



Chartered by United Food & Commercial Workers International Union  
**UFCW Building, 7760 West 38<sup>th</sup> Avenue, Suite 400**  
**Wheat Ridge, Colorado 80033-9982**  
Phone 303-425-0897 • Toll Free CO & WY 800-854-7054  
Fax 303-424-2416 • <http://www.ufcw7.org>  
Facebook: UFCWLocal7R • Twitter: @UFCW\_7 • Instagram: UFCW\_LOCAL\_7

**KIM C. CORDOVA**  
President

**KEVIN R. SCHNEIDER**  
Secretary-Treasurer

April 11, 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: JBS plant closure in Greeley, CO

Gentlemen:

I once again write on behalf of our more than 3,000 Union workers at the JBS plant in Greeley, Colorado. Monitoring the various stories in the media, I now understand that JBS will be closing the Greeley plant for an indeterminate amount of time while it conducts “testing” and “deep cleaning” over the Easter weekend.

While, of course, Local 7 is pleased to see that its efforts over the last few weeks to highlight what we believe to have been an inadequate response at the plant to the COVID-19 virus have finally borne fruit, the closure and cleaning efforts articulated in the media leave many questions unanswered.

While I appreciate Governor Polis reaching out today, I am still seeking clarification as to exactly *what JBS will, or will not,* be doing at the plant to ensure that its workforce is as safe as possible during this health emergency crisis. I hope that we will be able to work collaboratively towards the goal of a safe plant reopening, consistent with the best interests of our workers, the

general public, and national food security. I would urge *all* of the parties involved to actively include the Union and its members in these efforts, since after all, we are literally and figuratively, the “boots on the ground” at the plant.

While our paramount concern is the safety and health of our members, we are completely cognizant of our responsibility to ensure that the public continues to receive a safe, consistent, and efficient flow of food product during these times of crisis. Our members recognize their essential role and consistently meet their obligations as patriotic Americans under difficult working circumstances.

There is an army of first responders and Coloradans waging war against this virus – that army travels on its stomachs and our members, not just at JBS, but at grocery stores and other food processing plants throughout Colorado, put food in those stomachs.

Truly, we are all in this fight together. The following questions still remain unanswered:

### **Testing**

I understand from media reports that JBS will be testing *all* plant employees. However, this is inconsistent with JBS’ own communication, via *poster*, with JBS employees (attached). Governor Polis and Dr. Wallace, as you may not know, the testing set forth on the poster would *not* cover the entirety of the plant population. As you can see from the “Important Notice,” the testing is reduced by JBS’ determination that only certain employees present on April 9 or 10 will be “tested at this time.” Was this decision made in conjunction with Weld County Department of Public Health and Environment? If not, why not?

Astonishingly, JBS then goes on to note:

If you are NOT in this category of employees you will need to get tested on your own time and provide documentation before you can return to work.

It is hard to imagine a less serious testing program than one which excludes, on its terms, potentially a thousand or more employees, since we know that generally speaking, between 800 and 1,000 employees have been calling in sick on a daily basis. The poster suggests that those not included within JBS’ mandatory testing must secure the testing on their own time – and presumably at their own expense. Where, exactly, and how, exactly, are these non-covered employees supposed to secure their own testing? Would the testing be at their expense? JBS simply doesn’t say.

Obviously, the testing is commencing on *Easter Sunday* – and continuing through Tuesday. Monday is a paid holiday for plant employees. Given the weather forecast for Sunday, and the fact that it is Easter, we question whether many employees, assuming they are even aware of the required testing, will show up in the plant *parking lot*, to stand in line for what

could be many hours. Will proper spacing be ensured? Will there be provision made so that workers can stay warm? How long is the testing anticipated to take? And, since testing will continue through Tuesday – at what point will the employees be informed of their test results? *How* will they be informed of their test results? It seems impractical to reopen the plant in anything less than the week’s timeframe that the Union previously suggested. Moreover, left unaddressed is whether the workers will be compensated for this *forced* time off – which has occurred through no fault of their own, but rather, as a result of JBS’ half-hearted and belated efforts to protect its workers.

JBS’ poster is symptomatic of the lack of communication between JBS and its employees, to whom it has an obligation to provide a safe workplace. Although there are approximately 30 languages spoken at the plant, there are 4 main ones – English, Spanish, Burmese, and Somali. It does not appear that the posters, as of this morning, are in anything but English and possibly Spanish, thus leaving a substantial portion of the plant’s employees unable to clearly understand the testing schedule.

This is, of course, the very reason that we have been insisting that your Executive Order of March 25, 2020 be clarified to permit the Union to access the plant. As we have previously stated in communications with the Governor’s executive staff, Local 7 is typically in the plant on a daily basis under the terms of its Collective Bargaining Agreement with JBS. Governor Polis and Dr. Wallace, you may be unaware that Local 7 actually has an office in the plant that assists us in serving our members. A critical component of our service is guaranteeing that the plant is operating in a safe manner. However, we were informed that under the March 25<sup>th</sup> Stay at Home Order, we are not permitted access to the plant, and have been continuously trying to secure some very limited exceptions. Even JBS has raised no objection to our continued access to the plant. These matters have been previously addressed in a series of emails and phone conversations, as recently as March 28, 2020, between ourselves, other community interest groups, and the Governor’s executive staff.

It will be virtually impossible to adequately determine whether the plant is in a posture which is safe for reopening without actively involving its employees and the Union in those discussions. To be completely frank, the effect of failing to include the Union and the plants’ employees in these discussions previously, whether intentional or not, is one of the factors that has led to this distressing chain of events.

### **Plant Deep Cleaning**

Despite suggestions that JBS has had some long-standing plans to “deep clean” the plant, we believe that JBS has only formulated such plans very recently, largely in response to pressure from Local 7 and a number of public interest groups. Be that as it may, JBS’ commitment to a “deep clean” of the plant this weekend provides relatively scant comfort to Local 7 and our

workers at the plant, particularly since its CEO publicly stated earlier this week, “I’m 100% confident the people who enter the plant are safe.” Clearly not. The following questions need to be answered:

- What, exactly, does this deep cleaning consist of?
  - Scrubbing with soap and water?
  - The use of certain chemical compounds or decontaminants?
  - Precisely which chemicals are being used?
  - Will these chemicals be consistent with OSHA guidelines and will the Union and its members be provided with the applicable required material data sheets?
  - Will the deep clean apply to *all* areas of the plant, including office areas? This is critical because we know, as mentioned in my April 10 letter to all of you, that non-union members have *also* tested positive for the COVID-19 virus in areas that are not strictly construed as production areas.
- As noted in my April 10 letter, it is critical that *all* areas of the cafeteria, including a number of automated vending and card machines, be appropriately cleaned as well – will this occur?
- As noted in my April 10 letter, locker rooms should be cleaned – will this occur?
- As noted in my April 10 letter, bathrooms must be cleaned – will this occur?
- As mentioned previously, access to the plant is through an elongated tunnel through which *thousands* of workers pass every day at shift change. Will the deep cleaning extend to the tunnel, as requested? Will the tunnel be deep cleaned or at least cleaned on a daily basis once the plant reopens?
- At the conclusion of the deep cleaning, will the Weld County Department of Public Health and Environment issue a report as to the sufficiency and success of the deep cleaning efforts? If so, both our members, and indeed the general public, should be provided access to that report, as well as any prior inspection reports generated by the Department.
- What type of cleaning regimen will be in effect for *all areas* of the plant once it reopens? Will JBS commit to *publishing* its cleaning schedule to its employees so it can be verified?
- Will the deep cleaning, and subsequent cleaning efforts after the plant reopens, be supervised by the Weld County Department of Public Health and Environment? I must insist that the Union be actively involved in monitoring these cleaning efforts as we have intimate knowledge of the plant operations and its requirements, given our employees on site.

**Other Remaining Issues and Questions**

- Will appropriate PPE be provided to *all* plant employees? In particular, in the manufacturing areas, will *all* workers be provided with and *required* to wear appropriate masks, face shields, and gloves? To date, this has *not* occurred and there is no indication in any of the media reports that this will occur any time in the near future. What is the timeline in which the PPE *will be* provided to all personnel?
- Will third parties visiting or performing work at the plant be required to utilize masks and gloves – either through their own employers or provided by JBS?
- Given the deaths of two Union brothers and the tremendous strain on JBS employees during this crisis, it is critical to ensure the physical and mental well-being of our members. To this end, I request that JBS provide Employer Assistance Program counseling on site, including but not limited to grief counseling, paid for by JBS.
- Finally, *any* communications with plant employees/Union members *must* be in at least the four major languages spoken at the plant – English, Spanish, Burmese, and Somali.

These are perilous and stressful times for all Coloradans. Our members share the common goal of defeating the virus and returning to some semblance of normalcy. We stand ready, willing, and able to work jointly towards those efforts. I look forward to hearing from each of you.

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