

Governor's Council on Migrant Labor Minutes

Wednesday, January 29, 2020

10:00 AM – 12:00 PM

State Capitol - Governor's Conference Room

East Wing – 1st Floor

Madison, WI

Call to order: 10:00 a.m.

Roll Call

MEMBERS PRESENT:

Representative JoCasta Zamarripa, John Bauknecht, Kevin Magee, Lupe Martinez, Erica Sweitzer-Beckman, Steve Ziobro, and Kate Lambert

MEMBERS ABSENT:

Representative Bob Kulp, Senator Bob Wirth, Senator Jerry Petrowski, Guadalupe "Wally" Rendon, Jeanine M. McCain, and Erica Kunze

DWD STAFF PRESENT:

Bruce Palzkill (Deputy Division Administrator – DET), Amy Hansmann (Section Chief – BJS), Angelica Vasquez, Pedro Albiter, Andy Janssen, Pam McGillivray (DWD Chief Legal Counsel), and Jennifer Wakerhauser (DWD Deputy Legal Counsel)

GUESTS:

Shirley Aviles (UMOS), Ben Obregon (UMOS/Legal Action), Laura Waldvogel (Family Health La Clinica), Rod Ritcherson (UMOS), Mariah Hennen (Legal Action Wisconsin), Abby Bar-Lev Wiley (Legal Action Wisconsin), Erica Delgadillo-Coca (UMOS), Luis Carlos Gonzales Mejia (Mexican Consulate), Justin Koestler (Office of Rep. Zamarripa), Nancy Quezada (McKay Nursery), Juan Jose Lopez (WI Farmworkers Coalition), Alex Ysquierdo (Associated Bank), Rachel Fox Armstrong (Legal Action of WI), Naul Segovia (UMOS), Priscilla Tevino (Bonduelle), Aimee Jo Castleberry (Seneca Foods), Abby Wiley (Legal Action of WI), Brenda Martinez (Seneca Foods), Abigail Casillas (Del Monte Foods), Jane Larson (DATCP), Billy Joe Valdez (Bonduelle), and Jorge Flores (Bonduelle)

AGENDA ITEMS

1. Call to Order:

Chair, Representative JoCasta Zamarripa called the meeting to order. The roll was taken and there were 7 members present, constituting a quorum.

2. Approval of Agenda:

Lupe Martinez moved approval of Agenda for Wednesday, January 29, 2020 Representative **JoCasta Zamarripa** seconded. The motion was approved on a voice vote.

3. Approval of Minutes:

Moved by **Lupe Martinez** and seconded by **Kevin Magee** to approve the minutes of October 23, 2019. The motion was approved on a voice vote.

4. **Chair, Representative JoCasta Zamarripa** recognized the designation of Angelica Vasquez at the DWD liaison to the Council Secretary, per Article IV, Section 4.C. of the bylaws of the Governor's Council on Migrant Labor.

5. **Chair, Representative JoCasta Zamarripa**, announced that the Council would be given a presentation of Conflicts of Interest and Ethics/Open Meetings/Public Records law by **Pamela McGillivray**, Chief Legal Counsel at DWD.

6. Discussion of the modified Migrant Labor Worker Agreement

Deputy DWD Legal Counsel, **Jennifer Wakerhauser** gave a presentation of the updated/modified Migrant Labor Worker Agreement. She stated that it is the intent to finalize the Migrant Labor Worker Agreement so that it can be used for the upcoming season.

Erica Kunze submitted written comments to the Migrant Labor Council regarding her input on the Migrant Labor Worker Agreement. **Jennifer Wakerhauser** stated that would not read the entirety of the comments by Erica Kunze but would entertain comments or questions regarding them.

John Bauknecht – Asked if there were changes based on Erica's comments. **Jennifer Wakerhauser** stated that since she did not receive the comments from Erica Kunze until yesterday that she was only able to briefly review them.

Jennifer Wakerhauser stated that due to the time constraints and need to complete the work of finalizing the Migrant Labor Worker Agreement, there will be insufficient time to bring the document back to the Council. The goal today is to get as comments and suggestions from the Council that they can take under advisement as they finalize the document.

Kevin Magee talked about concerns regarding the use of "approximate." He would like a stronger and more clear definition of "approximate" as it relates to the "Term of Employment" in the Migrant Labor Worker Agreement.

Kate Lambert – Would like clarity about the expectation of when the actual beginning and ending dates of employment need to be filled out on the Migrant Labor Worker Agreement.

Erica Sweitzer-Beckman submitted a document to comment on the updated agreement. She has a concern about the check box under worker signature. She asserted that this should be more clearly that it is the responsibility of the employer to provide this confirmation. Also, she was concerned that the worker

interviews should be done in a confidential setting regarding disclosure. **Jennifer Wakerhauser** stated that is was not the intent of DWD to shift burden to worker. They will look to clarify this. **Erica Sweitzer-Beckman** said that attachments must be translated to Spanish also. **Jennifer Wakerhauser** said that the goal is to have a dual language form.

Kevin Magee agreed that **Erica Sweitzer-Beckman's** comments and suggestions are good particularly the comments about UI. He also said that the part about compliance with federal law issue is well taken.

Representative JoCasta Zamarripa talked about the urgency. **Jennifer Wakerhauser** said that DWD will try to get this done asap

7. Council designation of Ad Hoc Committees, per Article II, Section 4 of the Bylaws

- Committee on Human Trafficking
- Committee on Migrant Season Farmworkers

Representative JoCasta Zamarripa talked about needing to formalize these Ad Hoc Committees.

Jennifer Wakerhauser spoke about the updated draft of the Bylaws. The recommendation would be to follow the proper process under the current bylaws to create these Ad Hoc Committees.

Representative JoCasta Zamarripa moved to a create an Ad Hoc Committee on Migrant Seasonal Farmworkers. It was seconded by that **Erica Sweitzer-Beckman**. The motion passed on a voice vote. The members of the Ad Hoc Committee on Migrant Seasonal Farmworkers are **Kevin Magee**, **John Bauknecht**, **Erica Sweitzer-Beckman**, and **Erica Kunze**. **Kevin Magee** is the designated chair. **Mariah Hennen** to provide support as she has firsthand knowledge of issues facing MSFWs.

Representative JoCasta Zamarripa moved to designate the chair and members of the Ad Hoc Committee on Migrant Seasonal Farmworkers. It was seconded by **Erica Sweitzer-Beckman**. The motion passed on a voice vote.

John Bauknecht moved to create the Ad Hoc Committee on Human Trafficking, seconded **Kevin Magee**.

Kevin Magee had a question about process of creating this Ad Hoc committee because under the current bylaws it stated that the approval must take place at the next Council meeting.

Jennifer Wakerhauser stated that under the current bylaws the Council can call for the creation of this Ad Hoc committee, but the confirmation cannot take place until the next Council meeting.

Erica Sweitzer-Beckman asked if the Council could meet in a special session to create this Ad Hoc committee in order to avoid having to wait until the next Council meeting to confirm due to the important nature of the work.

Jennifer Wakerhauser said that a proposed Ad Hoc Committee could still meet if it is properly noticed but the members cannot be confirmed until the next meeting under current bylaws.

Kevin Magee suggested that the bylaws should be amended to allow for action on Ad Hoc Committees to be able to be form at a Council meeting without having to wait for confirmation of member until the next meeting of the Council.

John Bauknecht questioned the current language in the bylaws as creating somewhat confusing process to create these Ad Hoc Committees.

The discussion was centered around Section 4 of the current bylaws. The language should be amended to create a more clear and concise process to create and approve ad hoc committees.

Representative JoCasta Zamarripa announced that there is a motion on the table to form the Ad Hoc Committee on Human Trafficking. She asked if there was further discussion on the motion. The motion passed on a voice vote.

Representative JoCasta Zamarripa designated, Lupe Martinez, John Bauknecht, Erica Sweitzer-Beckman, Kate Lambert and herself as members of the Ad Hoc Committee on Human Trafficking. She also proposed to name Lupe Martinez as Chair.

Erica Sweitzer-Beckman asked if there could be a designated person from DWD to assist as a liaison between the Ad Hoc Committees and DWD. **Jennifer Wakerhauser** said she would take this request back to DWD and report back.

John Bauknecht stated that the Executive Committee, according to the current bylaws would need to meet before the next meeting to approve this item. This was confirmed by **Jennifer Wakerhauser**. She also reiterated that the Ad Hoc committee could still me if it was properly noticed and clearly stated that the Ad Hoc Committee has not yet been officially confirmed by the Council under current bylaws.

8. Legislative Updates:

Chair, Representative JoCasta Zamarripa - Gave an update on two pieces of legislation that she considers anti-immigrant. She discussed Senate Bill 151 (SB 151) which seeks prohibiting local ordinances, resolutions, and policies that prohibit the enforcement of federal or state law relating to illegal aliens or immigration status. She stated that this so-called anti-Sanctuary City legislation would penalize municipalities in Wisconsin that have such policies or ordinances in place. She expressed confidence that it would not pass both houses of the Legislature but would most certainly be vetoed by Governor Evers if that did happen. Additionally, she spoke about legislation that was sent around to members of the Assembly and Senate for cosponsors that would designate English at the official language of Wisconsin. According to Rep. Zamarripa, no members of the Assembly signed on to sponsor this bill and it is doubtful that it will be officially introduced this session.

John Bauknecht – US Supreme Court 5-4 decision about green card applications not being a financial burden. Lower courts stayed it but the us supreme court approved it. US creating a rule

Erica Sweitzer-Beckman – She discussed two pieces of legislation before the Wisconsin Legislature which could impact the migrant workers in this state. Assembly Bill 696 (AB 696) relates to penalties for violations related to the motor vehicle liability insurance requirement, proof of financial responsibility, requirements for registering motor vehicles, operating a vehicle without an operator's license or after suspension or revocation

of an operating privilege. Assembly Bill 669 (AB 669) – relating to repossession of collateral or leased goods. She stated this could make it easier to repossess vehicles.

Erica Sweitzer-Beckman also discussed the Farmworker Modernization Act that passed the U.S. House of Representatives. It is compromise between workers and employers that would allow H-2A workers temporary visas for year-round jobs. It also adds additional protections for H-2A workers and path to citizenship.

9. Migrant Seasonal Farmworker (MSFW) Program Updates: Amy Hansmann

Migrant Camps:

- 2020: 90 Migrant Camp Applications sent out
- 2019: 86 Migrant Camp Applications sent out

Migrant Camp Inspections:

- 2020: Inspections begin in late February
- 2019: 69 camps certified

Migrant Labor Contractors/Crew Leaders:

- 2020: 56 Crew Leader applications sent out
- 2019: 54 Crew Leaders certified

Migrant and Seasonal Farmworkers Outreach:

- 2020: 37 contacts since January 1, 2020
- 2019: Over 4000 contacts

Foreign Labor Certification (Program year: October 1st to September 30th):

- Adverse Effective Wage Rate (AEWR) \$14.40 for H-2A

H-2A (Temporary Agricultural Workers)

- 37 applications received since October 1, 2019
- 462 workers requested; 66 workers approved

H-2A Camp Inspections since October 1, 2019

- 16 housing sites inspected
- 13 housing sites certified

Events:

Wisconsin Employment & Training Conference (WETA), Wausau, Oct. 16-18, 2019

WIOA Roundtable, Green Bay, Nov. 12-14, 2019

OSHA Agricultural Connection, Stevens Point, Jan. 7, 2020

10. New Labor and Data requests under Wis. Stat. § 103.905(3)

Note: **Kevin Magee** to submit request for data/information in writing to DWD. **John Bauknecht** talked about the difficulty of finding "qualified" jobs and failure to do so puts farmworkers at risk or not qualifying for UI

benefits. **Kevin** talked about the work search requirements. If employer not hiring the worker could be charged with concealment.

11. Old Business:

12. Future Agenda Items:

13. Migrant Labor Council Dates

Angelica Vasquez

- Wednesday, April 22, 2020
- Sunday, August 9, 2020 (Tentative) – Public hearing in conjunction with the Farmworker's Appreciation Day Picnic
- Wednesday, October 21, 2020

14. Announcements:

15. Adjournment:

Chair, Representative JoCasta Zamarripa, moved to adjourn and it was seconded by **Lupe Martinez**. The motion was approved.

The Council adjourned at 11:36 am