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April 16, 2020

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Re: Public Health Order 20-25

Dear Gentlemen and Gentlemen:

I greatly appreciated the time spent in our discussions on Tuesday, April 14, 2020. I am writing to clear up some remaining confusion over the status of Public Health Order 20-25, dated April 10, 2020 but first published, at least as far as we could ascertain, on April 13, 2020.

Based on our discussions, we understood that CDPHE and WCDPHE were in the process of issuing an amended order, which would deal with a number of the issues we raised and discussed during our Tuesday morning call.

To date, we have been unable to determine if such an amended order has actually been issued. Thus, at present we are assuming that Public Health Order 20-25 is still in effect. That being the case, can you clarify the following questions and issues for us?

1. Consistent with the Order, will JBS “conduct an employee testing and screening program . . .”? If so, when will it start? When will it be completed? Who will be tested?
2. Consistent with the Order, JBS was required to “develop a sequestration housing plan and share it with the State’s Unified Command Center: Mike Willis, Director of Emergency Management.” – Has that plan been created? May we receive a copy of the plan?
3. JBS was required to contact people identified as having COVID-19 or exposure to a case of COVID-19, and the Order required that they be “excluded from work . . . and temporarily housed away from other workers that they cohabitate with for 7 days (isolation of cases) or 14 days (quarantine of exposed individuals).” Has this occurred? If not, why not and when will it occur? Assuming there is such a housing sequestration and exclusion plan as referenced in paragraphs 3 and 4 of the Order, how or when will such restrictions be communicated to our members or other plant employees?
4. Obviously, the Order sets forth a host of other requirements that JBS must complete before reopening. At this stage, what, if any, of the items set forth in the Order have been complied with by JBS?

These questions are not meant, at all, to be confrontational – but, as I’m sure you understand, we have legitimate and substantial concerns about our members’ health and safety – which we know from our discussions, each and all of you share. As mentioned previously, it is our desire and intent to work cooperatively and collaboratively with all of you to ensure that the terms and conditions of the Public Health Order are fully and completely satisfied by JBS – or alternatively, any additional or changed conditions in any amended order.

At present, there is tremendous confusion among the plant’s employees – they have been told within the span of less than a week that there would be testing starting Sunday, Monday, and Tuesday (which we understand was instituted without your input or approval), then that the testing would *not* occur on Sunday, and then that there would be *no* testing – and then the Governor indicated in a press conference that there *would* be testing, and then JBS indicated most recently that there would be *no* testing – other than any testing which had already occurred for its management. Under the circumstances, employees simply don’t know whether there will or will not be tests, whether they should sequester or not, and if so, what is the scope of the sequestration requirement, particularly for separate and isolated housing from family members. Without testing, it is very difficult to understand how employees can take JBS’ communications seriously.

As already suggested, I hope that we can be actively involved in further discussions to ensure JBS’ compliance. Despite our heated differences with JBS, I can assure you that we are willing to work cooperatively and collaboratively with them if there is an indication of good faith compliance. We have no intention of being unduly disruptive and we recognize you are all facing a myriad of issues, not just our concerns at JBS – but, as I’m sure you can appreciate, while recognizing the public’s interest and the economic exigencies, we have an obligation to do our very best to protect our members.

Re: Public Health Order 20-25

April 16, 2020

Page 3

We have consistently attempted to do so, and look forward to your prompt response. I would respectfully suggest that a further phone conference, either later today or tomorrow, would be in order. I greatly appreciate your keeping us actively involved in the process of ensuring the health and safety of our members, Colorado's citizens, and the food chain.

Sincerely,



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