Commission on Hispanic Affairs 3rd **Quarter Commission Meeting**

Zoom: Join Zoom Meeting Meeting ID: 885 9419 8517

One tap mobile

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10:00-10:15 a.m. Call to Order

Approve Agenda Welcome/Icebreaker

10:15-10:30 a.m. Business

• Vote to approve minutes: April, May, July, August, August Special

Meeting

• Vote to approve Administrative Policies Chapter 16: Meetings with

Meals

10:30-11:00 a.m. Department of Labor and Industries Presentation

Understanding the Changes in Agricultural Overtime Laws: A

presentation about the changes to Agricultural employment overtime laws

11:00-11:10 a.m. Break

11:10-11:20 a.m. Vote: Commission Leadership – Chair, 2 Vice Chairs, 2 Executive

Committee Members

11:20-11:30 a.m. Commission Member Resignation and Recognition

11:30-11:40 a.m Reminder: Vaccine Verification

11:40-11:55am Redistricting Next Steps

11:55-noon Next steps

Noon Adjourn





COMMISSION ON HISPANIC AFFAIRS

COMISIÓN DE ASUNTOS HISPANOS

CHA Monthly Conference Call Friday, April 09, 2021 10:00AM – 11:00AM

Meeting called to order at 10:02 AM.

Roll Call:

| Name | Title | Organization | Present |
|---------------------|---|--------------|---------|
| Bernal Baca | Chair | СНА | YES |
| Brian Moreno | Vice Chair | СНА | YES |
| Candice Garza | Commissioner | CHA | YES |
| Jessica Hernandez | Commissioner | CHA | YES |
| Lili Navarrete | Commissioner | CHA | YES |
| Lina Alvarez | Vice Chair | CHA | YES |
| Lola Flores | Commissioner | CHA | YES |
| Randy Nuñez | Commissioner | CHA | YES |
| Rodrigo Renteria | Commissioner | СНА | YES |
| Eric Gonzalez | Commissioner | СНА | YES |
| STAFF | | | |
| María Sigüenza | Executive Director | СНА | YES |
| Nancy Rocha Aguilar | Communications and External Relations Manager | СНА | YES |
| Myra Hernandez | Operations and Special Projects Manager | СНА | NO |
| GUESTS | | | |

Dr. Karen Johnson, Equity Office

Jan Yoshiwara, Executive Director SBCTC

Alejandro Sanchez, Governor's Office

Agenda Approval

Chair Baca asked for any changes to the agenda. With no further discussion, the agenda was approved.

Minutes

Chair Baca asked for any changes to the minutes for March 6, 2021. Minutes were approved as read.

Dr. Karen Johnson - Inaugural Director, Office of Equity

- Dr. Johnson offered her perspective on:
 - o current statewide operations/policy & procedure for contracting, hiring and pay.
 - o data that is being collected is not representative of the diverse communities in WA, this data is being used to make important decisions.

- Dr. J shared that she is starting a five-year statewide equity plan will be developed and centered on race.
- Commissioner Randy asked about looking deeper into the categorizing of race for Hispanics and Latinos.

Jan Yoshiwara, Executive Director State Board of Community and Technical Colleges

- Provided an overview of the SBCTC System; the mission statement; and equity statement.
- Provided an overview of the Completion Strategy
- College students, 50%, are students of color. 16% are Latino,
- Currently focusing in on dual credit; financial aid outreach.
- System is poised to close in on equity gaps. It's projected that students of color are going to be the majority in the CTC systems.
- Requested feedback from Commissioners
- Time ran out: Commission will reengage with SBCTC for feedback.

Vaccine Update Provided by Commissioner Garza

- Meeting with Governor Inslee in Yakima with Chair Dr. Baca and Dr. Shaw.
- Additional funding being allotted for Telemundo/Univision.
- Communications- working with equity team to ensure that the messaging is clear about the vaccine and what is required to take the vaccine.
- As of April 16- everyone over 16 can get vaccinated.

Gang Solutions Roundtable: Update

- Executive Director Sigüenza shared about meetings she is having with community members on closing support services for gang-involved youth. More to come as conversations develop.



COMMISSION ON HISPANIC AFFAIRS

COMISIÓN DE ASUNTOS HISPANOS

CHA Monthly Conference Call Friday, May 14, 2021 10:00AM – 11:00AM

Meeting called to order at 10:02 AM.

Roll Call:

| Name | Title | Organization | Present |
|---------------------|---|--------------|---------|
| Bernal Baca | Chair | СНА | YES |
| Brian Moreno | Vice Chair | СНА | YES |
| Candice Garza | Commissioner | СНА | YES |
| Jessica Hernandez | Commissioner | CHA | YES |
| Lili Navarrete | Commissioner | СНА | YES |
| Lina Alvarez | Vice Chair | CHA | YES |
| Lola Flores | Commissioner | CHA | NO |
| Randy Nuñez | Commissioner | CHA | NO |
| Rodrigo Renteria | Commissioner | СНА | YES |
| Eric Gonzalez | Commissioner | СНА | NO |
| STAFF | | | |
| María Sigüenza | Executive Director | СНА | YES |
| Nancy Rocha Aguilar | Communications and External Relations Manager | СНА | YES |
| Myra Hernandez | Operations and Special Projects Manager | СНА | YES |
| GUESTS | | | |

Ha Nguyen, Equity Diversity and Inclusion Director

Jan Yoshiwara, Executive Director SBCTC

Alejandro Sanchez, Governor's Office

Uriel Iniguez, LNI

Perla Gamboa, LNI

Agenda Approval

Chair Baca asked for any changes to the agenda. With no further discussion, the agenda was approved.

Minutes

Chair Baca asked for any changes to the minutes for March 6, 2021. Minutes were approved as read.

Spanish Language Web Access Project: Uriel Iniguez & Perla Gamboa

 Redesign and launch a Spanish website that provides customers with a more usable and supportive online experience

- Create processes and procedures that ensure content is reliable and accurate, and provides mobile-friendly access and meets accessibility guidelines
- Currently in phase 2: understand need and top tasks of visitors, improve content & structure, redesign the website to ensure Spanish speaking customers have access to critical L&I information and services
- Timeline: moving into content structure, prototype design and conduct usability research between August and September
- Ways to stay connected on the project
 - o Project inbox: spanisweb@lni.wa.gov
 - Monthly project updates
 - Customer survey

SBCTC: DEI Implementation

- Half of the students are BIPOC
- Recognizing with the pandemic difficult situations got even more stressful
- Diversity in student body and well above state numbers
- Majority of immigrants enter system through ESL
- IBST training for students for basic skills into college level programs and has seen success
- Financial aid funds people/students applications fell during the pandemic when state policy was implementing that it would not run out
 - o WA is one of the most progressive in Edu. Funding
 - Can't get people to apply by saying the same thing louder but finding new ways to spread awareness that is culturally relevant
 - Train the trainers approach training volunteers who are not college or financial aid people and help them teach families/individuals anywhere how they can fill out the forms in their own circle
- Figuring out how to take the information out to the families
- Biden administration changing eligibility opens up new tools to put in place and shift peoples thinking about being able to go to college, being able to afford, what career path etc.
- How do we get the word out by enhancing efforts that have worked in the past

Adjourned 11:09 am



COMMISSION ON HISPANIC AFFAIRS

COMISIÓN DE ASUNTOS HISPANOS

CHA Monthly Conference Call Friday, July 9, 2021 10:00AM – 11:00AM

Meeting called to order at 10:02 AM.

Roll Call:

| Name | Title | Organization | Present |
|--|--|--------------|---------|
| Bernal Baca | Chair | CHA | YES |
| Brian Moreno | Vice Chair | CHA | YES |
| Candice Garza | Commissioner | CHA | YES |
| Jessica Hernandez | Commissioner | CHA | YES |
| Lili Navarrete | Commissioner | CHA | YES |
| Lina Alvarez | Vice Chair | CHA | YES |
| Lola Flores | Commissioner | CHA | YES |
| Randy Nuñez | Commissioner | CHA | YES |
| Rodrigo Renteria | Commissioner | CHA | YES |
| Eric Gonzalez | Commissioner | CHA | NO |
| STAFF | | | |
| María Sigüenza | Executive Director | CHA | YES |
| Nancy Rocha Aguilar | Communications and External Relations Manager CHA YE | | YES |
| Myra Hernandez | Operations and Special Projects Manager | CHA | YES |
| GUESTS | | | |
| Heather Hudson, Washington Student Achievement Council | | | |
| Luis Moscoso, Faith Action Network | | | |

Agenda Approval

Chair Baca asked for any changes to the agenda. With no further discussion, the agenda was approved.

Heather Hudson, Director of Policy and Planning, Washington Student Achievement Council

- Heather spoke to the commission about increasing equity in education, deadlines in FAFSA and WSA nothing a 60% post-secondary enrollment with 37% Hispanic/BIPOX students
 - o Increasing apprenticeship programs and getting credits for that work
 - Childcare & transportation are not covered causing a barrier to students
 - Students are unable to fill out WSA with some students not applying because of their immigration status – Undocumented students can receive WSA
 - SNAP auto-enrolled if students are enrolled in SNAP they get enrolled in FAFSA/WSA = cross enrollment of all programs

Former Representative Luis Moscoso, Faith Action Network

- Luis Moscoso spoke to the commission about Domestic Terrorism
 - o Micro-aggressions
 - o Symbolic violence –
 - o Equip community providers to handle this issue
 - o Gather research of number of cases, types, location
 - o Racial component to all of this
- Systems Issues
 - Recommendations
 - o Data
 - o Reports
 - o Outreach
 - Partnerships
 - How to prep them to provide support
 - Funding/trainings
 - Outreach

Discussion

- Commissioners discussed and unanimously voted to have a special meeting to talk about the issues brought up during former Rep. Luis Moscoso. Meeting details to be sent out by Executive Director Siguenza.

Adjourned 11:09 am



COMMISSION ON HISPANIC AFFAIRS

COMISIÓN DE ASUNTOS HISPANOS

CHA Monthly Conference Call Friday, August 13, 2021 10:00AM – 11:00AM

Meeting called to order at 10:07 AM.

Roll Call:

| Name | Title | Organization | Present |
|--------------------------------------|---|--------------|---------|
| Bernal Baca | Chair | CHA | YES |
| Brian Moreno | Vice Chair | CHA | YES |
| Candice Garza | Commissioner | CHA | NO |
| Jessica Hernandez | Commissioner | CHA | YES |
| Lili Navarrete | Commissioner | CHA | YES |
| Lina Alvarez | Vice Chair | CHA | YES |
| Lola Flores | Commissioner | CHA | YES |
| Randy Nuñez | Commissioner | CHA | YES |
| Rodrigo Renteria | Commissioner CHA | | YES |
| Eric Gonzalez | Commissioner | CHA | NO |
| STAFF | | | |
| María Sigüenza | Executive Director | CHA | YES |
| Nancy Rocha Aguilar | Communications and External Relations Manager | CHA | YES |
| Myra Hernandez | Operations and Special Projects Manager | СНА | YES |
| GUESTS | | | |
| Alejandro Sanchez, Governor's Office | | | |

Purpose of Meeting:

Executive Ethics Training

Ethics Executive Training Notes

Boards and Commissions subject to ethics rules and regulation. The EEB helps guide employees understand rules they are subject to.

Conflicts of interest

- Looking for situation where your private interest and what you expect to do as a board and commission members are going to butt heads no longer align
- Private business transaction
 - o RFP, grant money, regulated by the board etc.
 - o Volunteer activities
 - o Looking for situations where state duties and vols activity interfere
- Professional conflicts

- Higher ed context individuals work for FAFSA and families will ask for help and they circumvent the process to receive assistance
- Managing conflict of interest
 - o Come talk to the board when it's a potential conflict of interest
 - Once it is a conflict then it is messier
 - o Abstain
 - o Disclose
 - Procedures
 - 9196 A boards and commission can take and modify
 - Screening memo
 - This is potential conflict of interest, if this happens, this will happen.
 - Recuse from speaking it, recurse from voting
 - Outlining what will happen
 - Nice piece of evidence for complaints

Special privilege

- Hand in hand with conflict of interest
- Using your position to either get yourself or someone else benefit access or anything you wouldn't normally be entitled to
- o EX: "do you know who I am?" = but for my position, I wouldn't get this
- EX: WA state patrol worked off duty security for Seahawks and wore his uniform
 he was able to give his son and his gf access to the game without tickets
- o Getting family members/friends hired into jobs but aren't qualified for
- Circumventing the procedures
- Old case: private car collection, in charge of parking garage for agency and his private car collection outgrew and he moved them into the parking garage
 - Also using state resources for personal gain
- Mocked up forms or falsified forms to have access to things they normally wouldn't
- o Up to \$5000 per violation
- o Board don't have authority to take personnel action only fines

Gifts

- o Can be anything of economical value, gift, gratuity, or favor
- o Deal with the tangible gifts
- o But also, intangibles gifts
- o \$50 rule how much is it worth and who is giving it to me?
- Not involved with coworker gifts
- O Question: reception, can you explain?
 - Hosted reception will be explained in a few slides
- Are you a section 4 employee?
 - o Locked down in terms of the gifts they can accept
 - Are you employed by a regulatory agency or an agency that seeks to acquire goods or services?
 - Terms of funding, contracts, partnerships etc.
 - Think broadly and globally
 - o Does your agency regulate or contract with the person giving you the gift?
 - o Did you participate in the regulatory or contractual matters with that person?

- Hosted reception
 - o Food on tables on either side of the room, trying to put food on to the plate and go to one of the side tables
 - o Tip: If its awkward and uncomfortable then it's a hosted reception
 - o Sit-down meal with linens and servers no longer considered a hosted reception
- Section 4 cannot accept flowers, travel expenses, food & beverages
- Question: Are legislators section 4 employees? legs are subject to the ethics act like everyone else but they have their own leg ethics board
 - o They interpret differently what they require for food & beverages
 - o Depends when you meet with them would need more information to determine
- Can we use the \$50 rule with section 4 employee? No. They are distinct and separate. Once someone is considered a section 4 employee the \$50 rule no longer applies.
- Use of state resources
 - Staff usually has assigned computers, board and commission members use their own personal devices
 - Cannot use state resources to do anything as a private gain
 - o De minimis use
 - Little or no cost to the state
 - Any use is brief
 - Any use occurs infrequently
 - No interference with official duties time issues
 - Does not compromise security of the technology
 - Does not support private business
 - Not done to support an outside org
 - Question: state does not give you a computer, but when you login to website of CHA/email login how does it apply if you have commission work? Who owns the content the emails? What do you do?
 - You can remote in with the board/commission network
 - If we got a complaint we will look at when you remote into the time when you're in there etc.
 - o Don't remote it and start to do personal things
 - Remote in is when you clock-in and start as an official rep of the state
 - O Using cha email to plan a trip for fun, ads for personal business etc. should only be used for commission use
- No use for campaign purposes
 - o Do not use state resources to either support a candidate or a ballot initiative
 - o If you are asked to endorse a candidate, board has said you need to use a disclaimer
 - o De minims use does not apply here
- There is advisory note to modify for endorsement

Link: https://ethics.wa.gov/

Adjourn

Vice Chair Alvarez motions to adjourn. Seconded by Commissioner Hernandez. Meeting ended 10:54 AM.

Page 4 of 4

Text Box

From María Sigüenza | CHA | she/her/ella to Everyone: 10:31 AM

I believe we have a question

From María Sigüenza | CHA | she/her/ella to Everyone: 10:50 AM

https://ethics.wa.gov/

From iPhone to Everyone: 10:52 AM

I think it's mee I am struggling

Sorry



CHA Monthly Conference Call

Zoom: Join Zoom Meeting Meeting ID: 828 7201 3173

One tap mobile

+12532158782,,82872013173# US (Tacoma)

+16699006833,,82872013173# US (San Jose)

Friday, August 13, 2021 11:00 AM- 12:30 PM



- a. Commissioners
 - i. Chair Dr. Bernal Baca
 - ii. Vice Chair Lina Alvarez
 - iii. Vice Chair Moreno
 - iv. Commissioner Lola Flores
 - v. Commissioner Jessica Hernandez
 - vi. Commissioner Dr. Randy Nunez
 - vii. Commissioner Dr. Rodrigo Renteria
 - viii. Commissioner Lili Navarrete
 - ix. Commissioner Eric Gonzalez
- b. Staff
 - i. Maria Siguenza, Executive Director
 - ii. Nancy Aguilar, Communications and External Relations Manager
 - iii. Myra Hernandez, Operations and Special Projects Manager
- c. Guests
 - i. Alejandro Sanchez, Office of the Governor
- 2. WA Cares Fund: Long Term Care
 - a. Background by Lina
 - i. Tax to pay for long-term services in the future
 - ii. 58 cent tax
 - iii. https://www.wsha.org/articles/new-state-employee-payroll-tax-law-for-long-term-care-benefits/
 - b. Dr. Ben Veghte, Director WA Cares Fund, Home and Community Services (HCS), Aging and Long-Term Support Services (ALTSA), Department of Social and Health Services (DSHS)
 - i. http://wacaresfund.wa.gov/
 - ii. https://www.dshs.wa.gov/altsa/stakeholders/long-term-services-and-supports-ltss-trust-commission
 - iii. Lead agency, administer oversight commission and work on issues, later to administer the funds
 - iv. 5 agencies are involved
 - v. Basic 101
 - 1. We all have concerns about aging



- 2. This is not a program for nursing home cares or putting people under facilities, only 79% WA can afford care
- 3. 2700 a year is paid for WA long term care- women pay more then men because they live longer etc.
- 4. 90% not able to afford in retirement they paid for x years and unable to continue
- 5. Private insurance cannot afford by majority of Washingtonians
- 6. Problems with programs:
 - a. Must live in WA to claim the benefit trying to fix it. problem for those who work for x time and they move etc. they'll be paying in but not receive benefit. Need to be exempted as an option
 - b. Must pay in for 10 years to qualify will be worked on and hopefully fixed sooner affects those closer to retirement
- 7. Similar program to Medicare
- c. Q and A
 - i. Amendments have changed to disability folks are covered when they pay into it
 - ii. For those who it doesn't cover, there is work being done to expand and ensure it is as universal as possible
- d. Action Items, Including Vote
- 3. Public Comment
- 4. Follow up: FBI/Homeland Security Bulletins
 - a. Discussion
 - i. Brian: Maria and I engaged with the department's community outreach team to identify solutions around the issue raised by former Representative Luis Moscoso. We met with the Special Agent in Charge of the Seattle field office, SAC Don Voiret. We discussed potential partnership opportunities ranging from communications and outreach to providing technical assistance around community engagement.
 - ii. Layout structure of a pilot and discuss messaging, partnerships with police departments and communication with community
 - iii. Getting feedback from BIPOC communities statewide to get a pulse check
 - iv. Committee formed to work and navigate working and building on trust
 - b. Possible Guest: FBI personnel
 - c. Next Steps
 - i. Committee will convene in the coming weeks
 - d. Action Items, Including Vote
- 5. Public Comment
- 6. September Commission Meeting Date
 - a. Discussion
 - i. Sept. 18 new meeting date
 - b. Action Items, Including Vote

7. Adjourn Motioned by Vice Chair Moreno. Seconded by Commissioner Hernandez.

Meeting adjourned at 12:10 PM





Commission on Hispanic Affairs

Policy Name: Coffee and/or Light Refreshments and **Policy Number:** EX1.10.10

Meals with Agency Sponsored Meetings

References: **Effective Date:** RCW 43.03.050 **0**1/05/18

State Accounting & Administration Manual (SAAM) 10.10.10a.3,

10.40.50.a &b, and 70.15.10.b **Revised Date:**

Approved:

1/05/18 Date

Meals with Agency Sponsored Meetings

Lipa vander St

When the agenda of an agency meeting, conference, recognition event or the schedule of a formal training session does not allow for a normal meal period away from the meeting, conference, recognition event or training session, Commission on Hispanic Affairs may pay for the cost of the meal. The cost of the meal must not exceed the allowable meal rate established for the location of the meeting, conference, training session or recognition event. The meal may only be provided to state employees or state officials. An exception to the maximum allowable meal rate may be allowed when the employee is required to attend an event held or sponsored by a non-state organization.

Commission on Hispanic Affairs may pay for meals at meetings, conferences, training sessions or recognition events regardless of the travel status of the employee where the following conditions exist:

- The purpose of the meeting, conference is to conduct official state business or to provide training to state employees or state officials or to recognize agency or employee accomplishments; and
- The meal is an integral* part of the meeting, conference, training session, or recognition event; and
- The meeting, conference, training session or recognition event takes place away from the employee's regular workspace, and
- The authorized designee approves payment for the meal in advance. (Meeting Expense Authorization form)

An employee's regular workspace is the location where a state employee or state official normally performs his/her work (excludes meeting and conference rooms).

Complete the Meeting Expense Authorization form for prior authorization and when submitting for payment.

^{*}Integral implies that refreshments are made available to the attendees for the purpose of avoiding undue interruption of the meeting, conference, training session or recognition event. For a meal to be integral to a meeting, conference, training session or recognition event, implies that the agenda continues throughout the meal period for business, not social purposes.



Changes to Agricultural Overtime Eligibility

Employment Standards Program
Luz Gonzalez-Virgen and Cristina Rodriguez







Purpose

The information in this presentation is to help keep the agricultural community up to date on the new agricultural overtime eligibility regulations.

The Employment Standards Program is committed to helping educate the public about workplace requirements and helping employers stay in compliance.





Presentation overview

- Minimum Wage Act protections
 - Minimum wage
 - Paid sick leave
 - Overtime
 - Exemptions for "white collar" workers
- History and changes
- Overview of ESSB 5172
- Overtime phase-in schedule
- Frequently asked questions

- L&I's law implementation plan
- Other agricultural workplace regulations
- Retaliation
- Overview of the farm labor contracting unit
- Employment Standards public webinars
- Contacts and resources
- Q&A





Minimum Wage Act

The Minimum Wage Act (Chapter 49.46 RCW) provides protections to workers that include:

- Minimum wage
- Tips and service charges
- Paid sick leave
- Overtime (time and a half) for hours worked over 40 per workweek
- Protection from retaliation for exercising the above rights

Applies to most employees, except those who are specifically exempt from the law.

More info: L&I Administrative Policy ES.A.8.1 Minimum Wage Act Applicability





Minimum Wage

- Employers must pay most employees at least minimum wage for every hour worked.
 - \$13.69 beginning in 2021; under 16 years old may be paid 85% of minimum wage.
- Employees who are paid piece-rate wages (based on the worker's productivity) must earn at least minimum wage for all hours worked and rest breaks.
- Employers must pay workers an agreed wage or the minimum wage, whichever is greater.

More info: lni.wa.gov/workers-rights/wages/minimum-wage





Paid sick leave

- Most employees are entitled to one hour of paid sick leave for every 40 hours worked.
 - Includes part-time and temporary employees
 - May not be required for certain employees exempt from the Minimum Wage Act
 - Sick leave accrual begins immediately on hire
- Employees may begin using earned paid sick leave 90 calendar days after their first day of work with their employer
- Employees may use this leave to care for themselves or a family member, child's school or daycare health-related closures, or absences related to domestic violence

More info: lni.wa.gov/agency/outreach/paid-sick-leave-and-coronavirus-covid-19-common-questions





Paid sick leave

- Employers must provide employees with:
 - Notification upon hire of paid sick leave rights
 - Regular statements, at least monthly, including:
 - Amount of paid sick leave accrued
 - Amount used
 - Balance remaining for use
- Employees may carry over up to 40 hours of unused paid sick leave into the following year
- Employers do not have to pay out unused leave at termination but must reinstate balance if the employee is rehired within a year

More info: lni.wa.gov/workers-rights/leave/paid-sick-leave/

L&I Paid Sick Leave Specialist: Nick Burrow - 360-902-6768, buni235@Ini.wa.gov







Employment Standards Retaliation Unit

An employer cannot retaliate or take any adverse actions against an employee for exercising a protected right, filing or intending to file a complaint, or discussing potential violations of the employee's protected rights in regards to protected rights under the Minimum Wage Act, including:

- Minimum wage
- Overtime
- Tips and gratuities
- Accrual and use of paid sick leave

More info: Ini.wa.gov/workers-rights/workplace-policies/termination-retaliation

L&I Retaliation Specialist: Reagan Morey – 360-902-5360, Reagan.Morey@Ini.wa.gov





Overtime

Most employees are entitled to overtime pay (1.5x hourly wage for hours worked over 40 per workweek) unless they meet a specific exemption in the law, such as:

- "White collar" executive, administrative, professional, computer professional or outside sales employees
 - This exemption does not include agricultural workers who mainly perform manual work in the field or farm (e.g. picking, planting, harvesting, etc.)
- Individuals who do not meet the definition of "employee" under the Minimum Wage Act (e.g. unpaid volunteers, casual laborers, etc.)



More info: Ini.wa.gov/workers-rights/wages/overtime





Exemptions for "white-collar workers"

Generally, executive, administrative, professional, computer professional, and outside sales employees can be exempt from overtime and other Minimum Wage Act protections if they meet the following criteria:

- Salary basis test: paid a predetermined, fixed salary
- Salary level test: their salary meets or exceeds a minimum specified amount
- Duties test: their job duties primarily involve executive, administrative, or professional duties as defined by the regulations.

Please note: Agricultural workers who mainly perform manual work in the field or farm (e.g. picking, planting, harvesting, etc.) generally will **not** meet these exemptions requirements.

More info: Ini.wa.gov/workers-rights/wages/overtime/changes-to-overtime-rules





Calculating overtime

There are two steps to calculate overtime:



An employee's "regular hourly rate" is calculated by:

- Adding together their weekly compensation (not including overtime premiums)
- Dividing by the total number of hours worked during the week
- Multiply this amount by 1.5 for every hour worked over 40

More info: L&I Administrative Policy ES.A.8.2 "How to Calculate Overtime"





Calculating overtime for piece-rate workers

L&I is currently developing policies to provide more guidance on calculations for piece-rate workers.





History and changes

- Agricultural employees have historically been exempt from receiving overtime pay under the State Minimum Wage Act.
- In November 2020, the Supreme Court issued a decision in *Martinez-Cuevas vs. DeRuyter Brothers* State Supreme Court decision, which found dairy workers in the state eligible for overtime.
- ESSB 5172 extends that right to overtime to all agricultural workers in Washington.





Overview of ESSB 5172



Dairy employees are now entitled to receive overtime pay after working 40 hours per workweek.



Effective Jan. 1, 2022:
Agricultural employees will be entitled to receive overtime pay with a phase-in schedule that will last three years.





Agricultural overtime phase-in schedule

Each year, the phase-in schedule gradually reduces the number of hours employees need to work in a workweek to receive overtime pay:

| Agricultural overtime phase-in schedule | | |
|---|---|--|
| Beginning Jan. 1, 2022 | Receive overtime pay for hours worked in excess of <u>55 hours</u> per week | |
| Beginning Jan. 1, 2023 | Receive overtime pay for hours worked in excess of <u>48 hours</u> per week | |
| Beginning Jan. 1, 2024 | Receive overtime pay for hours worked in excess of <u>40 hours</u> per week | |





Q: Does a worker have to be paid overtime even if they make more than minimum wage?

A: Yes.

Employers must pay workers for all overtime hours they are entitled to regardless of how much they make.





Q: Are agricultural employees prohibited from working over 40 hours per workweek?

A: No.

But employees must be paid the overtime rate for hours worked above 55 in 2022, 48 in 2023, and 40 starting in 2024.





Q: How much should workers be paid if they have earned overtime?

A: Workers must be paid at least 1.5x their regular rate of pay for each overtime hour worked.

Employees cannot waive their right to overtime pay.





Q: Can employers limit an employee's hours to 40 per workweek to avoid paying overtime?

A: Yes.

Employers can choose the number of hours employees are scheduled to work and are not required to offer overtime hours.





Q: If an employer does not authorize an employee to work overtime but they do it anyway, does the employer need to pay them the overtime?

A: Yes.

If the work is performed, it must be paid. Again, employees cannot waive their right to overtime pay.





Q: If an agricultural worker works on multiple farms and their total weekly hours are above the overtime threshold, are they entitled to overtime?

A: Maybe.

It depends on if the farms have the same or joint ownership connections.





L&I's law implementation plan

- Administrative policy updates
 - Remove references to agricultural overtime exemption
 - Provide guidance on how to calculate overtime for agricultural workers, including piece-rate workers
- Extensive outreach
 - Website updates
 - Fact sheets and publications
 - Webinars
 - Meet with employers and employees

Agricultural Worker Overtime

Understanding the Changes in the Law



overtime eligibility since passage of a new law, and overtime engineers since passage or a new taw, and what those changes mean for agricultural workers and agricultural employers. The changes are expected to impact tens of thousands of agricultural workers and thousands of agricultural operations in Washington. The law, Engrossed Substitute Senate Bill 5172, took effect on July 25, 2021.

Key elements of the changes

- Dairy workers are entitled to overtime for hours worked over 40 in a workweek.
- Makes all agricultural workers eligible to earn
- overtime beginning Jan. 1, 2022. ■ Under ESSB 5172, dairy workers cannot file claims for overtime hours worked prior to Nov. 5, 2020. However, dairy workers can do so if they feel they earned overtime pay after Nov. 5, 2020, but did not receive it.

Overtime phase-in schedule

- · Incrementally reduces the number of hours agricultural employees need to work in a workweek before they are entitled to overtime pay:
- As of Jan 1, 2022: 55 hours
- As of Jan. 1, 2023: 48 hours - As of Jan. 1, 2024: 40 hours
- The agricultural overtime exemption is removed from the Minimum Wage Act as of Jan. 1, 2022.

- If agricultural or dairy employees do not receive the overtime pay they are entitled to under the new law, they can file a worker rights complaint with L&L.
- The Employment Standards Program of the Washington State Department of Labor & Industries investigates all complaints.

complaint, and the online complaint form, at www.Lni.wa.gov/workers-rights/workplace-complaints/worker-rights-complaints.

What you should also know

- The new law does not prohibit agricultural employees from working over 40 hours per vorkweek. It just determines when they need to be paid overtime
- Employers can limit an employee's hours to 40 pe workweek to avoid paying overtime.
- · Overtime pay must be at least 1.5 times the employee's regular rate. Employees cannot waive their right to overtime pay.

Outreach and education

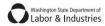
■ The Employment Standards Program is holding a series of webinars and presentations for workers and employers. They are listed on L&I's "Workshops and Training Center" web page (www.Lni.wa.gov/Training). Look for them in the "Event Title" pulldown menu.

For more information on the changes in the overtime law, go to L&l's new web page on agriculture overtime at www.Lni.wa.gov/AgriculturalOvertime.

Contact L&I's Employment Standards program at:

■ Phone: 1-866-219-7321 (toll free)

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Upon request, foreign language support and formats for persons with disabilities are available. Call 1-800-547-8367. TDD users, call 711. L&I is an equal opportunity employ





Other agricultural workplace regulations

Employees have the right to file a worker's right complaint against their employer for the following reasons:

- Unpaid overtime
- Minimum wage not paid
- Unpaid final wages
- Paid sick leave violations
- Unlawful or unauthorized deductions during ongoing employment
- Unlawful or unauthorized deductions from final paycheck

- Willful failure to pay agreed wage or rebate of wages (including NSF checks as willful) or failure to pay wage obligated by ordinance
- Meal and rest periods not given
- Recordkeeping violations
- Failure to provide pay statements





Overview of the Farm Labor Unit

- Enforces the Farm Labor Contractor Act (FLCA)
- Administers the statewide farm labor contractor licensing system
 - Washington
 - Out-of-state
 - International
- Conducts onsite compliance reviews
 - Regularly scheduled
 - Complaint-based
- Determinations: Notice of Violations

More info: Ini.wa.gov/workers-rights/farm-labor-contractors/farm-labor-contractor-licensing





Employment Standards Educational Webinars

Each webinar is a presentation by the Employment Standards outreach team or a program specialist.

- EAP Overtime Exemptions
- Employer Guide to Workers Rights (available in Spanish)
- Know Your Worker Rights (available in Spanish)
- Equal Pay and Opportunities Act
- Isolated Worker Protections
- Understanding the Changes in Agricultural Overtime Laws

Register for a webinar on the L&I Workshops and Training page.





Contacts & resources

L&I Agricultural Employment Specialist: Cristina Rodriguez

Phone: 360-480-5764

Email: Cristina.Rodriguez@Ini.wa.gov

L&I Farm Labor Contracting unit

Email: ESFarmLabor@Ini.wa.gov

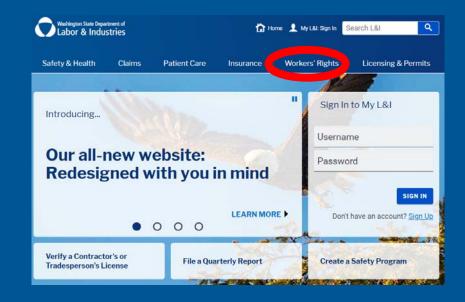
L&I Employment Standards Customer Service

Phone: 1-866-219-7321

Email: esgeneral@lni.wa.gov

L&I Webpages

- Agricultural Overtime
- Agricultural Overtime FAQs







Please let us know any questions or comments you have!





Executive Director's Report

Prepared by María Sigüenza

September 18, 2021

1. Finance

The FY22 budget is \$443,000 and FY23 is \$464,000 totaling to \$907,000 for the biennium. CHA is short about \$17,000 for staff salaries, which seemed to be an administrative error as a result from the legislative budget process. We were not forecasted to receive wage cuts or furloughs. CHA staff retain their regular wages; the difference has been requested through a Decision Package request. In addition, a Decision Package was requested for staff salary increases. The Program Managers have been integral to the work of the Commission and as such, their administrative salaries are not enough. I have requested a total of \$51,000 more to allow for wage increases. When comparing the work CHA staff do to similar positions in other agencies, it is obvious that the agency is underfunded and therefore not providing fair wages to staff. Decision Packages were due on September 13th starting the Governor's budget process. We expect the Governor's budget to be introduced the middle of December.

Commissioner Opportunity: Once per fiscal year Commissioners may request CHA to submit a \$150 donation, as long as funds are available, to an organization of their choice. State rules say we can donate to an organization that aligns with our mission. Past recipients have been WASCLA, El Centro de la Raza, and other community organizations. It is against the law to issue donations to individuals or causes such as GoFundMe accounts or such sites. In order to start the process of issuing a donation, please email Myra AND myself with a request.

2. Career Connect Washington Grant

The Career Connect Washington Grant deliverables were completed on June 30th; final financial and written reports were submitted by July 31st. CHA was allotted \$250,000 and charged \$247,727.90, only undercharging because of the way the budget was written and our ability to justify charging for indirect costs.

3. Administrative Policies

Once again, we have to update our administrative policies. This time, we realized that we did not have the meetings with meals policy integrated into the document. In late 2017 Director van der Lugt had implemented the policy, however, it did not make it into the policy document. Out of abundance of caution, we are putting it up for formal vote so that we can integrate it. The meetings with meals policy sets the procedure for staff to purchase meals during in-person commission meetings using the per diem rules. While the State Accounting and Adminstrative Policy already allows us to do this, it is best practice for an agency to have its own policy.

Again, thank you to the commission's help and guidance as we update this integral agency document.

4. Highlight: Communications and External Relations Manager

Nancy, has been collaborating with L&I and their SB5172 Campaign; FEMA and their COVID19 Funeral Assistance Program; and will be supporting the LGBTQ's National Hispanic Heritage Month Campaign. Additionally, she published a page dedicated to redistricting information in support of the Redistricting Commission. In the recent months, she has collaborated with Commerce, Department of Revenue, Office of Financial Management, and several others to promote their projects and needs in CHA's newsletter. She is currently serving on the following workgroups: Automated Decision Systems, Poverty Reduction Work Group, Small Business Liaison Team, Suicide Prevention in Agriculture, and Pierce

County Civic Engagement Cohort (as a result of Census 2020 outreach). She has been focusing on two main areas of research: demographic updates based on the new data released by the US Census Bureau, and data mining for the Automated Decision Systems. In the near future, she will be launching a Spanish CHA website, which is translated (not automated), and will be finalizing the migration of our newsletter from MailChimp to Gov Delivery no later than October.

5. Highlight: Special Projects and Operations Manager

Career Connect Tech

- We contracted PF Dezign to create brochures for the two CCT Academies that are available this
 fall. Four brochures were created and translated in various languages for students, families, and
 industries to learn about what CCT is and the benefits of enrollment. The website continues to
 be live and Spanish version is under way.
- For the final reporting I led meetings with our finance team to ensure we were in good standing with our grant expenditures and were able to meet all our grant deliverables.

COVID

- CHA still supports the Latino Civic Alliance (LCA)during their COVID-19 Community Call. They
 were happening monthly- with a summer break- but with the rise of the Delta variant and
 infections, LCA convenes every two weeks to hear report outs from across the state. Leaders
 continue to encourage people to get vaccinated, follow social distance guidelines, and sharing
 FEMA funeral assistance due to COVID-19.
- CHA HR Liaison is responsible for verifying staff and commissioner's vaccination status to be in compliance with Governor's Proclamation 21-14.1. A calendly link was sent out to commissioners to schedule verification.
- Timeline for Vaccination:
 - o Pfizer, 2 doses, 21 days apart
 - First dose: 9/13
 Second dose: 10/4
 - Second dose: 10/4
 - o Moderna, 2 doses, 28 days apart
 - First dose: 9/6
 - Second dose: 10/4
 - Janssen/J&J, single dose
 - Single dose: 10/4



HISPANIC/LATINX DEMOGRAPHIC BRIEF

WASHINGTON STATE

HISPANIC/LATINX DEMOGRAPHIC BRIEF

WASHINGTON STATE

Washington's 14.6% was nearly twice the national average, but since the state gained a seat in 2010, it didn't outpace the national growth rate enough to gain another seat this time around. The nation grew by 7.35%, surpassing 331 million residents. That's the slowest growth rate since the Great Depression.

Among Washington cities, Seattle led the way and added more than 150,000 residents since its 2010 Census total of 608,660. The city-by-city Census figures aren't out yet, but the Washington State Office of Financial Management (OFM) estimated Seattle's population was 761,100 in its April 1st, 2020 figures. King County, meanwhile, grew by at least 330,000 residents based on preliminary OFM figures. Collectively, King, Snohomish, and Pierce counties added more than half a million residents since 2010 and account for the majority of the state's population growth, which was 980,741 to be exact.

If Washington state keeps growing, outpacing the national average (especially if it continues to double it up), it's only a matter of time before it gains another seat. It could well be the 2030 Census.

WASHINTON
STATE'S
7,705,281
RESIDENTS
REPRESENTS
14.6% GROWTH
OR NEARLY ONE
MILLION
ADDDIOTNAL
RESIDENTS
ISNCE THE 201
CENSUS.

The data also show the country growing more diverse.

"The U.S. population is much more multiracial and more racially and ethnically diverse than what we measured in the past," said Nicholas Jones, director of race and ethnic research and outreach in the Census Bureau's Population Division.

Washington is 63.8% non-Hispanic white, down from 72.5% in 2010. That decrease in the white share of the population, 8.7 percentage points, is the largest of any state in the country.

Washington is 13.7% Hispanic or Latino, up from 11.2% in 2010. It is 9.4% Asian, up from 7.1% in 2010. And Washington's Black population grew from 3.4% to 3.8%.

Three counties, Yakima, Franklin and Adams, are majority Hispanic or Latino, while every other county remains majority white.

In Snohomish County, the Asian population became the second most prevalent, with 12.2%, up from 8.8%. The Hispanic population also grew, from 9% of the population in 2010, to 11.6% in 2020, but not as quickly as the Asian population.

Hispanic/Latinx Communities

The top five counties in the state with the highest density of Hispanics are:

Yakima County: 50.2%
Grant County: 42.2%
Adams County: 64.7%
Douglas County: 32.3%
Franklyn County: 53.6%

WASHINGTON STATE QUICK GLANCE AT GENERAL STATS

Population



Total population: 7,614,893

Hispanic/Latino population: 1,059,213

Largest Population Based on Race & Ethnicity

White alone: 67.5%

Asian alone: 9.6%

Hispanic or Latino: 13.7%

Foreign born, 2015-2019: 14.3%

Housing



Median value of owneroccupied housing units, 2018-2019: \$339,00

Median gross rent, 2015-2019: \$1,258

Housing units, July 1, 2019: 3,195,004

Building permits, 2020: 43.881

conomy



and social assistance receipts/revenue, 2012-2016: \$43,966,889

Total health care

Total retail sales, 2012: \$118,924,049

Total retail sales per capita, 2012: \$17,243 Civilian labor workforce, total, percent of population age 16 +, 2015-2019: 63.6%

Income and Poverty

Median household income, (2019 dollars): \$73,775 Per capita income, in past 12 months, 2019 dollars: \$38,915



Education



High school graduate or higher, 2015-2019: 91.3%

Bachelor's degree or higher, 2015-2019: 36%

Businesses



Total employment, 2019: 2,898,378

Total

Total employer establishments, 2019: 195,105

nonemployer establishments, 2018: 491,908

Total minorityowned firms, 2012: 92,807 Total nonminority owned firms, 2012: 426,697

YAKIMA COUNTY

OUICK GLANCE AT GENERAL STATS

Population



Total population: 250,873

Hispanic/Latino population: 125,938

Median value of owneroccupied housing units. 2015-2019: \$175,900

Median gross rent, 2015-2019: \$825

Housing units, July 1, 2019: 89.762

Building permits, 2020:

Income and Poverty

Median household income. 2015-2019: \$51,637

Per capita income, in past 12 months. 2015-2019: \$23,459

Persons in poverty: 16.7%



Largest Population Based on Race & Ethnicity

White alone: 42.3%

American Indian and Alaska Native alone: 6.7%

Hispanic or Latino: 50.2%

Foreign born, 2015-2019: 18.7%

Businesses



Total employer

establishments.

2019: 4,852

Total employment, 2019: 72,140

Education



High school graduate or higher, 2015-2019: 73.7%

Bachelor's degree or higher, 2015-2019: 16.7%

Families & Living Arrangements

Language other than English spoken at home, percent of persons age 5 years+, 2015-



Total health care and social assistance receipts/revenue,

2012: \$2,560,166

Total retail sales per capita, 2012: \$10.366

2012-2016: \$1,431,362 Civilian labor

workforce, total,

population age 16

+, 2015-2019: 61.9%

percent of

Total minorityowned firms, 2012: 3,121

Total nonemployer establishments, 2019: 9,513

Total nonminority owned firms, 2012: 10,338

GRANT COUNTY QUICK GLANCE AT GENERAL STATS

Population



Total population: 97,733

Hispanic/Latino population: 41,243

Income and Poverty

Median household income, 2015-2019: \$55,556

Per capita income, in past 12 months, 2015-2019: \$24,280

Persons in poverty: 13.9%



Largest Population Based on Race &

Ethnicity

White alone: 53.3%

American Indian and Alaska Native alone: 2.3%

Hispanic or Latino: 42.2%

Housing



Median value of owneroccupied housing units, 2015-2019: \$177,500

Median gross rent, 2015-2019: 785

Housing units July 1, 2019: 38, 512

Building permits, 2020:

Foreign born, 2015-2019: 18.5%



Education

High school graduate or higher, 2015-2019: 76.7%

Bachelor's degree or higher, 2015-2019: 71.7%

Families & Living Arrangements

Language other than English spoken at home, percent of persons age 5 years+, 2015-2019: 36.9%

Economy



Total health care and social assistance receipts/revenue. 2012: \$255.636

Total retail sales. 2012 \$825,599

Total retail sales per capita, 2012: \$9,001

Civilian labor workforce, total, percent of population age 16 +, 2015-2019: 62%



Total employment, 2019: 23,351

Total employer establishments, 2019: 1,875

Total nonemployer establishments, 2018: 3.991

Total minorityowned firms. 2012: 903

Total nonminority owned firms, 2012: 3,489

FRANKLIN COUNTY **QUICK GLANCE AT GENERAL STATS**

Population



Total population: 95,222

Hispanic/Latino population: 51,039

Largest Population Based on Race & **Ethnicity**

White alone: 39.9%

Black or African American alone: 2.8%

Hispanic or Latino: 53.6%

Foreign born, 2015-2019: 22.7%

Income and Poverty

Median household income, 2015-2019: \$63,584

Per capita income, in past 12 months, 2015-2019: \$24,380

Persons in poverty: 13.5%



Housing



Median value of owneroccupied housing units, 2015-2019: \$202,400

Median gross rent, 2015-2019: \$913

Housing units, July 1, 2019: 29,240

Building permits, 2020:



Education

High school graduate or higher, 2015-2019: 75%

Bachelor's degree or higher, 2015-2019: 17.7%

Families & Living Arrangements

Language other than English spoken at home, percent of persons age 5 years+, 2012-

Economy



Total health care and social assistance receipts/revenue, 2012-2016: \$201,519

Civilian labor

percent of

workforce, total,

population age 16 +,

2015-2019: 65.9%

Total retail sales, 2012: \$918,862

Total retail sales per capita, 2012: \$10.704

Businesses



employment, 2019: 22.756

Total employer establishments. 2019: 1,720

Total nonemployer establishments. 2018: 3.755

Total minority-2012: 1,238

Total nonminority owned firms, 2012: 2,879

ADAMS COUNTY **OUICK GLANCE AT GENERAL STATS**

Population



Total population: 19,983

Hispanic/Latino population: 12,929

Housing



Median value of owneroccupied housing units. 2015-2019: \$154.400

Median gross rent, 2015-2019: \$822

Housing units, July 1, 2019: 6,722

Building permits, 2020:

Largest Population Based on Race & Ethnicity

White alone: 32.5%

Foreign born, 2012-2016: 23.8%

American Indian & Alaska Native alone: 6.2%

Hispanic or Latino: 64.7%

Income and Poverty

Median household income 2015-2019: \$48,294

Per capita income, in past 12 months 2015-2019-\$20,248

Persons in poverty



Education



High school graduate or higher, 2015-2019: 66.9%

Bachelor's degree or higher, 2015-2019: 14.3%

Families & Living Arrangements

Language other than English spoken at home, percent of persons age 5 years+, 2015-2019: 55%

Economy



and social assistance receipts/revenue, 2012-2016: \$64,215

Civilian labor

percent of

workforce, total,

2015-2019: 61.8%

Total retail sales. 2012: \$157,812

Total retail sales per capita, 2012: \$8,304

Total health care

Total minorityowned firms, 2012-390 population age 16+,

Total Total employer nonemployer establishments. establishments, 2019: 382 2018: 835

Total employment,

2019: 4,546

Total nonminority owned firms, 2012: 717

DOUGLAS COUNTY QUICK GLANCE AT GENERAL STATS

Population



Total population: 41,945

Hispanic/Latino population: 13,548

Housing

Housing

Median value of owneroccupied housing units, 2015-2019: \$271,500

Median gross rent, 2015-2019: \$909

units, July 1, 2019: 17,410 Building permits, 2017: 321

Largest Population Based on Race & Ethincity

White alone: 63.4%

Education

20.5%

American Indian & Alaska Native alone: 2.1%

High school

graduate or higher,

2015-2019: 82.1%

Hispanic or Latino: 32.8%

Foreign born, 2015-2019: 15.3%

Bachelor's degree or higher, 2015-2019:

Language other than English spoken at home.

percent of persons age 5 years+, 2015-2019:

Families & Living Arrangements

Economy



Total health care and social assistance receipts/revenue, 2012-2016: \$59,323

Total retail sales, 2012: \$429,966

Total retail sales per capita, 2012: \$10,927 Civilian labor workforce, total, percent of population age 16 +, 2015-2019: 62.8%

Businesses



Income and Poverty

Median

income,

\$62,951

household

2015-2019:

Per capita

income, in

past 12

months,

\$30.544

2015-2019:

Total employment, 2019: 8.062

Persons in

poverty:

10.9%

Total employer establishments, 2019: 798 Total nonemployer establishments, 2019: 1,885

Total minorityowned firms, 2012: 312 Total nonminority owned firms, 2012: 1,638

Sources:

New American Survey, 2019

U.S. Census Bureau, 2020

U.S. Census Bureau, 2020 Census Redistricting Data (public Law 94-171) Summary File: Vintage 2020, April 1 Population Estimates.

