractors among workers. If referrals are part of a workers pay, it should be outlined in worker's agreement. **Aimee Jo Castleberry** commented with her company uses seasonal referral bonuses and that there are no issues in their operational practices. **Aimee Jo** shared her company's application process for referral pay as well.

At 10:33 AM, **Lupe Martinez** left the meeting. He handed his duties over to **Erica Sweitzer-Beckman**.

Katie Mueller added to referral pay vs recruit discussion. **Katie** said that DWD has a definition of recruitment in 301.06 which refers to offering of migrant worker employment. **Katie** also stated that clarity from employers to workers would be helpful on what's needed for referrals. She noted that the bonuses section states that providing a bonus required unless for referral worker wage rates are affected. Updates are being made to 301 with open suggestions to add in any necessary edits.

Erica Kunze backed **Aimee Jo Castleberry** on the differences between recruitment and referrals. **Erica** suggested noting employee exceptions during the hiring process. Also having company's include information on payment of referrals to migrant workers.

Marty Lee expressed interest in attending future meetings. She made an offer to the council to accept her efforts and participation due to her connections with the tribes, migrant workers and UMOS.

8. NEW BUSINESS

None at the moment

9. PUBLIC COMMENT

Erica Sweitzer-Beckman briefly introduced the meeting interpreter which led to the first speaker: **Leonel Pasqual**.

Mr. Pasqual entered the meeting 5 minutes late but has been following the meeting since his entry. During the discussion he noticed that there was more focus on H-2A workers than migrant workers and their families. He had concerns of over the well-being of migrant families in Wisconsin. From his experience he pointed out working with H-2A workers without their family's present. **Leonel** explained that he'd like to see more assistance from UMOS especially with children of migrant families. **Jose Martinez** asked if **Leonel** had a fear of H-2A workers getting more work than migrants. **Leonel** answered yes.

Erica Sweitzer-Beckman reminded everyone that no agenda items can be taken at the moment. Contact information could be provided for follow up on any issues and concerns raised.

Rep. Jodi Emerson asked a question to **Mr. Pasqual** regarding not having access to schools for migrant children during either the summer months or the school year. **Leonel** answered access to schools in general (year-round) for migrant children.

Erica Sweitzer-Beckman asked if contact information from the speakers would be available because if it would could lead to future participation from the speakers in upcoming meetings regarding the issues and concerns that they bring up today.

Leonel Pasqual said that he'd be interested in information regarding upcoming meetings.

Erica Vasquez from UMOS verified that they had contact information for the speakers. UMOS would share upon request.

Mr. Pasqual was grateful for his opportunity to speak at today's meeting.

Nancy Avila (2nd speaker) wanted to share the needs that the immigrant population has like getting a proper driver's license/ID and access to housing especially in the Fond du Lac area where she lives. She also expressed buying and renting obstacles, language barriers specifically when working with counselors on paperwork. **Ms. Avila** wished for the council to consider these obstacles in further assisting the immigrant/migrant population. **Jose Martinez** asked **Nancy** about how many Honduran and Nicaraguan families there were in Fond du Lac. **Nancy** answered that she knew of 30 – 50. She said there could be more but, she didn't know for sure.

Indiria Alvarado (3rd speaker) brought up housing and rent difficulties in Beaver Dam along with ID/License access. She also mentioned limited access to child care due to capacity limitations and waiting list.

Ana Laura Deleon (4th speaker) said that access to bus routes was a problem. Especially with getting her son to the bus on time.

Isabel Laura was unable for today's meeting.

Maribel Loa (5th speaker) expressed need help learning and communicating in English. She hasn't had a real opportunity to learn or speak English. **Ms. Laura** was looking for housing assistance in Wautoma. **Jose** asked if **Maribel** called the 1-800 number. She did try getting information from the Wautoma office with no success and also tried contacting the Milwaukee office.

Maricel Acevedo (6th speaker) had concerns over housing in the Cambria area especially over contracts and renting. She brought up that companies provided housing to workers but not to families. Company housing would be separated by sexes. **Ms. Acevedo** also noted that workers are working few hours than contracts suggest.

Alma Torres shared a letter from one of the families that expressed concerns with issues regarding contracts, lack of financial support and injuries on the job. **Jose Martinez** asked if **Alma** had a copy of the letter. She didn't at the moment.

Joanna Vasquez (7th speaker) commented on behalf of her mother, nephew and brother who came from Texas. Her brother truck broke down as they were traveling to Wisconsin. **Johanna** helped with the issue to the best of her abilities. They're still trying to get the truck repaired. The hours works are limited and her mother has health issues. Her brother and nephew were housed with workers infected with COVID. **Johanna** requested a voucher from UMOS.

Nancy Andrade (8th speaker) said there were issues with UMOS head start child care in Beaver Dam with lack of staffing. She felt that Wisconsin residents were prioritized over newcomers to the state.

10. MIGRANT LABOR COUNCIL 2022 MEETING SCHEDULE

Katie Mueller shared the date of the next meeting, Wednesday, October 19th, 2022 at 10 AM. **Jose Martinez** confirmed that the Farmworker's Appreciation Day Picnic was canceled.

11. MEETING ADJOURNED AT 11:50 AM CST

DRAFT