

Governor's Council on Migrant Labor Minutes
Wednesday, January 31, 2018
10:00 AM – 12:00 PM
State Capitol
Room 225 NW
Madison, WI

Call to order: 10:00 a.m.

Roll Call

MEMBERS PRESENT:

Representative JoCasta Zamarripa, Representative Bob Kulp, John Bauknecht, Kevin Magee, Lupe Martinez, Melissa Cuevas, Jeanine M. McCair, and Steve Ziobro

MEMBERS ABSENT:

Senator Bob Wirth, Senator Jerry Petrowski, Guadalupe "Wally" Rendon, Erica Kunze, and Teresa Tellez-Giron.

DWD STAFF PRESENT:

Naul Segovia, Rosa Ortega, Angelica Vasquez, Pedro Albiter, Amy Hansmann, Charlotte Klenke, and Andy Janssen.

GUESTS:

Mariana Rodriguez (UMOS), Vianney Gaines (UMOS), Ben Obregon (UMOS), Janie Velasquez (UMOS), Mirta Prado (Birds Eye Foods), Leslie Ptak (OSHA), Rod Ritcherson (UMOS), Jane Larson (DATCP), Darlene Waldsmith-Tagliapietra (UMOS), Erica Sweitzer-Beckman (Legal Action of WI), Sheila Robinson (Sojourner Family Peace Center), Priscilla Trevino (Bonduelle Group), and Colleen Flaherty (Office of Rep. Zamarripa).

AGENDA ITEMS

Roll Call

1. Call to Order:

Lupe Martinez called the meeting to order. Quorum was established.

2. Approval of Agenda:

- Approval of Agenda for January 31, 2018
 - Rep. Zamarripa moved approval
 - Kevin Magee seconded
 - Agenda was approved as amended on a voice vote

3. Approval of Minutes:

- Approval of Minutes of October 25, 2017
 - John Bauknecht moved approval
 - Rep. Zamarripa seconded
 - Minutes approved on a voice vote

4. Legislative Updates:

Rep. Zamarripa – Update on SB 529/AB 602 bipartisan bill by Rep. Zamarripa and Rep. Weatherston. Rep. Zamarripa was approached by Rep. Weatherston who had proposed to a woman who is a citizen of the U.S. but originally from Mexico. When they went to the Racine County Clerk's office to get a marriage license but were denied because his fiancé's birth certificate was not in English. Together, Rep. Zamarripa and Rep. Weatherston authored a bill to address this issue. The bills have had hearings in both the Assembly and Senate. Rep. Zamarripa is optimistic that this legislation will pass.

Rep. Kulp – Expressed support for the legislation by Rep. Zamarripa and informed the Council that the legislative session was winding down. He also said the presentation on human trafficking was fascinating and would appreciate a follow up. He thanked the Council for all the work they do.

John Bauknecht – Stated that he would normally give a federal update but due to the ever-changing dynamics of the debates, anything he could add would simply be conjecture or speculation.

Kevin Magee – Spoke about the issue before the legislature to increase the penalties for concealment in UI cases. He gave an overview of the issue and the increases in penalties. The rules under consideration greatly increase the penalties for concealment. If the concealment is less than \$2500 (which is most of the cases), the proposed fine would increase from the current rate of \$100-\$500 to up to \$10,000 and potential jail time increases from 90 days to up to 9 months. When the concealed amount is between \$2500 and \$5000, it becomes a Class I felony. If the amount is \$5000-\$10,000 it would be a Class H felony. He explained that the author's rationale for this is that this is essentially stealing so the penalties should be in line with those of someone who breaks in a house and steals. Kevin explained that the issue is more complex because in UI concealment cases there is a decision rendered already that the individual

doesn't often fully understand their rights in these cases. He further explained that about 80% of decisions by UI in concealment cases are overturned. Kevin feels that given this, there really is no need for this legislation. He informed the committee that the bill was moving quickly through the legislative process.

Lupe Martinez – Expressed to the members of the Council that are in the Legislature to track this legislation and see if it will be moving forward. He looked to Rep. Zamarripa to check into it.

Rep. Zamarripa – Stated that she will check the status of this legislation and also said that with the session coming to an end in February, it is possible that there is not time enough to get this through.

The issue of concealment led to a discussion of how the changes in work search requirements had possibly led to more accusations of concealment and how this will impact workers who make honest mistakes.

5. Migrant Seasonal Farmworker (MSFW) Services:

MSFW Report – Amy Hansmann, Bureau of Job Service Section Chief (On behalf of Bureau of Job Service Director) – Amy gave that MSFW Report.

1. MIGRANT LABOR CAMP APPLICATIONS:

2017

- 84 Migrant Camp Applications were received and certified

2018

- 7 Migrant Camps Applications have been received
- 1 Migrant Camps have been inspected and certified.

2. CREW LEADER APPLICATION:

2017

- 54 Crew Leader Applications were received and certified

2018

- 10 Crew Leader Applications have been received
- 10 Crew Leader Applications have been certified

3. OUTREACH CONTACTS:

- 57

4. HOUSING CONSTRUCTION PROJECTS:

- Seneca Foods – Clyman (New Barrack) DWD Approved
- Oakwood Fruit Farm – Richland Center (New Barrack) DWD Approved
- Seneca Foods – Janesville (New Camp) decision pending

5. MEETINGS:

- Quarterly meetings with NFJP
- Wisconsin Farmworker Coalition, October 26 – UMOS, Milwaukee
- DET/UMOS MSFW - Pre-Season Meeting – Dane County Job Center, Madison-March 15
- DET/UMOS MSFW - Pre-Season Meeting – Waushara Co. Job Center, Wautoma TBD

6. TRAINING:

- OSHA Agricultural Connection, January 4, Stevens Point
- SMA and FLC will attend MAFO, April 8-11. Albuquerque, NM

7. COLLABORATION:

- UMOS – NFJP, Migrant Head Start, Migrant Childcare, Migrant Housing
- Mexican Consulate of Milwaukee
- Hispanic Interagency Meeting, Green Bay
- Casa Hispana Monthly Interagency Meeting, Menasha
- Latino Advisory Meeting, Menasha
- Other partners: Fed Wage and Hour, OSHA, Legal Action of WI, Family Health/La Clinica, Department of Public Instruction, HEP, Food Share, Food Pantries

FLC Report – Rosa Ortega

- 1. FLC Program is being regularly implemented – season is from October 1 to September 30.**
- 2. Adverse Effective Wage Rate (AEWR) \$13.06 for H2A**
- 3. 2018 H2A (Agricultural Workers)**
 - 20 applications received
 - 305 workers requested
 - 74 workers approved
- 4. 2018 H2A Camp inspections**
 - 10 Camps inspected
 - 8 Camps certified
- 5. 2018 H2B (Non-Agricultural Workers)**
 - 29 applications received
 - 527 workers requested
 - 31 workers approved

John Bauknecht – Asked Rosa if she expected an increase in H2A workers for this season. **Rosa Ortega** responded that she did expect a bit of an increase.

Kevin Magee – Posed a question to Rosa about workers that come to Wisconsin to do construction types of work. He gave an example that an application will state that workers will be here January to November but the workers won't be here for the entire time. It makes it difficult to contact the workers because of this. **Rosa Ortega** explained that often, in these cases, the application will include a motel or apartments for accommodations which then must be inspected. Kevin Magee asked if there was to get the employer to state when the workers will be here. **Rosa Ortega** responded that this would need to be addressed by the U.S. DOL.

7. Human Trafficking:

Note: Due to some members having to leave the Council meeting earlier, this presentation took place at the beginning of the meeting.

Maria Rodriguez & John Bauknecht – Gave a 30-minute presentation on the work they are doing in the area of human trafficking.

- **Sex trafficking**-- a commercial sex act is induced by force, fraud or coercion, or in which the person induced to perform such an act has not attained 18 years of age; or
- **Labor trafficking**--the recruitment, harboring, transportation, provision, or obtaining of a person for labor or services, through the use of force, fraud, or coercion for the purpose of subjection to involuntary servitude, peonage, debt bondage, or slavery.

UMOS receives funding from U.S. Department of Health and Human Services, Rescue & Restore Victims of Human Trafficking Regional Program Grant, to raise the awareness of sex and labor human trafficking in the metro Milwaukee area and other targeted counties, leading to increased victim identification and improved service response to the needs of foreign nationals victims of human trafficking.

Targeted counties include: Milwaukee, Waukesha, Racine, Kenosha, and Ozaukee.

Victims are Entitled to Protection & Assistance in the U.S. regardless of their Immigration Status

Questions:

Rep. Zamarripa asked whether this is labor trafficking or sex trafficking. **Mariana Rodriguez** responded that it is both.

Rep. Kulp made comments that it is incumbent upon all of us to treat all humans with dignity and respect. He stated that this issue was very close to he and his wife. In addition, he offered legislative assistance if needed.

Lupe Martinez talked about the overall issues and problems with both sex trafficking and labor trafficking.

Mariana Rodriguez wrapped up by saying that we should not just look at this as an issue with women as victims of sex trafficking and working trafficking because the majority of victims are young men.

Rep. Kulp asked what their definition was of trafficking. **Mariana Rodriguez** responded that they use the federal definition. There is a huge problem of debt servitude.

John Bauknecht said that one thing that has become more and more difficult has been the debate on immigration. As the rhetoric has become more divisive it has made it more difficult to reach out to this population.

Rep. Kulp asked if sub-minimum wages were considered part of the trafficking issue. **Mariana Rodriguez** responded that the issue of sub-minimum wages is more of a fraud issue.

8. Old Business:

There was no old business discussed.

9. New Business:

Angelica Vasquez – Announced to the Council that Dr. Enrique Figueroa has decided to resign from the Governor's Council on Migrant Labor and has informed the Governor's appointments secretary of this decision. This brings the number of vacancies on the Council to three (1 – Advocate and 2 employer representatives).

Lupe Martinez – Stated that Dr. Figueroa was a migrant representative on the Council. He said the Council has two vacancies on the employer side and now one on the migrant side. In addition, he expressed some frustration of how long it has taken to fill vacancies on the Council. He said that it took years to finally fill all the Legislative spots on the Council. He stated that he would be working with Angelica and DWD to get more people to apply for the Council.

Lupe Martinez – Spoke about the Farm Workers Coalition that also meets on a quarterly basis as the Council. This is a coalition made up of various groups that reach out to and touch the migrant workforce. He said that the Farm Workers Coalition wants to have a Migrant Farm Workers Summit. The dates are June 19th and 20th in at the Best Western Premier - Oshkosh in conjunction with the annual UMOs Head Start training. An invitation to members of the Council is forthcoming.

Angelica Vasquez – Announced the upcoming Governor's Council on Migrant Labor meetings.

Migrant Labor Council 2018 Dates:

- Wednesday, April 25, 2018
- Sunday, August 5, 2018 (Public Hearing in conjunction with the Farmworker's Appreciation Day Picnic - Montello)
- Wednesday, October 24, 2018

10. Announcements:

There were no other announcements.

11. Adjournment:

The Council adjourned at 12:00 p.m.