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KIM C. CORDOVA
President

KEVIN R. SCHNEIDER
Secretary-Treasurer

April 10, 2020

Governor Jared Polis
State Capitol Bldg.
200 E. Colfax Ave., Room 136
Denver, CO 80203

Dr. Mark Wallace
Executive Director
Weld County Department of Public Health and Environment
1555 North 17th Avenue
Greeley, CO 80631

Matthew Lovell
JBS, Labor Relations Manager
1770 Promontory Circle
Greeley, CO 80634

Re: Shut down of JBS Plant in Greeley, Colorado

Dear Sirs:

I write to you with a heavy heart as the President of United Food and Commercial Workers Local 7, which represents roughly 3,000 hardworking and devoted employees at the JBS meat packing plant in Greeley, Colorado. It is with deep sadness that I inform you that a second member of our Union family at the meat packing plant has passed away as a result of the COVID-19 virus.

Mr. Saul Sanchez died earlier this week, and he has now been joined by his Union brother, Mr. Eduardo Conchas de la Cruz. Mr. Sanchez was 78 years old, but otherwise in good health. Mr. Conchas de la Cruz was age 60.

At present, we are aware of at least forty-two JBS employees and Union members, as well as eight employees who are not represented, who have tested positive for the COVID-19 virus – five of them are hospitalized at present. We have been providing this information to JBS on a regular basis. Local 7 believes there may be significantly more individuals at the plant who are carrying the virus but may either be asymptomatic, not tested, or afraid to come forward as they are not eligible for sick pay.

This is an intolerable situation for our members, JBS employees, and for the general public. *No* employee should be forced to work in circumstances which clearly jeopardize their health or even their lives.

We have consistently asked JBS to take appropriate measures consistent with the Center for Disease Control (CDC) guidelines over the past several weeks, to little or no avail, until just very recently. While, belatedly, JBS has instituted some measures, which we cannot confirm, to ensure the safe operation of the plant and protect its workers, it is, sadly, a question of “too little too late.”

The time for action is *now*. The time for seeking “prompt compliance” from JBS has long since passed. Half measures or belated responses will not suffice. With each passing day, more employees’ lives are at risk.

With that in mind, Local 7 demands that the JBS plant be closed *immediately*, for a period of no less than seven days during which the entirety of the actual physical plant, and the surrounding property owned by JBS, will be subjected to extensive and repeated deep cleanings. This action must be taken without delay to protect the lives of our members, JBS employees, and, potentially, the general public. Only then, assuming that the appropriate health authorities believe that the plant is free from the COVID-19 virus, should it re-open.

In addition to the immediate seven-day closure of the plant, Local 7 demands the following after the initial deep cleaning is completed:

- Provide proper PPE – masks, face shields, gloves (although some PPE has been provided, at this time, not all employees have adequate PPE)
 - JBS should also require and provide proper PPE for non-employee visitors to the plant (including but not limited to vendors/deliveries)
- Grant Local 7 immediate access to the plant on a regular basis, with appropriate spacing and PPE ensured.
- JBS provides Local 7 with the report of its retained epidemiologist with regard to recent inspection at the JBS plant, and all communications with the retained epidemiologist.
- To the extent there have been any inspections of the plant by federal, state, or local entities, including but not limited to any inspection and/or investigation by the Weld County Department of Public Health and Environment, provide copies of all such reports and communications with any such inspectors/agencies.
- Deep clean the plant access tunnel. One deep cleaning is not sufficient. The access tunnel should be sanitized at least twice per day, ideally prior to shift changes. At shift changes, this tunnel is accessed by an excess of 2,000 workers. The JBS plant has three shifts.
 - (Note: there is an access tunnel, approximately 1,000 feet or more through which all workers enter and exit the plant.)

- Ensure proper spacing with regard to entrance and egress to the tunnel, at least as to ingress and egress.
- Cafeteria and other seating/break areas – ensure proper spacing, regular cleaning, including not only tabletops, counters and chairs but also all appliances including microwaves, vending machines, and cafeteria card loading machines.
- Bathrooms – published, regular schedule for cleaning each restroom facility, and a published, regular inspection and refilling of all soap dispensers to ensure they contain soap at all times.
- Ensure adequate spacing in locker rooms.
- In addition to deep cleaning all locker rooms, they should be cleaned and sanitized regularly – at least once per day in their entirety.
- Provide on a daily basis, a list of *all* employees (not identified by name) who have reported testing positive for the COVID-19 virus, including their department, shift, and date of symptom onset and diagnosis (if available).
- Provide a list of each individual(s) JBS has contacted who is known be, or likely to be based on department and shift, in close contact (as defined by CDC rules – i.e., within 6 feet for more than 10 minutes) with each person that has been diagnosed with the COVID-19 virus.
 - If JBS has not contacted all such individuals, they should be contacted immediately. And, JBS should ensure it is contacting all such people whenever there is a diagnosis.
 - JBS should not, and need not, reveal the name of the diagnosed individual in order to adequately inform other employees potentially exposed.
- Ensure that workforce is properly educated as to COVID-19 symptoms and the need to stay home if exhibiting those symptoms – via posters prominently displayed in work areas throughout the plant and on its internal TV system. At a minimum, all notices should be in English, Spanish, Burmese, and Somali.
- During the 7-day shutdown of the JBS plant (or longer as deemed appropriate by health officials), *all* JBS employees will be paid their regular wages.

After the 7-day closure and deep cleaning procedures have been completed to the satisfaction of appropriate health authorities, *and* in addition to the above health and safety demands, Local 7 demands the following to protect its members and JBS employees:

- Hazard pay - \$3 on top of applicable rate of pay (and all applicable overtime based on the hourly rate *and* the hazard pay)
- 100% wages paid for self-isolation and/or *instruction* from medical professional to isolate (note from medical provider *should not be required* per CDC and Colorado Department of Public Health and Environment guidance).
 - In Colorado, Rules issued by the Department of Labor and Employment dictate that JBS employees are now paid 100% of their wages for first 4 days they have symptoms of the COVID-19 virus if they are being tested for COVID-19 or instructed to isolate by a medical professional.

Re: Shut down of JBS Plant in Greeley, Colorado

April 10, 2020

Page 4

- After that time, at JBS they are only eligible for short-term disability – which is a *fraction* of their actual compensation (maximum of \$284 per week). Even for employees at JBS’ lowest wage progression, the maximum short-term disability payment is less than half of their regular weekly wages for full-time employees.
- No requirement for doctor’s note

These post-closure and re-opening demands are consistent with the fact that as you know, Governor Polis, the workers at the JBS plant have been denominated as “Critical Manufacturing” under Public Health Order 20-24.

We fully understand the seriousness of a plant closure and its economic impact. However, safety must take precedence over profits. As you are no doubt aware, a number of plants throughout the United States have now been closed because of the spread of the COVID-19 virus among their workforce. One death is a tragedy – two deaths at the same plant is simply beyond human understanding. With regret, we have no option but to conclude that the time for collaborative efforts has ceased. JBS has left us with no alternative.

Talk is cheap – workers’ lives are not. We look forward to your very prompt response and immediate action. The families of Mr. Sanchez and Mr. Conchas de la Cruz, our 3,000 plus members at the plant and the general public in Greeley demand no less.

Sincerely,



Kim C. Cordova
UFCW Local 7 Union President
UFCW International Vice President

cc: Eve Lieberman, Chief Policy Advisor and Legislative Counsel, Colorado Governor’s Office
Joe Barela, Executive Director, Colorado Department of Labor and Employment