



STATE OF WASHINGTON
DEPARTMENT OF LABOR AND INDUSTRIES

P.O. Box 44000 • Olympia, Washington 98504-4000

February 22, 2024

To: Eric Thomas, Legislative Auditor
Joint Legislative Review and Audit Committee

From: Joel Sacks *JS*
Director

Re: **L&I RESPONSE TO JLARC PRELIMINARY AUDIT REPORT FINDINGS**

Thank you for the opportunity to respond to the Joint Legislative Audit and Review Committee's preliminary report titled "ESD Administration of the H-2A Temporary Worker Visa Program".

ESD provided L&I their response to the report's one recommendation. L&I is providing this response in addition to ESD's main response to note that L&I agrees with ESD's position and our commitment to work with ESD to meet the recommendation of the report.

RECOMMENDATION:

ESD should work with DOH, L&I, and WSDA to provide a plan for determining interagency coordination for field checks.

State statute requires that ESD coordinate with DOH, L&I, and WSDA in the execution of field checks. ESD is currently working on an interagency agreement with L&I to coordinate field check activity. ESD should provide the Legislature a plan for extending that interagency coordination to include DOH and WSDA as required by state statute. The plan should have clear timelines, measurable progress benchmarks, and achievable outcomes.

Legislation Required: None

Fiscal Impact: JLARC staff assume this work can be done within existing agency resources.

Implementation Date: November 30, 2024.

Agency Response: To be included in proposed final report.

AGENCY POSITION:

L&I concurs with the recommendation.

COMMENTS:

As ESD noted in their response, progress is already underway between L&I and ESD to develop an inter-agency agreement to establish a formal process for the coordination of field checks. L&I agrees with ESD's proposed content for these agreements and looks forward to continuing our collaborative efforts.

L&I would like to thank the JLARC audit staff for their work and dedication to this topic and we look forward to continued collaboration with JLARC on the additional L&I study to "Evaluate how L&I investigates and enforces laws about wages, hours, health and safety standards, and worker harassment, discrimination, or retaliation."

cc: Bertha Clayton, Agricultural and Seasonal Workforce Services (ASWS) Director,
Employment Security Department (ESD)
Juan Gamez, Lodging Manager, Department of Health (DOH)
Caitlin Gates, Sr. Policy Analyst, Department of Labor & Industries (L&I)