



AGENDA

9:00 a.m. – 9:30 a.m.
 9:30 a.m. – 10:45 a.m.

Welcome – State of H-2A Nationally and Locally
GENERAL SESSION I: RECRUITING & ONBOARDING
 Vincente Vargas, Reddes; Jeff McLean, David Guzman, Luis Guitron, wafila

- Recruiting 2.0: Getting the Best
- Onboarding
- Managing Expectations

The most important concern is to find workers who want to work hard, learn your processes, and continue to work hard for many years to come and that is what this session is about. We kick off with a presentation from Vincente Vargas, the President of Reddes Sociales para Desarrollo, an agency who works with employers in Mexico to identify the social and political conditions in a given region that are most likely to produce the best workers. Next wafila Field Services Director Jeff McLean presents an onboarding checklist to prepare workers to excel. Field Services Manager David Guzman shares his experiences operating a family farm in Guerrero, Mexico where he recruited workers, and Field Services Manager, Luis Guitron, has run crews of domestic and foreign workers. David and Luis share tips for effective communication and progressive discipline once the work begins.

11:00 a.m. – Noon
 Noon – 1:15 p.m.

MORNING TRACKS

LUNCH. LEGISLATION AND ACVOCACY.
 Lee Wicker, NCGA; Jon Devaney, WSTFA; Fred Likke, Save Family Farms;
 Chris Cargill, Washington Policy Center

- The Truth About the AG Guestworker Bill
- Employment Security Department’s Proposal to Charge H-2A Employers
- Friends of wafila/Farmers Contributions

They say creating legislation is all about making sausage, so what better time to discuss it than over lunch? We kick off by asking the question: *Why didn’t the Ag Guestworker Bill advance?* Lee Wicker is the Executive Director of the North Carolina Grower’s Association and a founding member of USA Farmers, the association representing H-2A employers in D.C. We shift to Washington state, where Washington State Tree Fruit Association Executive Director Jon DeVaney briefs us on surviving the blue wave that will descend on Olympia in January. We wrap up with our “Friends of wafila Contributions” to Save Family Farmers, USA Farmers, Washington Policy Center, and Washington State Tree Fruit Association for the work they did in 2018.

1:30 p.m. – 2:30 p.m.
 2:45 p.m. – 3:45 p.m.
 4:00 p.m. – 5:00 p.m.

AFTERNOON TRACKS

LATE AFTERNOON TRACKS

GENERAL SESSION II: LEADERSHIP
 Adam Belzberg, Stoel Rives, LLP; Dan Fazio, wafila; Eric Levesque, Plant Sciences; John Griggs, Griggs Farms; and Dave Burnett, Burnett Orchards

- Are You Evaluating Workers Correctly?

- Supervisory Leadership Panel

What we learned from the morning session is how to select good workers and motivate them properly. This session starts by exploring the regulations of prohibiting blacklisting. What is blacklisting? Adam Belzberg, a labor attorney, who is well versed in recent litigation surrounding this topic explains. Dan Fazio, of wafla, explores how you can make sure that your list of preferred workers is helpful to your recruiters and doesn't cross the line. We conclude with a panel of employers: Eric Levesque, Dave Burnett, and John Griggs who have successfully mastered the fine art of leadership as related to H-2A workers. They will tell you what works for them, and challenge some long-held beliefs we all have about seasonal workers.

TRACKS		
<p>One-hour tracks at 11 a.m., 1:30 p.m. and 2:45 p.m. ATTENTION: There is also a shuttle available to tour the nearby fully renovated H-2A compliant worker housing at FairBridge Inn during these times. Catch the shuttle and enter a drawing to win \$2,000 off your next shuttle or bus purchase at the Northwest Bus Sales booth.</p>		
BASIC	INTERMEDIATE	ADVANCED
MORNING TRACKS 11:00 A.M.	MORNING TRACKS 11:00 A.M.	MORNING TRACKS 11:00 A.M.
<p>Worker Benefits. The Mexican Consulate discusses programs it offers Mexican nationals.</p> <p><i>Farid Alejandro Soberanis Garcia, Mexican Consulate; Samantha Mendoza, wafla</i></p>	<p>Designing Your H-2A Contract. Joint employer contracts; transferring workers; pros & cons of long and short contracts.</p> <p><i>Leon Sequeira, Employment Attorney; Lee Wicker, NCGA; Ryan Ogburn, wafla</i></p>	<p>Labor Unrest. A tale of three farms; what's up in Skagit/Whatcom.</p> <p><i>Fred Likke, Save Family Farming; Dan Fazio & Jeff Mclean, wafla</i></p>
AFTERNOON TRACKS 1:30 P.M.	AFTERNOON TRACKS 1:30 P.M.	AFTERNOON TRACKS 1:30 P.M.
<p>H-2A Workers' Comp. Soup to Nuts. Offering light duty; KOS; extending visas; use of housing by disabled workers.</p> <p><i>Lori Evans, Labor & Industries; Ryan Ogburn, wafla</i></p>	<p>Agency Updates. Social Security Admin.; L&I (DOSH Inspections); ESD survey.</p> <p><i>Mark Strong & Brian Goodell, Social Security Administration; Bruce Christian & Jeanne Cash Henke, Labor & Industries; Dan Fazio, wafla</i></p>	<p>Recruiting Best Practices. Pre-employment physicals or drug tests; hiring family; other ideas to qualify or select workers.</p> <p><i>Leon Sequeira, Employment Attorney; Vincente Vargas, Reddes; Lee Wicker, NCGA; David Guzman, wafla</i></p>
LATE AFTERNOON TRACKS 2:45 P.M.	LATE AFTERNOON TRACKS 2:45 P.M.	LATE AFTERNOON TRACKS 2:45 P.M.
<p>Workers' Comp Scenarios. Send questions in advance or schedule an appointment with a workers' comp. specialist at the L&I booth.</p> <p><i>Lori Evans, Labor & Industries; Ryan Ogburn, wafla</i></p>	<p>Performance Evaluations. Evaluations as a tool to motivate and enhance performance; for cause terminations.</p> <p><i>Leon Sequeira, Employment Attorney; Jeff McLean, wafla; Lee Wicker, NCGA</i></p>	<p>Employer Responsibility for Foreign Worker Income Taxes. In some cases, employers MUST withhold federal income tax from worker pay; in other cases they are forbidden. Do you know the rules?</p> <p><i>Silvia Ramos, Silvia's Tax Service; Steve Davis, wafla</i></p>

TRACK DESCRIPTIONS

MORNING TRACKS

Worker Benefits (Basic)

The Mexican Consulate discusses programs it offers for Mexican Nationals.

Designing Your H-2A Contract Program (Intermediate)

Joint employer contracts; transferring workers; pros & cons of long and short contracts.

The simplest and most cost-effective H-2A contract is one employer and nine months every year – if you can justify this seasonal need and a labor shortage for nine months every year. Is it possible to conform your operation to this schedule? Leon Sequeria, Employment Attorney and Lee Wicker, NCGA will discuss the legal and practical considerations. Ryan Ogburn of wafila addresses alternate strategies for employers with shorter periods of need, using FLCs, or working together in joint employment situations.

Labor Unrest (Advanced)

A tale of three farms refers to the strikes or walkouts at three operations in 2017 and 2018. Since each grower handled it differently, you can learn a lot examining the results with the benefit of hindsight. From there, we move into the larger picture – labor unions and the right of workers to organize. Fred Likke tells you how Save Family Farming is combatting misinformation with a positive message in Skagit and Whatcom County, and Jeff McLean of wafila relates his first-hand experience working with “striking” workers at one of the farms.

EARLY AFTERNOON TRACKS

H-2A Workers’ Comp. Soup to Nuts (Basic)

Offering light duty; KOS; extending visas; use of housing by disabled workers.

The Washington state workers’ compensation system was not contemplated with foreign workers in mind. There is no provision for disability payments to be reduced when the workers are no longer living in Washington and the cost of living is dramatically reduced. Right now, L&I is creating partnerships with medical providers and physician referral services in Mexico to prepare for the increase in claims management. Employers should carefully consider policies like KOS for foreign workers. Lori Evans with L&I provides best practices and Ryan Ogburn of wafila provides guidance in this session.

Agency Updates (Intermediate)

Social Security Admin., L&I (DOSH Inspections), ESD Survey.

H-2A foreign workers must obtain a social security account number through the Social Security Administration (SSA). The SSA Yakima office covers the area from Yakima to Pasco and provides best practices for making this happen. Next, L&I DOSH provides a report on the health and safety inspections they conducted last summer, and the outreach planned for 2019. Finally, Dan Fazio of wafila will update you on the in-state piece rate survey.

Recruiting Best Practices (Advanced)

Pre-employment physicals or drug tests; hiring family; other ideas to qualify or select workers.

A foreign worker shows up at your farm and it is later learned that he has severe diabetes. Should the recruiter have known this? Should the employer conduct medical screening, and if so, for what conditions? Is it discrimination to test only foreign workers? How much does it cost? Should you do it? Next, we examine hiring family members and other recruiting ideas.

LATE AFTERNOON TRACKS

Workers' Comp. Scenarios (Basic)

Sign up at the Labor & Industries booth (FIRST THING!) to discuss your claims with a workers' comp. specialist. Whenever we invite the L&I workers' comp division, employers have questions about a specific case. So, schedule a 20-minute consult about your case.

Worker Performance Evaluations (Intermediate)

Evaluations as a tool to motivate and enhance performance; for cause terminations.

It's not working out with a worker. Is it better to terminate for cause, or ask the worker to sign a "voluntary abandonment" agreement in exchange for transportation home? What system do you use to determine whether a worker is eligible for rehire? Jeff McLean of wafla will show you the *wafla Performance Evaluation System*, a simple way to cover yourself and avoid liability.

Foreign Worker Income and Taxes (Advanced)

In some cases, employers MUST withhold federal income tax from worker pay, in other cases they are forbidden. Do you know the rules?

A foreign worker shows up and does not have a social security number. Is this person subject to backup withholding? Do they need to get a 1099? What happens when the person receives a social security number? Do you issue a 1099 and W-2 to the same worker? Answers to these and other H-2A tax issues will be covered in this track.