

Interagency Agreement

This Interagency Agreement is made and entered into between the Oregon Employment Department (OED) and the Department of Consumer and Business Services (DCBS), Oregon Occupational Safety and Health Division (Oregon OSHA) for services related to H-2A Agricultural Labor Housing.

Coordinators of this Interagency Agreement are:

Oregon OSHA	Oregon Employment Department
Teri Watson Policy Analyst 350 Winter St NE Salem, Oregon 97301 503-947-7406 Teri.a.watson@oregon.gov	Dora Herrera Foreign Labor Certification Coordinator Oregon Employment Department 875 Union Street NE Salem, Oregon 97311 971-301- 3472 Dora.A.HERRERA@oregon.gov

1. Effective Date and Duration

This Interagency Agreement (IAA) shall become effective on the date at which every party has signed this IAA. The IAA will remain in effect, unless amended, extended, or terminated. This IAA will be reviewed annually in October by all parties to assure the accuracy of the process, roles and responsibilities.

2. Amendments

This IAA can be amended for any reason. The terms of this IAA shall not be waived, altered, modified, supplemented or amended in any manner whatsoever, except by written instrument signed by both parties.

3. Termination

- a. This IAA may be terminated immediately upon written mutual consent of both parties or at such other time as the parties may agree in the written consent.
- b. This IAA may be terminated by either party, at their sole discretion, upon 30 days' prior written notice to the other party.
- c. This IAA may be terminated immediately by either party upon delivery of written notice to the other party, or at such other date as may be established in the written notice under any of the following conditions:
 - i. If federal or state regulations or guidelines are modified, changed or interpreted in such a way that the services are no longer allowable or appropriate under this IAA , or
 - ii. If wither party fails to perform the work specified herein, or so fails to pursue the work as to endanger performance of this IAA in accordance with its terms, and after receipt of written notice from the other party, fails to correct such failures with 10 days or such longer period as the party may authorize in such written notice.

4. Purpose

The H-2A program allows U.S. employers or U.S. agents who meet specific regulatory requirements to bring foreign nationals to the United States to fill temporary agricultural jobs.

The Oregon Employment Department Division of Workforce Operation provides oversight to the Oregon H-2A program as it relates to Temporary Agricultural Workers.

The Department of Consumer and Business Services (DCBS), Occupational Safety and Health Division (Oregon OSHA), administers the Oregon Safe Employment Act (ORS 654) and enforces the Oregon Occupational Safety

and Health rules which establish minimum safety and health standards for all industries.

The purpose of this IAA is to outline the roles and responsibilities of each party to better serve common internal and external customers while avoiding duplication of effort by State agencies.

5. Process Regarding H-2A Agriculture Labor Housing

a. Pre-Occupancy Consultations performed by Oregon OSHA

Oregon OSHA Consultants will provide **initial** pre-occupancy consultation for H-2A for Agriculture Labor Housing. Employer will contact Oregon OSHA for initial pre-occupancy consultation. ¹

b. Subsequent Consultations

After the **initial** H-2A Agriculture Labor Housing consultation has been conducted with Oregon OSHA, the Oregon Employment Department (OED) will be responsible for the **subsequent** consultation process with employers.

c. Issues related to Consultation, Technical, or Enforcement

If OED has concerns regarding a consultation with an employer pre-occupancy, OED will contact Oregon OSHA Consultation for guidance and technical support with the concern, **refer to 6.c of IAA** . If OED has concerns regarding housing while the employer has employees occupying housing, OED can contact Oregon OSHA technical department for guidance and technical support. If OED indicates clear and concise hazards related to an H2-A housing and the employer's housing is occupied, OED should refer this information to enforcement. If OED has a letter of compliance from Oregon OSHA Consultation, OED will contact Oregon OSHA Consultation for guidance and technical assistance. Whether it is a consultation, technical, or enforcement issue relating to employee safety and health, Oregon OSHA will have the final authority.

¹ <http://osha.oregon.gov/consult/Pages/index.aspx>

In addition if the employer disputes the findings of the OED's consultation, the employer may refer the issue to Oregon OSHA for final resolution².

6. Roles and Responsibilities

Oregon Employment Department (OED) is responsible for the H-2A program and provides executive authority related to H-2A issues.

Oregon Employment will:

- a. Conduct pre-occupancy housing consultation for employers applying to the H-2A program within 30 days of request.
- b. Report to Oregon OSHA Technical issues related to employee safety and health (ORS 654) that are found while housing is occupied.
- c. Report to Oregon OSHA Enforcement hazards related to employee safety and health (ORS 654) that are found while housing is occupied.
- d. Work with employer when conducting a pre-occupancy consultation when issues are found and while housing is still vacant to remedy deficiencies and ensure compliance. If employer refused, OED will refer employer to Oregon OSHA consultation and certification of housing for H-2A will be delayed.
- e. Ensure staff receive training and education prior to conducting consultation by accompanying Oregon OSHA Enforcement officers on ride-alongs³;
- f. Provide that staff, when on a ride-along with Oregon OSHA Enforcement staff, is only to observe the process. All information during the ride-along is to remain confidential until the employer receives a citation or if the employer is in compliance and the inspection is closed;
- g. Send out a mailer every year to H-2A employers to notify them of the shift from Oregon OSHA conducting the pre-occupancy consultations for the H-2A program to OED. This may be done in coordination with

² Oregon OSHA Policy Manager

³ Trainings will take place earlier in the year, so ride-alongs can be conducted during the summer months.

Oregon OSHA mailers. The information must be sent out to H-2A employer notifying them the consultation process is changing.

Oregon Occupational Safety and Health is responsible for occupational safety and health of employees, (ORS654). Oregon OSHA will provide executive authority to decision related to occupational safety and health and specifically to Agriculture Labor Housing.

Oregon Occupational Safety and Health will:

- a. Oregon OSHA Consultants will provide initial pre-occupancy Agriculture Housing Consultations for employers applying for H-2A program within 30 days of request;
- b. Continue to allow OED staff to ride-along with Oregon OSHA Enforcement staff for training purposes. Point of contact for ride-along request is Safety Enforcement Agriculture Program Manager;
- c. Provide annual housing training through Safety Enforcement Agriculture Program Manager; and
- d. Provide a point of contact for OED for questions regarding registration and consultations. OED should contact Administrative Specialist within the Policy Section at Oregon OSHA⁴. Provide a point of contact for Oregon OSHA Technical Section for questions related to Agriculture Labor occupancy hazards. Provide a point of contact for Oregon OSHA referrals.

7. Objectives of the IAA :

- a. Provide prompt service to customers as to not cause delays in the employer's application for the H-2A workers;
- b. Ensure that state agencies are not duplicating services;
- c. Meeting responsibilities for federal regulations to the H-2A program; and
- d. Ensure workers are provided safe and healthy housing.

⁴ <http://osha.oregon.gov/Pages/contactus.aspx>

8. Merger Clause

This Interagency Agreement constitutes the entire agreement between the parties. There are no understandings, agreements or representations, oral or written, not specified herein regarding this Interagency Agreement.

9. Waiver; Consent

No waiver, consent, modification or change of terms of this Interagency Agreement shall bind either party unless in writing and signed by both parties. Such waiver, consent, modification or change, if made, shall be effective only in the specific instance and for the specific purpose given.

10. Funding

There is no cost consideration under this IAA .

11. Signatures

Both parties, by signature below of its authorized representative, hereby acknowledges that s/he has read the Interagency Agreement, understands it and agrees to be bound by its terms and conditions.

Oregon Occupational Safety and Health Division

 5/20/19

Michael Wood

Administrator

Date

Oregon Employment Department

 Jim Parris 5/20/19

Authorized Signature

Administrator

Date

Contact Information:

Oregon OSHA

Salem 503-947-7426, Portland 971-673-2922

Bryon Snapp, Statewide Safety Manager, SCO, 503-947-7448

Alba Johnston, Agriculture Program Manager, PFO, 971-673-2910

Roy Kroker, Statewide Consultation Manger, SCO, 503-947-7434

Dana Hefty, Administrative Assistant, Consultation, SCO, 503-947-7425

Renee Stapleton, Policy Manager, SCO, 503-947-7402

Diane Shaw, Administrative Specialist, Policy, SCO, 503-947-7418

Kathleen Kincade, Technical Specialist, Technical, SCO, 503-947-7452

Jeff Carlson, Technical Specialist, Technical, SCO, 503-947-7407

Oregon Employment Department

Salem 503-947-1394

Wayne Thomas, Workforce Operations Manager, 503-910-4064

Adalberto Rubio, Business Service Analyst, 503-507-6964

Fernando Gutierrez, Migrant Seasonal Farm Worker Program – State Monitor Advocate, 503-947-1996

Dora Herrera, Foreign Labor Certification Program Coordinator, 971-301-3472

Jonathan Reynoso, Foreign Labor Certification Program, Program Analyst, 503-947-1678



Date: _____

Referral for Agricultural Labor Housing Conditions**Referring Information:**

Name: _____
Agency: _____
Phone: _____
e-mail: _____

Agricultural Labor Housing Information:

Employer name: _____
Farm Labor Contractor (FLC) : _____
Housing address: _____
Dates the housing is occupied: _____
How much longer will housing be occupied?: _____
Number of occupants: _____
Is housing provided in connection with employment? Yes No
Type of work the occupants are performing: _____

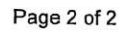
Are the workers housed at a motel/hotel? Yes No
Room(s) used by workers: _____

Is the motel/hotel used by workers and the public? Yes No
Motel/Hotel contact information: _____

Referrals should be faxed or e-mailed to:

Bryon Snapp
Statewide Safety Enforcement Manager
Phone: 503-378-3272
Fax: 503-947-7461
bryon.m.snapp@oregon.gov

Alba Johnston
Safety Enforcement Manager and Agriculture Program Manager
Phone: 503-229-5910
Fax: 971-673-2901
alba.y.johnston@oregon.gov



Please describe the concerns and location for the cabin/room number. Also provide pictures if any.

This image shows a single sheet of white paper with horizontal ruling lines. The lines are evenly spaced and run across the width of the page. There are no margins, text, or other markings on the paper.