

**U.S. Department of Labor**

Employment and Training Administration  
200 Constitution Avenue, N.W.  
Washington, D.C. 20210



December 18, 2025

The Honorable Bob Ferguson  
Governor of Washington  
P.O. Box 40002  
Olympia, WA 98504

Dear Governor Ferguson:

Thank you for your waiver request submission to the U.S. Department of Labor (Department) regarding certain statutory and regulatory provisions of the Workforce Innovation and Opportunity Act (WIOA) and the accompanying plan to improve the statewide workforce development system (enclosed). The waiver request was received on August 19, 2025, and the statutory deadline for response was tolled during the lapse in appropriations. This letter provides the Employment and Training Administration's (ETA) official response to your request. This action is taken under the Secretary of Labor's authority to waive certain requirements of WIOA Title I, Subtitles A, B, and E, and Sections 8–10 of the Wagner-Peyser Act in WIOA Section 189(i).

**Requested Waiver:** Waiver of the requirement at 20 CFR 653.501(b)(2) that the State suppress employer information within domestic Agricultural Clearance Orders (Form ETA-790A) to facilitate the orderly movement of workers within the Employment Service (ES).

**ETA Response:** Because of the limits of WIOA, ETA does not approve the State's waiver request. The regulation at 20 CFR 653.501(b)(2) relates to requirements for administering a system of clearing labor, a function of the ES office as set forth under Sections 3 and 7 of the Wagner-Peyser Act. The Secretary's waiver authority is limited to statutory and regulatory requirements related to Sections 8 through 10 of the Wagner-Peyser Act. Accordingly, the State's request is outside of the Department's waiver authority. The Department supports state flexibility and is ready to work with the State to explore other flexibilities that may be helpful to improve outcomes for jobseekers and employers.

ETA is available to provide technical assistance to you in support of your goals. If you have questions, feel free to contact my office at (202) 693-2772.

Sincerely,

A handwritten signature in black ink that reads "Lori Frazier Bearden".

Lori Frazier Bearden  
Acting Assistant Secretary

Enclosures

cc: Cami Feek, Commissioner, Washington Employment Security Department  
Tamika Ledbetter, San Francisco Regional Administrator, ETA  
Paul Castro-Rodriguez, Federal Project Officer, ETA



STATE OF WASHINGTON  
EMPLOYMENT SECURITY DEPARTMENT  
PO Box 9046 • Olympia WA 98507-9046

August 18, 2025

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." This waiver would allow us to disclose the employer's name and location—while continuing to withhold direct contact information—to facilitate a more informed and orderly referral process.

We specifically seek to disclose the employer's name and location in Agricultural Clearance Orders (Form ETA-790A) posted on our WorkSourceWA.com labor exchange website to offer domestic agricultural workers a similar degree of transparency they find when viewing the same unsuppressed clearance orders on the U.S. Department of Labor's (DOL's) seasonaljobs.dol.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 at least some access to H-2A employer information through our state Agricultural Recruitment System (ARS) and have the same experience that they would have through seasonaljobs.dol.gov. This supports a timely and expeditious job pursuit experience. Moreover, domestic agricultural workers desire access to employer name and location 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. By maintaining WorkSource as the point of contact, we preserve a controlled referral process that supports informed job pursuit.

Notably, this waiver request is endorsed by the state's Agricultural and Seasonal Workforce Services (ASWS) Advisory Committee, which was established in state law at *50.75.040 Revised Code of Washington* and is comprised of four agricultural worker representatives and four

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agricultural employer representatives appointed by the Commissioner. Finally, waiving this part of the regulations would not conflict with any state or local statutory or regulatory requirements.

We recognize that approval of this waiver may allow domestic agricultural workers to find employer contact information through other means and attempt engagement, potentially bypassing the ARS, which is designed to provide them with pertinent, dual-language information on job openings-including their rights. However, by withholding direct contact information and continuing to route inquiries through WorkSource, we reduce the likelihood of such bypassing while maintaining alignment with the spirit of the regulations. Importantly, H-2A employers are still required to provide the same information to domestic agricultural workers, ensuring that those who do not engage with the ARS will nonetheless receive the necessary disclosures. Additionally, H-2A employers are also required to provide the State with data on placements, which helps mitigate any potential adverse impacts.

Employment Service (ES) staff have been trained to refer placement information to the state's 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 to 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. We received one comment, which had a direct bearing on the limited information sharing we propose if granted this waiver. Washington's point of contact for this waiver request is Dan Zeitlin, Chief of Staff, who can be reached at [Daniel.Zeitlin@esd.wa.gov](mailto:Daniel.Zeitlin@esd.wa.gov) or 360-522-3736.

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

The Honorable Lori Chavez-DeRemer

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Sincerely,

*Cami Feek*

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  
Ismaila Maidadi, Director, Workforce Services Division, ESD  
Joy Adams, Director, Employment System Policy and Integrity Division, 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