



Chartered by United Food & Commercial Workers International Union
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KIM C. CORDOVA
 President

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 Secretary-Treasurer

March 13, 2020

Kevin Shuman
 Human Resources Director
 Mission Foods
 2110 Santa Fe Dr.
 Pueblo, CO 81006

Dear Mr. Shuman:

I write in furtherance of my communication to you of March 10, 2020 concerning the Coronavirus (COVID-19) and its impact of your employees/our members. To date, I have not yet received a reply concerning my communication to you. I asked that you give this matter your utmost attention and respond immediately given the significant and time-sensitive nature of the Coronavirus and its impact. I write separately to discuss your obligations under the Colorado Health Emergency Leave with Pay (“Colorado HELP”) Rules (7 CCR 1103-10) issued by the Colorado Department Labor and Employment on March 11, 2020. These rules require, in relevant part:

3.1 Any employer engaged in the field of leisure and hospitality, food services...home health care...operating a nursing home, or operating a community living facility shall provide up to four days of paid sick leave for an employee (A) with flu-like symptoms and (B) who is being tested for COVID-19. The paid sick leave ends if an employee receives a negative COVID-19 test result.

...

3.2 These rules do not require an employer to offer additional days of paid sick leave if it already offers all employees an amount of paid leave sufficient to comply with Rules 3.1. However, an employee who already exhausted his or her paid leave allotted by the employer but has flu-like symptoms and is being tested for COVID-19, is entitled to the additional paid sick days provided by Rule 3.1).

...

3.3 [For] paid sick leave covered by these rules, pay shall provided (A) at the employee’s regular rate of pay . . . including all forms of wages and compensation..., and (B) for the employee’s regularly worked hours. To the extent that employee’s rate of pay or hours worked had varied before the absence for illness, pay shall be in the amount of the employee’s average daily pay for the preceding month.

...

Mr. Kevin Shuman

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3.4 (Notwithstanding the requirement of the family medical leave act (“FMLA”)), no employer may terminate an employee for an inability to provide documentation to an illness covered by these rules, and (B) FMLA provisions do not narrow the rights and responsibilities by these rules.

7 CCR 1103-10

Your employees/our members are covered by this emergency regulation, as they perform work engaged with “food services”. Moreover, as you do not provide first day sick leave pay to all employees, you are automatically required under the rules to provide at least four paid sick days to employees who have flu-like symptoms and who are being tested for COVID-19. I ask that you confirm, in writing, that you will be treating our members in accordance with the obligations set forth in this rule and will be providing not less than four (4) days of paid sick leave to your employees/our members in the event they have flu-like symptoms and are required to have COVID-19 testing.

In addition to the legal requirements discussed in this letter, you should be making additional accommodations to your employees/our members, as discussed in my letter of March 10. Your failure to respond to my March 10 communication evinces not only your utter disdain for your workers/our members, but also shockingly little regard for the safety of the general public who are your customers. Despite the fact that our members have been working tirelessly to ensure the production of your product during unprecedented demand, your failure to ensure their safety is a betrayal of the highest order.

Finally, I also ask that you immediately notify the affected employees as well as the Local if one of our members/your employees tests positive for COVID-19. Please confirm in writing your intent to comply with this request.

If you have any questions or concerns, please do not hesitate to contact me. I look forward to hearing from you immediately concerning these time-sensitive issues.

Sincerely,



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

cc: RoseMary Anaya
Officers & Directors
Kate Meckler