

Forest Workers Networking/Partnership Meeting

Purpose: MOA Agency and network collaboration to protect the forestry worker group
Date: 12/1/2015
Time: 10:30 pm to 12:00 pm
Location: Gus Solomon Building, 620 SW Main, Room 423 and via teleconference
Note Taker: Karen Clark (Portland US DOL Wage and Hour)

Attendees:

Dylan Morgan – Bureau of Labor and Industries
Carrie Stricklin – Bureau of Land Management
Karen Clark – Department of Labor, Wage and Hour Division
Thomas Silva – Department of Labor, Wage and Hour Division
Laurie Hoefler – Legal Aid Services Oregon
Daniel Vall-Ilobera – Legal Aid Services Oregon
Carl Wilmsen – Northwest Forest Worker Center
Michael Dale – NWWJP (legal aid)
Alba Johnson – Oregon OSHA
Laurie Abernathy – US Forest Service
Carol Boyd – US Forest Service
Charles Byrd – US Forest Service
Michael Daugherty – US Forest Service
Glenda Goodwyne – US Forest Service
Dianne Guidry – US Forest Service
Charles Hill Jr. - US Forest Service
Elida Monroe – US Forest Service
Craig Blackwood – Washington Labor and Industries
Tisa Soeteber – Washington Labor and Industries

Via teleconference:

Michele Phillips – Department of Labor, Wage and Hour Division
Ramon Huaracha – Department of Labor, Wage and Hour Division Regional Office
Sheila Creel – Department of Labor, Wage and Hour Division Seattle
Manny Lucero – Department of Labor, Wage and Hour Division Seattle
Sheila Finney – US Forest Service

MEETING NOTES

Welcome and Introductions: Tom Silva (US DOL WHD) and Charles Hill (USFS) facilitated the introductions.

Copies of agenda, updated draft MOA, Q & A, Partnership Matrix provided in advance and at meeting.

DISCUSSIONS:

Overview of accomplishments since last January 2015 meeting: (Elida Monroe, USFS):

What we accomplished from January, 2015

- MOA input results: Elida overviewed action items, specifically request from partners' input for MOA comments. Acknowledged additional respondents' input, including from US DOL Wage and Hour, Oregon Employment, Oregon OSHA, Carl Wilmsen (NFWC), US BLM, and John Lund (DOL).
- Highlight in FAQs subcommittee and their purpose: Elida provided that a subcommittee was formed (Sheila Finney, Elida Monroe, Karen Clark) to gather frequently asked questions and answers, as a FAQ attachment for the MOA. The FAQ includes the following elements:
 1. The history and objective for the partnership and actual issues to be monitored;
 2. Communications elements documenting how partners will communicate, incorporating partnership meetings twice a year, a website dedicated to the partnership, and how reporting is provided to partners;
 3. Partner actions, includes enforcement activities by entities such as DOL, how investigations are initiated, and also provides information on the jurisdiction between state and federal entities;
 4. Inclusion of regulatory clauses; and documentation of the actual dates for the bi-annual meetings that the partnership agrees upon.
- The action item of bi-annual meetings: This partnership needs to establish agreed-upon dates bi-annually to continue partnership and momentum.

Memorandum of Understanding: (Charles Hill, USFS): Overview of MOA, commitment to monitoring contracts as it's the right thing to do, working together to do what we can't do individually, and figure out how to continue partner commitment. Today we're here to discuss the norms we've set forth and our objectives from a mission standpoint. We have several folks here today, two extremes, some who started from the beginning while others very new to the partnership. The partnership has had a long history, we started to pursue work around worker protection issues, contracts issues, and where we felt we could help each other in our mission and objectives. The MOA has only had its birth through a conversation with John Lund (DOL), Ruben Rosalez (DOL WHD) Carl Wilmsen (NFWC), and Jim Pena (USDA Forest Service Region 6). There was interest in pursuing some kind of written arrangement, to document the journey with details and specificity and the discussion sought to cure it via an MOA. We're not in as good of rhythm as the players keep changing, and so we keep reminding everyone of the purpose and repeating this regularly. So we want to figure out how do we get unstuck, and move beyond repeating the same conversation over and over, yet maximize benefit of the partnership so that the MOA helps move in that direction. So, the USFS put the meat on the bone of the MOA and threw it out to other parties. We've provided the FAQs to continue forward movement and do good work.

Partner Feedback on MOA: (Charles Hill, USFS): Discussion on enforcement agencies' ability, interaction and capability to sign MOA. So how close are we to the signing of the MOA? Let's get a sensing from the partners. (At this point, signatory partners provided input for their capability to sign off on the MOA.)

USFS is committed to signing off on MOA, historically they've committed to partnership in 2010 and will continue.

OR OSHA (Alba Johnston) needs to check with upper management if they are able to sign document as is.

DOL WHD (Tom Silva) regardless if we obtain NO approval on this MOA, we are committed to partnership with or without signature. However, a reminder that it may take a while for WHD stamp of approval on MOA format.

BLM (Carrie Stricklin) we have a statutory requirement to enforce the [acquisition] regulations and clauses in our contracts. It is not a goal we are seeking; it is something we are required to do. BLM is committed to enforcing those regulations and working collaboratively and cooperatively with and through the Federal and state agencies to enforce forest worker protections on BLM contracts. However, since the FAQs are now linked in the MOA, we need to add a link to BLM contracts and tweak FAQs to include BLM since the FAQs were a separate USFS document previously. Once done, we can sign off.

Oregon BOLI (Dylan Morgan) does not anticipate any issues at this point on signing off on MOA. Washington L & I (Craig Blackwood) we've reviewed, have been partners from beginning, don't anticipate problems.

However, L & I Tisa Soeteber mentions her department (head Elizabeth Smith) may not have been privy to document and needs to review.

Comments are due back to Elida Monroe by close of business Monday, December 21, 2015 from three agencies: Bureau of Land Management, State of Oregon OSHA and State of Washington Labor and Industries.

Forest Service LISC/H-2b Reporting: (Laurie Abernathy, USFS): John Lund, DOL Secretary Representative, will organize an enforcement partners' meeting targeted for January 6, 2016, in the morning here in Portland. He will discuss the federal procurement data systems and what data the partners can and cannot rely on regarding active USFS contracts. The spreadsheet will be posted to the website, and will overview how it can be utilized. USFS will continue to populate data concerning the contracts on this spreadsheet.

Questions/Comments: (Sheila Creel, US DOL WHD Seattle): What regions does the MOA cover? (Charles Hill, USFS): The MOA is inclusive of Region 6, both USFS and BLM, which covers Oregon and Washington. Both USFS and BLM cover same geographic area. This MOA is a local partnership and serves as a model. While the MOA just covers us locally, enforcement and monitoring of contracts is not simply a Region 6 issue, and again this MOA will serve as a partnership model that other regions can adopt later down the line. At this juncture, no other regions have such a partnership or MOA.

(Mike Dougherty, USFS): Will the MOA further peg down specific roles and responsibilities of each partner? (Charles Hill, USFS): No, the MOA needs to be less specific, broader, or the MOA won't move and get signatures.

(Carl Wilmsen, NWFC): Comment that the agreement looks like it's formalizing what the partnership has been doing all along, which is communicating. There are really good things out of this partnership, previous DOL investigations, and I think it made a difference in how contractors are doing things although there are continued problems. My organization just got funding to collaborate with University of WA and Berkeley regarding how injuries occur on the job, and how comfortable workers are with talking to their bosses. But their stories are getting worse and worse -- wage theft, working conditions,

etc. We are making progress but still have a long ways to go. I'm ready to get going we need to do another field tour like in 2010. There are issues of retaliation, workers not getting rights, and we give them options for filing complaints, but people don't want to proceed for fear of retaliation and/or their future inability to get new H-2b visas. We need to continue to try to figure out ways to get the message out to employers and job foremen on the ground. Our program (NWFC) is to educate workers on their rights, but we need to get trainings with foremen and connect it with the workers.

Michael Dale (NWWJP): Comment that we're not listed as participants, as we engaged in legal actions, having said that we want to participate. However, our organization has to find the right role so that we're not intrusively engaged. He also seconded the issue regarding worker retaliation, as the whole family of the worker can get blacklisted. Suggestion – we should be regularly using debarment powers that exist where they might get attention.

Laurie Abernathy (USFS): Problems continue. There are a lot of difficult stories, including problems with safety, injuries, wages. This is important. All of us deal with limited resources and also deal with vulnerable folks difficult to reach. We look forward to additional coordination, cooperation and help to enforce worker's rights.

ACTION ITEMS:

- We need to think about and determine our bi-annual meeting dates, preferably scheduled pre- and post- contract seasons.