
SENATE BILL 5996

State of Washington

68th Legislature

2024 Regular Session

By Senators Saldaña, Valdez, Hunt, Shewmake, Trudeau, Kauffman, and Conway

Prefiled 01/04/24.

1 AN ACT Relating to collecting data on the H-2A worker program and
2 from certain hand harvesters; amending RCW 50.75.020; and adding new
3 sections to chapter 50.75 RCW.

4 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF WASHINGTON:

5 NEW SECTION. **Sec. 1.** A new section is added to chapter 50.75
6 RCW to read as follows:

7 (1) Whenever the department conducts a field check or field visit
8 of an employer, the department must collect the following
9 information:

10 (a) The number of H-2A workers the employer has at each work
11 site; and

12 (b) The actual geographic location of where the H-2A workers are
13 living during their employment with the employer.

14 (2) The department must compile the information and compare the
15 number of workers sought by an employer on the employer's H-2A
16 application with the number of H-2A workers actually working for the
17 employer.

18 (3) The office must make the information available to the
19 advisory committee appointed under RCW 50.75.040 on a quarterly
20 basis.

1 NEW SECTION. **Sec. 2.** A new section is added to chapter 50.75
2 RCW to read as follows:

3 (1) The office must conduct, or cause to be conducted, a
4 comprehensive annual wage survey of workers hand harvesting apples,
5 cherries, pears, and blueberries.

6 (2) At a minimum, the surveys must:

7 (a) Gather information on wage rates received for harvesting
8 activities;

9 (b) Include a question concerning whether the survey respondent
10 made an unemployment insurance claim in the survey period; and

11 (c) Gather information on the respondent's age, gender, and
12 whether the respondent was born in the United States or the number of
13 years the respondent has lived in the United States.

14 (3) The office must:

15 (a) Utilize a phone survey designed to receive responses from a
16 minimum of 850 total fruit harvesters;

17 (b) Beginning fiscal year 2024, include field surveys designed to
18 receive responses from a minimum of:

19 (i) 1,200 apple harvesters;

20 (ii) 200 pear harvesters; and

21 (iii) 200 blueberry harvesters; and

22 (c) Beginning fiscal year 2025, include a field survey of cherry
23 harvesters designed to receive responses from a minimum of 350 cherry
24 harvesters.

25 (4) The office must provide \$25 incentive payments for survey
26 respondents who are eligible to respond to the survey.

27 (5) The office must submit a report to the appropriate committees
28 of the legislature annually by May 1st on surveys conducted under
29 this section. The report must include:

30 (a) Information about the number of responses; and

31 (b) Individual responses, without names, by age, gender, United
32 States birth or number of years in the United States, and whether the
33 respondent filed an unemployment insurance claim.

34 **Sec. 3.** RCW 50.75.020 and 2019 c 441 s 3 are each amended to
35 read as follows:

36 (1) The office of agricultural and seasonal workforce services is
37 established within the department.

38 (2) The duties of the office are:

- 1 (a) Processing and adjudicating foreign labor certification
2 applications from employers;
- 3 (b) Processing complaints consistent with 20 C.F.R. Part 658,
4 Subpart E;
- 5 (c) Conducting field checks and field visits, as required by the
6 United States department of labor. When conducting a field check, the
7 office shall coordinate, to the extent possible, with the department
8 of labor and industries, department of health, and department of
9 agriculture in order to limit disruption to agricultural employers
10 and efficiently use government resources;
- 11 (d) Administering the discontinuation and reinstatement of
12 services process pursuant to 20 C.F.R. Part 658, Subpart F; (~~and~~)
- 13 (e) Conducting training and outreach activities to employers who
14 are using agricultural and seasonal workforce services and programs
15 within the employment security department; and
- 16 (f) Conducting surveys of agricultural workers in Washington
17 state under section 2 of this act.

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