

January 19, 2022

Secretary-designee Amy Pechacek
201 E. Washington Ave.
Madison, WI 53707

Dear Secretary-designee Pechacek,

The Governor's Council on Migrant Labor is submitting this annual report per the council's bylaws that state, "The Council shall, in August of each year, submit to the Department of Workforce Development a report on its operation during the fiscal year concluding the preceding June 30. Pursuant to Wis. Stat. § 15.09(7), the report will be on the operations of the Council."

The Governor's Council on Migrant Labor is tasked with advising the department and other state officials on any matter affecting migrant workers; ascertaining the conditions under which migrant workers are recruited, employed, housed and protected; reviewing the minimum hours guaranteed under s. 103.915 (4) (b) and making recommendations to the legislature of any changes the council finds necessary; studying the coordination of federal and state statutes and rules designed to assist, serve or protect migrant workers and recommend to the department, legislature and other appropriate state agencies any changes in statutes or rules necessary to achieve uniformity insofar as possible between such state and federal statutes and rule; and reviewing rules submitted by DWD.

The council consists of legislators, migrant labor advocates, and employers of migrant workers to provide input from different stakeholders when completing council duties. The council is scheduled to meet quarterly and is staffed by the Division of Employment and Training, Bureau of Job Service.

The council is submitting this Annual Report of Activities from July 1, 2020 – June 30, 2021 to the department. The council was able to shift to virtual meetings due to the pandemic and still meet to discuss the issues that affect migrant workers. The pandemic hit migrant workers harder than other populations. Migrant workers are essential workers who continued to work while the rest of the world was shut down. They often live in congregate housing and have a more difficult time accessing health care.

The council worked with the department to address some of these concerns through the promulgation of emergency rules that revised Wis. Admin. Code Chapter DWD 301 to provide additional protections for migrant workers against the spread of COVID-19 and worked with stakeholders to learn and share information regarding the vaccine and vaccine distribution among migrant workers in Wisconsin.

Please accept this report on behalf of the Governor's Council on Migrant Labor.

Lupe Martinez, Vice-Chair
Governor's Council on Migrant Labor

Contents

Introduction	3
Council Members	3
Council Meetings	4
August 9, 2020	4
October 21, 2020.....	4
January 27, 2021.....	4
April 21, 2021	4
Council Activities.....	5
Response to COVID-19	5
Updated Bylaws	5

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Introduction

The State of Wisconsin governs the use of agricultural migrant labor in Wisconsin through Wis. Stat. §§ 103.90 to 103.97 and Wis. Admin. Code Ch. DWD 301. The Department of Workforce Development administers and enforces the rules and regulations. The Governor's Council on Migrant Labor is required under § 103.967 to:

1. Advise the department and other state officials on any matter affecting migrant workers.
2. Ascertain the conditions under which migrant workers are recruited, employed, housed and protected.
3. Review in July of every odd-numbered year the minimum hours guaranteed under s. 103.915 (4) (b) and recommend to the legislature any changes the council finds necessary.
4. Study the coordination of federal and state statutes and rules designed to assist, serve or protect migrant workers and recommend to the department, legislature and other appropriate state agencies any changes in statutes or rules necessary to achieve uniformity insofar as possible between such state and federal statutes and rules.
5. Review rules submitted by the department under § 103.968.

Additionally, the council has approved bylaws that govern the processes and procedures of the council as it performs these duties.

The Governor's Council on Migrant Labor consists of six representatives of employers of migrant workers, six representatives of migrant workers and their organizations, and two members of the Senate and the Assembly respectively, equally divided between the two major political parties. See *Wis. Stat. § 15.227(8)*.

Council Members

The Governor's Council on Migrant Labor Members
July 1, 2020 – June 30, 2020

Legislative Appointees

Rep. Bob Kulp (resigned December 31, 2021)
Sen. Jerry Petrowski
Sen. Robert Wirch
Rep. JoCasta Zamarripa (resigned December 31, 2021)

Representatives of Migrant Worker and Their Organizations

John I. Bauknecht, UMOS
Jose Martinez, UMOS
Lupe Martinez, UMOS
Guadalupe "Wally" Rendon, Educators Credit Union

Erica Sweitzer-Beckman, Legal Action of Wisconsin
Laura Waldvogel, Family Health La Clinica

Representatives of Employers Who Hire Migrant Workers

Aimee Jo Castleberry, Seneca Foods Corporation
Erica Kunze, Lakeside Foods
Kate Lambert, Bonduelle
Jeanine M. McCain, Plover River Farms Alliance
Nancy Quezada, McKay Nursery Company (resigned in November 2020)

Council Officers

Chair: JoCasta Zamarripa
Vice Chair: Lupe Martinez
Secretary: Erica Sweitzer-Beckman

Council Meetings

The council met three times between July 1, 2020 and June 30, 2021.

Aug. 9, 2020 (canceled)

The Aug. 9, 2020 Governor's Council on Migrant Labor meeting was scheduled to take place at the Farmworker Appreciation Picnic; however, due to COVID-19 concerns, the picnic and meeting were canceled.

Oct. 21, 2020

The Oct. 21, 2020 Governor's Council on Migrant Labor meeting was held virtually via WebEx. Members present included Lupe Martinez, Erica Kunze, John Bauknecht, Jose Martinez, Aimee Jo Castleberry, Erica Sweitzer-Beckman, Kate Lambert, Laura Waldvogel, and Nancy Quezada.

Jan. 27, 2021

The Jan. 27, 2021 Governor's Council on Migrant Labor meeting was held virtually via WebEx. Members present included Senator Bob Wirth, Lupe Martinez, John Bauknecht, Erica Sweitzer-Beckman, Laura Waldvogel, Erica Kunze, Kate Lambert, and Aimee Jo Castleberry.

April 21, 2021

The April 21, 2021 Governor's Council on Migrant Labor meeting was held virtually via WebEx. Members present included Lupe Martinez, John Bauknecht, Erica Sweitzer-Beckman, Laura Waldvogel, Jose Martinez, Erica Kunze, Kate Lambert, and Aimee Jo Castleberry.

Council Activities

Response to COVID-19

In July 2020, the COVID-19 public health emergency shut down businesses and had most people working from home. As recognized by Gov. Tony Evers in the 2020 Emergency Orders #12 and #28, migrant farmworkers perform essential operations and play a vital role in harvesting Wisconsin's fields and producing food for consumption across the U.S. Along the way, they hand-pick crops, drive tractors and trucks, fix machinery, irrigate fields, process crops, can and package food, and more. The food supply chain depends on the work that migrant workers do.

Migrant farmworkers are at a greater risk for COVID-19 as they often live in congregate living facilities, work in close proximity to each other, and often do not have access to health care.

The council provided feedback to the department in promulgating and extending two emergency rules, EmR2014 and EmR2109, to provide additional protections for migrant farmworkers against the spread of COVID-19.

Once a vaccine became available, the council invited the Department of Health Services (DHS) to provide information regarding vaccine distribution and discussed ways to connect DHS with farmworkers and employers.

The council continues to monitor the status of COVID-19 and its effect on migrant farmworkers.

Feedback on Unemployment Insurance

The Council continues to provide feedback to the Department of Workforce Development on the issues that migrant workers encounter when applying for Unemployment Insurance and makes suggestions on improving access for migrant workers.

Updated Bylaws

The Governor's Council on Migrant Labor also worked on updating the council's bylaws. The bylaws had not been updated since 1993. The council worked with the department's Office of Legal Counsel to review and make updates. The updated bylaws were approved by the Council on Jan. 27, 2021.