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**HOUSE BILL 2226**

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**State of Washington**

**68th Legislature**

**2024 Regular Session**

**By** Representatives Ortiz-Self, Berry, Gregerson, Ramel, Santos, Reeves, Reed, and Davis

Read first time 01/09/24. Referred to Committee on Labor & Workplace Standards.

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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