



STATE OF WASHINGTON  
EMPLOYMENT SECURITY DEPARTMENT

PO Box 9046 • Olympia WA 98507-9046

[Date TBD]

The Honorable Lori Chavez-DeRemer  
Secretary of Labor  
United States Department of Labor  
Attn: WIOA Waiver Coordinator  
200 Constitution Avenue NW, Room S-4203  
Washington, D.C. 20210

Dear Secretary Chavez-DeRemer:

On behalf of Governor Ferguson, I respectfully request your consideration and approval of Washington's request to waive subsection (b)(2) of the Wagner-Peyser Act regulation at 20 CFR 653.501, which states, "(if) the job order for the ES office incorporates offices beyond the local office commuting area, the ES Office **must suppress the employer information** in order to facilitate the orderly movement of workers within the ES."

We specifically desire to un-suppress or disclose employer information in Agricultural Clearance Orders (Form ETA-790A) posted on our WorkSourceWA.com labor exchange website to offer domestic agricultural workers the same transparency they find when viewing the same un-suppressed clearance orders on the U.S. Department of Labor's (DOL's) SeasonalJobs.gov website. This will enable us to align our agricultural recruitment process with that of DOL. We also believe it benefits domestic agricultural workers to have ready, unfettered access to H-2A employer information through our state Agricultural Recruitment System (ARS) and have the same experience that they would have through SeasonalJobs.gov. This supports a timely and expeditious job pursuit experience. Moreover, domestic agricultural workers desire access to information that is currently withheld under the current regulations – a barrier not encountered by non-agricultural job seekers pursuing job opening information on our public labor exchange site.

We recognize that approval of this waiver would enable domestic agricultural workers to potentially bypass the ARS, which is designed to provide them with pertinent, dual-language information on job openings, including their rights. H-2A employers, however, are required to provide the same information so domestic agricultural workers who bypass the ARS will receive that information regardless. H-2A employers are also required to provide the State with data on placements, so adverse impacts should be mitigated there as well.

Employment Service (ES) staff have been trained to refer placement information to the state's Agricultural and Seasonal Workforce Services (ASWS) office, which, pursuant to 20 CFR 653.503, performs random, unannounced field checks on all H-2A clearance orders in which there has been a placement to determine and document whether wages, hours, and working and housing conditions are being provided as specified in the clearance order. With respect to making domestic agricultural workers aware of the services available from our one-stop system, we intend to ensure that our Migrant and Seasonal Farm Worker (MSFW) outreach staff and ES staff continue maintain efforts to engage such workers in the places where they congregate so that we can continue to promote these jobs and report on our placement outcomes. Furthermore, we will continue to gather and analyze ARS referral and placement data and business intelligence from our State Monitor Advocate, ASWS compliance staff, and MSFW outreach staff to identify adverse impacts of the waiver, if any.

In consultation with the [ASWS Advisory Committee](#), we will exercise administrative discretion and cease applying the waiver if the situation warrants. We are confident, though, that ES field staff, which includes our resourceful MSFW outreach staff, will continue to actively and directly engage domestic agricultural workers to ensure they receive information on their rights and access to one-stop system programs and services, as well as record placements. We are also confident that our SMA and ASWS compliance specialists will ensure that H-2A employers are compliant with their obligations to domestic agricultural workers through direct engagement, which includes field checks and visits.

This waiver request was communicated statewide and posted for 15-day public comment, which ran from July 31, 2025 through August 14, 2025. Washington's point of contact for this waiver request is Alberto Isiordia, Deputy Director, Workforce Services Division. He can be reached at [Alberto.Isiordia@esd.wa.gov](mailto:Alberto.Isiordia@esd.wa.gov) or 509-630-8599.

We appreciate the opportunity to submit this waiver request and look forward to it receiving favorable consideration. Please do not hesitate to contact Mr. Isiordia if you have questions or need additional information to inform your decision.

Sincerely,

Cami Feek  
Commissioner

cc: Tamika Ledbetter, Regional Administrator, U.S. Department of Labor Employment and Training Administration, Region 6  
Heather Hudson, Deputy Policy Director, Governor's Policy Office  
Dan Zeitlin, Chief of Staff, ESD  
Bertha Clayton, Director, Office of Agricultural and Seasonal Workforce Services, ESD  
Alberto Isiordia, Deputy Director, Workforce Services Division, ESD  
Gary Kamimura, Policy Manager, Employment System Policy & Integrity Division, ESD