

Draft Agenda
Ad Hoc Committee on Migrant Seasonal Farmworkers
Wednesday, May 25, 2022
10:30 am

I. Welcome and Introductions – Erica Sweitzer-Beckman (SB)

Meeting started at 10:34 AM

a. Roll call of Current Committee Members

- i. Erica Sweitzer-Beckman - present
- ii. John Bauknecht – not present
- iii. Erica Kunze – not present
- iv. Aimee Jo Castleberry - present
- v. Kate Lambert – not present
- vi. Laura Waldvogel –present

b. Intro of Other Council members present

- i. Jose Martinez – VP of UMOs

c. Introductions of meeting attendees

- i. Ashley Semington – Legal Action
- ii. Heath Bierman – DWD Job Service Supervisor
- iii. Jim Chiolino – DWD UI Division Administrator
- iv. Beatriz Contreras – DWD MSFW Outreach Worker
- v. Diane Gertz – DWD Job Service Supervisor
- vi. Janell Knutson – DWD UI Bureau of Legal Affairs Director
- vii. Caitlin Madden – DWD Deputy Legal Counsel
- viii. Leticia Martinez Guajardo – DWD MSFW Outreach Worker
- ix. Maria Ornelas Pelayo – DWD Employment and Training Specialist
- x. Rosa Ortega – Foreign Labor Certification Coordinator
- xi. Andrew Rubsam – DWD UI Bureau of Legal Affairs Senior Attorney
- xii. Jason Schunk – DWD UI Deputy Division Administrator
- xiii. Angelica Vasquez – DWD State Monitor Advocate

Do not have quorum

Erica – We can still have a discussion on these items without quorum. Thank you to the number of DWD staff on this call to have this discussion

II. Approval of Agenda

Tabled until next meeting because of lack of quorum

III. Review and Approval of Meeting Minutes

a. April 11, 2022 Meeting Minutes

Tabled until next meeting because of lack of quorum

IV. Old Business

a. Discussion with DWD UI regarding the recommendations sent to Council and DWD from committee

Erica SB – welcomed UI asked if there was anything Jim wanted to add that was not shared at the council meeting

Jim C – Nothing additional to add, we will respond to any questions you have. One update though, UI launched new UI portal where initial claims can be filed in Spanish. As of last week had over 20 individuals file using the Spanish portal

Erica SB – One suggestion – can we think for a few more examples of work search options to include in the examples found in the UI handbook that pertain to the situations of migrant workers.

Provided link to handbook: <https://dwd.wisconsin.gov/uiben/handbook/pdf/ucb10print.pdf> page 4 has the examples.

Jim C – do you have suggestions that could be added there?

Erica SB – I know that work search waivers are allowed for those in WIOA provided training. Are we missing any training programs in Texas that we could be connecting people too?

Jose Martinez – How do you facilitate a connection in Texas with the workforce individuals? Maybe facilitating training of Texas staff to be able to assist. Maybe adding contact information to the Texas workforce system to the handbook.

Jim C – If adding anything to the handbook, it would need to be in generic terms. We also need to balance adding additional information with the length of the handbook. It is already very long.

Jose M- can UI add a listing by state a number they can call and connect with a navigator? The idea is to connect workers with a training that would be eligible for a work search waiver so that these workers who live in employment deserts can meet the work search requirements when there are no employers to apply to in their area.

Are there other trainings that could be used? If they are participating in ESL trainings, is that accepted as a training for their UI work search waiver?

Jim C – We can take this back to discuss.

Jose M – What other trainings that could be provides as examples?

Erica SB – My understanding is that an approved training program is an exemption of work search actions so maybe clarifying it in the handbook. We are having a harder time connecting with workforce staff in Texas. Is it possible to identify links in certain states and broaden the types of approved training programs?

Jim C – Will need to take it back to my team to discuss and provide more information

Jim C – UI could add a line in the handbook about approved training waiver but then more information would also need to be included about what approved training is and it could generate more confusion.

Erica SB – Can Wisconsin offer the training program and it be done virtually with a worker in Texas? What are the approved training programs and how can we connect workers to approved trainings?

Jim C – We can work internally to discuss. Creating greater access to training programs may be a DET issue.

Jose M – Can UI put language in the handbook so the workers know that they can get into a training program. UMOs is working with Texas workforce offices and programs in Texas, MET is the NFJP.

Erica SB – Jose, could you and I work together to draft a flier that we could give to migrant workers that list the Texas resources and contacts?

Jose – Yes, we can do that

Janell indicated that "approved training" is defined by statute in s. 108.04(26)(a).

Erica SB – There is frustration with the work search for both workers and employers. The work search is not meaningful since workers already have a job lined up.

I have some suggestions for acceptable actions that could count as a work search that I am wondering if UI will consider:

Would calling your Wisconsin employer to check on a call back date be a valid work search action?

UI – The initial thought is "no." I do not think so; calling employers to see if they are hiring is not a valid work search action so this seems similar so it would not be a valid work search

Erica SB – I think it is different because the worker has a job and so the call back dates may change, there are different seasons and different crops that affect the call back dates

Aimee Jo Castleberry (AJC) – Employers have ag start dates and production state dates; may have a crew that comes in May and some that start in harvest, different crops have different start dates. Times do fluctuate for when workers come back.

Jose M – our seasonal programs are tied to the weather. Has there been consideration given to what other states may do?

Jim C - Start date may be different. Even with a waiver, the waivers are not for more than 12 weeks

Janell – If there are specific law changes you recommend, the Committee could write a letter to me for the UI Advisory Council. You could send the letter before the November meeting. The more detail and rationale included in the letter, the better. Council has discussed different concerns about the work search and work search waiver mostly for construction so providing information from a different industry would be good for the Council to hear. Looked back at previous meetings of the UI Advisory Council and have not found specific concerns with specific law changes regarding this industry and population. November is the meeting when the Council hears and reviews suggestions for law changes.

Erica SB – There are some exemptions in federal legislation that indicate that a call back to check on a start date is different than a cold call asking if an employer is hiring because the action is tied to the labor market.

Jim C – I tend to think it would not meet the requirement, but I could be wrong. We can look into it.

Erica SB – what type of information would be helpful to inform that decision?

Janell – What we hear from the Council all the time is that they see Wisconsin employers are looking for workers all the time so they may not see a need to provide a work search waiver.

Jose M – Agricultural work is seasonal so can workers contact seasonal employers in Wisconsin knowing that the employer does not have available jobs yet and count that as a work search action

Janell – No, that would not be a work search action because there is no work available. Do the migrant workers travel to other states to work on their way to Wisconsin?

Jose M – we have two groups of migrant workers, one group who go from location to location following the growing season who have no real permanent address and another group of migrant workers who go from one point, a permanent residence, to another for seasonal work

Erica SB – Will email UI folks a few more work search action suggestions for their consideration.

AJC: From an employer's perspective, having employees contact the employer to verify state date and confirm employment for the upcoming season would be extremely beneficial to the employer

Action items:

- UMOS and Legal Action will work on a flier that would include information about improved programs
- Draft letter and outlining items that the committee might want the UI advisory council to receive Erica SB to take the lead on the draft, Katie will send out to other committee members
 - Jose suggested looking to see if any Midwest states who have made changes to their UI laws regarding seasonal agricultural employment
- UI and DET will meet to discuss follow up from the meeting and the possibility of identifying one number per state for people to contact with work search questions.

V. New Business

a. Discussion on Committee's Scope – Assisting with updates to Admin Code DWD Ch. 301

Committee Scope: The committee focus is on general migrant farmworkers issues.

Katie Mueller: Asking the committee to determine if they think it is within their scope to work with DWD to review and make suggestions to Admin Rule updates. Would like the committee to work on the Admin Rule changes before taking them to the whole Council for their approval. Would like to submit for Council approval in January 2023.

Erica SB: I would say this is part of the scope of the committee and this committee is a working committee so it would be a good fit.

AJC: Agrees that the committee could assist.

Erica SB: Asked if DWD would accept suggestions ahead of a committee meeting and when they should be submitted to DWD

KM: Send suggestions for updates to Admin Rule to Katie by June 17, 2022. Will send out an email to all Council members to submit their suggestions by that date as well. DWD will committee schedule a meeting in late summer to work on the rule. The committee will be able to view all of the suggestions sent by Council members and DWD's first draft of rule changes.

VI. Announcements/ Future Items

- a. The next meeting of the Governor's Council on Migrant Labor is Sunday, August 7, 2022, at 11:00 am**
- b. Other announcements by committee members**

Meeting adjourned at 11:43 AM.