

Members of the General Assembly and Governor Polis,

We are writing to voice our support for HB20-1415 The Whistleblower Protection Public Health Emergencies Act. This bill is crucial to the health and safety of our members, Colorado workers, and the larger Colorado community. Workers in Colorado have little protection when it comes to speaking out about public health and safety concerns. With no protections, it leaves workers to file complaints with OSHA which can take years to be investigated and remedied. Our workers can't wait years, they need the Colorado Department of Labor and Employment to be able to step in to investigate and begin processes for remediation immediately.

With the COVID-19 crisis sweeping our nation and our state, the need for this bill becomes even more apparent. Colorado workers need to speak out about places of employment that are not following the Center for Disease Control and/or Colorado Department of Public Health and Environment protocols. Without protections in place there is a very real fear of being fired which is preventing workers from speaking out, and in turn, preventing our business from being as safe as they can be. Workers in all industries- teachers, government employees, baristas, librarians, factory workers- need to be protected.

Had this policy been in place workers at the JBS meat packing facility wouldn't have been demoted for speaking out about safety. Workers at Amazon would be able to raise concerns about the warehouse. A home care worker wouldn't have been fired and left without pay for telling her colleagues that patients were COVID positive when her management refused to do so. These individuals are our members, they are our frontline workers, and they deserve these simple whistleblower protections and remedies.

By allowing employees to raise concerns about workplace health and safety to other workers, their boss, the media, or government agencies we can stop the spread of COVID and stop the unnecessary deaths in our state. In order to protect public health, we need to make sure that all workplaces—private and public—follow health and safety guidelines to prevent the spread of contagious and deadly diseases.

Thank you for your consideration and we urge you to pass and sign HB20-1415

Signed,

9to5 Colorado  
American Federation of Teachers  
American Federation of State County and Municipal Employees  
American Friends Service Committee  
Bell Policy Center  
BlueGreen Alliance  
Centennial State Prosperity  
Colorado AFL-CIO

Colorado Building and Construction Trades Council  
Colorado Education Association  
Colorado Fiscal Institute  
Colorado Latino Forum  
Colorado People's Alliance  
Colorado Pride @ Work  
Colorado Rent Strike and Eviction Defense  
Colorado Springs Area Labor Council  
Colorado WINS  
Colorado Working Families Party  
Colorado Sierra Club  
Communication Workers of America Local 7  
Colorado Jobs with Justice  
Denver Area Labor Federation  
Denver Homeless Out Loud  
Elevator Constructors Local 25  
IBEW Local 111  
IUPAT DC81  
Insulators Local 28 i  
National Resource Defense Council  
New Era  
Plaintiff Employment Lawyers  
Padres y Jóvenes Unidos  
Progress Now Colorado  
SEIU 105  
The Wilderness Society  
Together Colorado  
Towards Justice  
UNITE HERE Local 23  
United for a New Economy  
United Food and Commercial Workers Local 7

Thank you for your time today. My name is Hoku Williams, I am a Denver resident, and am testifying to support this bill. Workers must be protected against intimidation and retaliation when we report unsafe working conditions.

As of recently, I am the assistant general manager of a burger joint on the northside, and I care deeply about the employees who work with me. If they felt unsafe, it's important to me that they are encouraged to speak up about those things so that we have a smooth and well-functioning workplace where everyone feels comfortable and trusts one another. While I understand and support this bill, many other managers and owners of other restaurants and businesses do not tend to share my views. That is why it is important for you to pass this bill today so that all workers across the state will not face retaliation for reporting unsafe working conditions during this ongoing global pandemic.

Thank you again.

Kahoku Williams

Zip Code 80223, Rep. Alec Garnett, Sen. Robert Rodriguez

kreaturephotography@gmail.com

I am a flight attendant for a major airline based out of DIA and I live in Denver, CO. In the face of the COVID-19 crisis I learned very quickly I had no where to turn when it came to my safety, the safety of my family and of my co-workers.

For months after this crisis began everyone of us were waiting and hoping that the government would just shut us down for a couple of weeks to prepare for the necessary safety measures that needed to be introduced. This did not happen. I was forced to fly an average of 12 hours a day, never leaving the aircraft. We had a small amount of gloves, masks were not aloud and nothing to clean our work area. We have to basically live on the airplane all day when you are on a trip, that means eating and using the restroom in an unsanitary aircraft. It is impossible to social distance on an airplane and we continued to be told to greet passengers upon boarding and deplaning, offer a full beverage and snack service and always be in the aisle in view of passengers at all times by collecting trash and offering refills. Then we would be packed onto a hotel van shared public and spend the night in a hotel room again with no cleaning products to wipe down high touched areas. This is just a small glimpse of what our day looked like.

I spoke with my management and wrote emails to headquarters pleading for basic protections and I was always told they are working on it. I am prohibited from speaking to the media, ever period. If you do you will be immediately terminated. We also have a social media policy that states "you are prohibited from posting or sharing content that may be viewed as damaging to the airlines public perception." If you are found to violate this rule you will receive a 30 day suspension, up to termination.

My voice was silenced from asking the public to help because my company wasn't keeping us safe. For airlines the FAA and the CDC only put out "recommendations" all of which were not being followed and continue to not be followed. Because it is only a recommendation I could not contact them to advise my company was in violation of their safety standards. There was nothing I could do while I watched my friends and loved ones become sick and some pass away from this virus. I got up and went to work everyday sick to my stomach with fear but I had no choice. I had to choose between my safety and my income. This is not something anyone should have to choose between when there are protections that could and should be put into place.

To Members of the Colorado General Assembly and Governor Jared Polis,

We are writing to voice our support for HB20-1415, the Whistleblower Protection Public Health Emergencies Act. As Colorado begins to reopen businesses, restaurants, government facilities, gyms, schools and other locations across the state, some workers will be faced with tough situations where they are being asked to work in places of employment that are not following Center for Disease Control and/or Colorado Department of Public Health and Environment protocols for reducing the spread of COVID-19. On the national level employers from Amazon, hospitals, and meatpacking plants have been punishing or firing workers who are speaking out about hazardous conditions. Health care workers are being retaliated against for wearing their own personal protective equipment. Similar adverse actions are being taken against workers across Colorado and we as local elected officials believe it is imperative for the state to take action.

Currently, Colorado has very few whistleblower protections in place, leaving many workers to fend for themselves if they are retaliated against for speaking out to co-workers, media, or other government agencies. In light of the COVID-19 crisis, it is even more critical that all workers in the state have the ability to raise concerns and shed light on unsafe work environments without fear of adverse action. Without these protections in place, we are hearing from workers who have been fired for asking for social distancing in stores, workers who have essentially been demoted for speaking to the media, workers in health care without PPE who are afraid to speak out and countless other stories. Workers are Colorado's first line of defense, they are the eyes and ears on the ground in small businesses, government agencies, and our schools.

In order to protect public health, we need to make sure that all workplaces—private and public—follow health and safety guidelines to prevent the spread of contagious and deadly diseases. When workers see that safety standards and protections are not being followed, they need to feel safe and protected to speak out. Preventing retaliation by employers will ensure the problems get rectified and stop the spread of COVID-19 or other deadly viruses or diseases. This holds extra importance to help the state ensure that all open workplaces are following social distancing, cleaning, and health and safety protocols during the current pandemic.

If Colorado is to safely re-open our businesses while also flattening the curve and preventing another spike in cases it is critical that these whistleblower protections apply to all workers, those in the private sector, public sector, state jobs, and local government employees. While some protections exist in some jurisdictions, all workers need to have a clear avenue to report unsafe workplaces and situations.

Thank you for your consideration and we urge you to pass and sign HB20-1415.

Signed,

Adams County Commissioner District 1, Eva Henry  
Adams County Commissioner District 3, Emma Pinter  
Adams 12 School Board Director District 1, Lori Goldstein  
Arvada City Council District 2, Lauren Simpson  
Aurora Council Member At-Large, Allison Hiltz  
Aurora Council Member Ward 1, Crystal Murillo  
Aurora Council Member Ward 2, Nicole Johnston  
Aurora Council Member Ward 4, Juan Marcano  
Aurora Council Member Ward 5, Alison Coombs  
Brighton Council Member Ward 1, Matt Johnston  
Commerce City Member Ward 2, Jennifer Allen-Thomas  
Commerce City Council Member Ward 4, Susan Noble  
Denver Council Member At-Large, Robin Kniech  
Denver Council Member District 6, Paul Kashmann  
Denver City Council Member District 9, Candi CDeBaca  
Denver City Council Member District 10, Chris Hinds  
Denver Public School Board Member District 2, Angela Cobian  
Edgewater City Council Member, Michal Rosenoer  
Englewood City Council Member At-Large, John Stone  
Lafayette City Council Member, Chelsea Behanna  
Lakewood Council Member Ward 2, Jacob LaBure  
Northglenn City Council Member, Julie Mullica  
Thornton City Council Member, Julia Marvin  
Routt County Commissioner District 3, Beth Melton

The Colorado Immigrant Rights Coalition strongly urges the general assembly to support HB20-1415. Throughout this pandemic, we have seen time and time again how disproportionately this crisis impacts our most vulnerable communities. Immigrants in Colorado make up nearly 13% of our essential workers but often lack access to paid sick leave, health insurance, and other critical resources to protect themselves and their families during this pandemic. That is why it is imperative that we bolster protections for those employees who do speak out in the interest of their health and the health of all of us during this pandemic. The impact of this crisis has been heartbreaking for low-income families, and especially immigrants who have been excluded from the economic stimulus and unemployment benefits. It's time we take care of our essential workers and immigrant families, the way they've been taking care of us throughout this crisis by ensuring their access to whistleblower protections. I urge you to vote in support of HB20-1415.

Raquel Lane-Arellano, CIRC Policy Manager  
raquel@coloradoimmigrant.org

Hello everyone - thank you for hearing from me.

I work as a stocker at a warehouse for a popular food and product delivery service in Lakewood, Colorado. I support this bill because I feel that I should not have to risk losing my only source of income if I speak up about safety issues in my workplace.

Some of the things that come up for me is not having enough space for the products we sell in the warehouse. We also don't always have access to ladders and are forced to stand on boxes to get to higher shelves. As someone with chronic pain and a torn ACL, I am especially concerned about suffering from a fall. Additionally, the door to my store is left open all night, and I work until 2am most days, which makes me feel very vulnerable. When I brought this up to my manager, he made a joke about it and nothing was changed.

If I were to 'blow the whistle' on any of these issues, or others, if they were to get too egregious, I could be fired under law as it currently stands because employers don't have to give a reason for terminating any employee. This would leave me in a very bad situation for paying my bills, and it was hard enough finding this job during the COVID crisis. I can only imagine what it's been like for others, and the fear they must feel (especially marginalized people) when they don't feel empowered to speak up about safety concerns when they work. Please pass this bill to stand with working people in Colorado and empower us to be vocal about what we need and deserve.

Thank you again for your time.

- Dani Vikes, zip code 80203, email [mishaelashae@gmail.com](mailto:mishaelashae@gmail.com)  
Rep. Chris Kennedy, Sen. Jesse Danielson



To Whom It May Concern:

Colorado Jobs With Justice is a longstanding coalition of community organizations, labor unions, student activists, and faith groups. We focus on issues affecting working families and work at the intersections of movements to support broad strategy. On behalf of our board and staff, we are writing to express our support on the Whistleblower Bill HB 20-1415.

At Jobs With Justice, we believe that all workers deserve respect and dignity on the job. In this moment when we are in a global pandemic, poverty wages, lack of paid leave and the fear of having to go to work with unsafe conditions leads to a myriad of negative outcomes and consequences that are long-lasting and far-reaching for working families. These realities are squeezing people in many ways, but the financial burden is particularly damaging, as people are choosing between basic needs and going to work in unsafe conditions and then experiencing retaliation for speaking up or demanding PPE. The kinds of choices workers are having to make today--choices like going to work sick because missing those wages is untenable, or fearing everyday one goes to work they will get sick and infect their families and loved ones--are unacceptable; which is why Colorado Jobs with Justice supports HB 20-1415.

As working people, we are already making difficult choices every day, and being able to raise safety concerns at the workplace without retaliation is as important as the CDLE having the authority to enforce and investigate claims. This legislation supports workers and thus public health and it is our responsibility to make sure that all workplaces—private and public—follow health and safety guidelines to prevent the spread of contagious and deadly diseases.

For these reasons and many others, we are in support of protecting workers and their right to speak up if forced to work unsafe jobs or have high infection risk with little PPE; employers should not profit from the hard times of Coloradan workers, and we call on legislators to stand with working people, particularly those in low-paying jobs, to fight for a policy that puts people before profits and reflects an understanding of and compassion for everyday people dealing with the stresses of modern life.

Sincerely,

Pamela Resendiz  
Executive Director  
Colorado Jobs With Justice  
1600 Downing Street, Suite 100  
Denver, CO 80218  
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pamela@cojwj.org

Hi, my name is Brielle Diem. I work as a critical care nurse at Denver Health and I am here today to represent Denver Health Workers United. I could spend hours talking about the proper use and appropriate distribution of personal protective equipment and the fears associated with my own health and the health of my coworkers in the face of the current pandemic. However, the thing driving my presence here today is my fear for the patients that we dedicated our careers to caring for. Nursing has repeatedly been rated as the most trusted profession in the United States. Part of what makes us the most trusted providers in the health care setting is our ability to work hand in hand with our patients throughout the entire shift and advocate on their behalf, especially in situations where they are not able to speak for themselves. Using our voices is a huge part of nursing culture and it is important for us to be able to do so without the fear of repercussions. Unfortunately, the lack of protection as a whistleblower in the state of Colorado is something that threatens the integrity of all nurses and healthcare workers alike. It is imperative we feel safe speaking up when we encounter unsafe situations in our workplace, as it can often mean life or death for our patients. For example, given the large numbers of critical care patients we are taking care of in the last few months, and the shortage we have experienced in availability of critical care nurses, our hospital has resorted to giving non-critical care nurses a crash course training to take care of the sickest patients in our hospital with no standardization or protocol for competencies met. Just a few weeks ago, I gave report and handed off patients to a newly trained nurse and spent close to an hour explaining ventilator settings and how to properly titrate high risk medications where even the slightest incremental changes could change the trajectory for that patient drastically. We have had countless situations such as these in the last few months that have affected the safety and care of our patients negatively. Imagine your loved one, sick in the hospital, scared and unable to have visitors, having a tube placed down their throats to help them breathe on life support. In these situations, we are often forced to paralyze patients to allow the ventilator to work properly, and we give them sedating medications so that they are asleep and don't know they are paralyzed. Imagine one of these undertrained and involuntarily overworked nurses, by no fault of their own, turning off those sedating medications in order to fix another temporary problem without realizing the consequence of your loved one lying there, paralyzed and completely awake, terrified and alone. These are only two examples of many sad and scary situations that have occurred in the last few months at our hospital, right here in Denver. We have so many opportunities as nurses and healthcare providers to bring these safety situations to light before they end in tragedy. It is so, so important that we feel protected in doing so. A vote against this bill is a vote against the safety of not only the workers of Colorado, but the patients in our hospitals, those of which could be you or your loved ones tomorrow. Please join me in supporting the bill for Whistleblower Protections for Public Health Emergencies and allow us to continue to build our trust with our patients and our community. Thank you.

AFT Colorado strongly supports HB20-1415. Teachers and school staff have been on the frontlines of responding to this crisis from the beginning and will be dealing with the after-effects of it for many years to come. Providing assurance that they are protected from employer retaliation to Colorado educators, especially during a time when they are rightfully fearful for their and their students' safety and well-being, is a key component to re-opening our schools and communities in the safest way possible.

Experts have warned that schools have the potential to be the focal point of outbreaks throughout the state. Each Colorado school and district will have unique challenges as they begin to re-open and it will take meaningful collaboration between educators, staff, and their districts to ensure that schools are taking the necessary and proper precautions to minimize the spread of the Coronavirus.

Unfortunately, there is potential for educators facing retaliation if they raise concerns about how their school or district is handling this public health crisis. This could stifle the crucial collaboration needed to plan and implement protocols that will protect our students. We have seen this happen in other industries so the risk feels very real to our teachers and other school staff. They know that there are no robust protections in place currently for school district employees that would cover the unique problems that the COVID-19 situation presents. HB20-1415 would give Colorado workers the ability to raise concerns about workplace health and safety, protected from retaliation, discrimination, or adverse action, allow CDLE to investigate claims and provides workers with various remedies.

Dealing with the fear of what could happen to their students and communities is enough to put on our educators' plate. Passing HB20-1415 would ensure the lines of communication needed remain open and would take a meaningful step towards keeping our schools and students safe this fall and beyond.

Dear members of the committee,

Thank you for the opportunity to submit my testimony. My name is Amy Skeats and I represent working people, Service Employees International Union Local 105 and Colorado Care Workers Unite. I am writing to support this bill because:

I started my nursing career in a very union driven environment in New York State. I do not think at the time I realized how much impact the union had in terms of allowing the nurses a voice so that they could be heard by upper administration. I do now.

After working in Colorado for the last 5 years. I now understand the profound impact and power that a union has. I have worked for both University of CO hospital and currently I work in the Medical ICU at Denver Health. I have always been a vocal person that does not seem to have the same inhibitions as other workers with upper administration. At University of CO I was on a committee that let me interact with upper administration on a monthly basis representing nursing. I wish Denver Health had a committee of some sort of functional equivalent because I would fight to be a part of that.

We all know the very public fallout that Denver Health executives have recently had with the bonus situation. In an attempt to alleviate internal distress, the executives have been meeting with staff in "Town Hall" situations so that they can directly answer questions from staff. I spoke up in one Town Hall a couple weeks ago and one of the executives literally took the microphone out of my hands as I was talking. There were over 90 employees listening to that Town Hall via phone and once the microphone is taken, I lost

the ability to be heard. That is probably the best example of what is going on internally at DH. They say they want to hear what we have to say...until we say something they don't like and then they try to silence us.

For the moment I feel very confident that I have job security, because they do not have the staffing necessary for the crisis at hand. We have too many patients that are on ventilators and not enough staff trained to be able to take these patients. As soon as the need for critical care nurses starts to decrease, I imagine that they will concoct a reason to let me go. This has historically happened with people at DH that have the nerve to stand up to administrators. I do not believe that because I have stood up for those people that are too intimidated to have a voice, that is an adequate reason for dismissal. We are currently dealing with a number of injustices at this point which the COVID-19 situation has served to highlight. We have the right to be heard and be part of the decision-making process without fear of reprimand.

Some of what I have spoken out about personally and directly to upper administration (including my CNO, COO, and CEO):

-our mandatory overtime and burnout

-executives creating a hiring freeze when we were understaffed whilst receiving bonuses that could easily pay for much needed staff (while also asking us working mandatory OT to forgo accumulating PTO to help out furloughed staff)

-pay that we were promised and we are not getting because DH has an outdated policy that was never addressed prior to making these promises.

-the fact that if we contract COVID we must go on short term disability after a week, which is 60% of our pay (70% if we bought up). So we will not get full pay for contracting COVID for doing our jobs.

-the fact that frontline workers are not being represented in our "incident command center" that was created to deal with the COVID crisis. I offered personally to come in on my day off, not be paid, and represent nurses to this group which was all administrators and upper management. I was denied. When I stated this in the Town Hall, my COO said, "I never heard about that"

All of these things are valid concerns and there is absolutely no reason that I should fear losing my job for voicing these concerns. Yet I think when everything settles down there will definitely be a mark on my head. I will have to stay vigilant to make sure that I cannot give them any reason to take my employment for whatever reasons they might come up with.

Hospital administrators typically do not have actual medical experience. They cannot understand us or what we are doing without our input and yet they are refusing to let our voices be heard. We need protections so that we can make our voices heard. These

administrators are too scared to even walk the COVID hallways of my ICU, yet have the ability to make all our decisions for us without any frontline input. That is not acceptable. They do not understand us, and they do not understand what they are putting us through.

Thank you so much for taking the time to read this. Please feel free to reach out to me personally if you have any questions about what we are dealing with. I would be more than happy to discuss anything.

Best Regards,

Amy Skeats

Thank you members of the committee for your time.

516-238-0739

Anthony Scorzo [ascorzo1583@gmail.com](mailto:ascorzo1583@gmail.com)

Hello, my name is Anthony Scorzo. I am a proud member of the Communications Workers of America and I work in the telecommunications industry here in Colorado. My coworkers and I install and repair internet service to residential and business customers. I love the job. Troubleshooting and connecting wiring can be challenging, but it is like figuring out a new puzzle every day, connecting the pieces to make sure that you can get online. Every day, you meet someone new and get to help them connect to the rest of the world.

Even though my co-workers and I love our jobs, we are facing some serious challenges during this COVID-19 pandemic. Deemed "essential employees" we feel anything but. When this pandemic hit the United States, workers had a lot of questions. We wanted to know if there would be extra sick days to stay home in case we fell ill, would we be paid for taking those sick days, would we be paid if we had to stay home, would we still have a job during this crisis, will there be PPE for us, will we receive hazard pay? Because I have a union, I have protections when I speak up and ask these questions. But over 85% of Colorado workers don't have a union. What protections do they have when they speak up? The answer for most, is very little.

My employer's response was less than what we needed. There would be no extra sick time initially, there is no hazard pay, and technicians are expected to continue to show up to work as normal. That was until the workers spoke out and encouraged the company to do the right thing by providing emergency paid time off, home garaging, and PPE.

Shortly after the pandemic hit the United States, our stock room at work was cleaned out of PPE such as nitrile gloves, face masks, and hand sanitizer. Supervisors were passing out whatever soap they could find at the grocery stores for technicians, which is fine, but out in the field we do not have running water in our work vehicles. Even the option of stopping at a gas station or grocery store to wash our hands has become out of the question. Would you use a public bathroom right now? And management has issued a statement telling technicians that we are no longer allowed to go into company offices unless absolutely necessary. Well, it is necessary for us to use the bathroom rather than the inhumane "brief relief" bags given to technicians.

In the past week, the company has mandated masks while on a customer premises. PPE has finally come back into stock, but when left out in the stock room it disappears immediately. Because of this, supervisors started locking up gloves, face masks, and hand sanitizer in their offices. I have heard from technicians who work in other parts of the metro area who did not have any PPE and were still going into customers houses. The risks to workers become risks to the public, so when workers speak out, they are not only doing it for themselves, but for the community as a whole.

While company executives issue statements and guidelines from the safety and comfort of their homes, we are on the frontlines entering customers' homes. Frontline workers need and deserve protections so we can raise health and safety concerns -- to save our lives and the lives of our customers. Being able to raise concerns about the health and safety of your working conditions should be a basic right in my opinion. Thank you.



## Members of the Committee

Thank you for taking the time to read my written testimony . My name is Barbara Gertz and I am a former Walmart Worker of seven years. I worked overnights stocking shelves. I was not a perfect employee but I was dedicated and conscientious and took pride in my work. While my employer by no means was a great employer, I saw so much potential for the company and felt the issues I observed were just in my store. I am also a former leader in the OURWalmart Campaign. While the media coverage of our worker and community protests always talked about employees speaking out for higher wages the reality is our protests always stated we wanted the ability to speak out about our working conditions without fear of retaliation, that is why I am submitting testimony in support of House Bill 20-1415.

I unfortunately experienced retaliation first hand after getting injured at work. It started with telling me I didn't need to file a claim because "the doctors would say it wasn't work related and I would immediately have to pay all the costs incurred at my appointment. Could I afford that?" Torn between not being able to move my arm and having to pay a bill I had no money for, with great hesitation I went to the doctor. The doctor said it was definitely work related. Little did I know this would be just the start of continual harassment. Within a month after my injury there were approx. six other workers who had similar injuries. Management constantly ignored our work restrictions. All of us were singled out and bullied. I declined seeking legal advice because I was not looking to make money off my employer. I just wanted them to do what was right and cover my medical expenses. After 52 physical therapy appointments, and one MRI the doctors wanted to classify me as partially disabled and Walmart decided to take me to court. During this six month period of time more workers were being injured in a similar manner and I had found out from workers at other stores that this was happening in Their store as well

Out of desperation, and with the help of several health and safety organizations I reached out to OSHA in Washington DC and they agreed to meet with me. I was able to meet with the lead inspectors and half way through the meeting their attorney joined as well. They sat quietly as I poured my heart out. I explained how numerous workers in my store had been injured in my store the same way. I also informed them that workers from other stores as well. I was hoping that the inspectors would offer a plan to inspect numerous Walmart stores across the nation after seeing I was a credible employee who just wanted my employer to make their stores safe. At the end of my plea the attorney made one very short and impactful statement to me. He said, "Mrs. Gertz, we completely sympathize with your problem. To be honest we have been aware of this issue for quite some time. Unfortunately, we can't do anything unless workers file complaints."

While the inspectors tried to explain to me that my name would not be disclosed to Walmart, I knew as every Walmart worker knows Walmart will fire workers that speak up. Even after explaining this fear to them they said their hands were tied.

While I wanted to believe them the years of seeing Walmart retaliate against many workers prevailed and I didn't file the complaint. The fear of Walmart's wrath if they found out it was me was too deeply ingrained. And the fear of no one to protect me was equal. I did what thousands of workers do every day, I just hoped that I could get through my job alive and without injury. I can't help but wonder how many other employers are controlling and harassing their workers the same way? How many workers are getting seriously injured and suffering in silence because the wrath of their employer seems equally as bad as the injury?

I am writing this testimony today to tell you that NO WORKER should ever have to go through what I did in order to keep their job. NO WORKER should ever have to choose between having to work in an unsafe working environment or losing their job for speaking up. And NO EMPLOYER should be allowed to hold employment over an employees head for not wanting to risk their life.

Right now in Colorado we have employers refusing to take basic precautions to keep their workers safe and to stop the spread of a very costly and deadly disease. Not only for the safety of these workers but also for the safety of their families and all of our communities we need to make sure these workers are not retaliated for speaking out.

Please protect these courageous workers.

One last quick point when companies have a complaint filed against them, the end goal for OSHA is always to have the problem fixed so that workers are safe. Fines are assessed only after noncompliance. So the notion that workers could cause corporations millions of dollars is simply not true. OSHA's goal is always fixing an issue for a safe work environment. PERIOD. So please protect the workers who are just trying to get home alive. Thank you.

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Barbara Gertz

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Members of the Committee,

My name is Becky Sassaman, I live in Highlands Ranch, Colorado, I have been a registered nurse for 24 years (in health care for 30 years) and I write to you in strong support of House Bill 20-1415 to expand whistleblower protections to all Colorado workers.

The ability for workers to speak up and out about workplace health and safety concerns has always been important for all workers, in all sectors of work. In light of the COVID-19 pandemic, it has become even more important, as quite literally, not being able to speak up puts the life of my coworkers and our patients at risk of harm and even death. Even before this crisis there has been incredible amounts of research done on 'speak up culture'. 'Speak up culture' refers to workplaces in which employees feel safe raising concerns, asking questions, calling out unsafe practices, etc. This is proven to have positive outcomes to improve psychological safety, reduce burn out improve health and safety and lowering patient risk in health care. Without whistleblower protections this culture and protection for speaking up is not possible for Colorado workers. Quite honestly, I think patients would be deeply concerned if they knew the truth about health care and the ways in which their professionals are currently silenced from speaking out and in turn how unsafe this makes them.

As a Registered Nurse I feel it is my responsibility to take to advocate for patients and colleagues by raising concerns should they arise, even if that means putting myself at risk of retaliation or adverse action being taken against me. That's why I felt it was so important to submit testimony to advocate for the passage of this bill. I speak on behalf of myself, my colleagues, and for our patients in our health care communities. In truth, I can't think of a Metro Denver area hospital where I have not heard workers talk about health and safety concerns and fear of speaking up.

Throughout my career I have seen first-hand what happens to workers in health care when they speak up. There is a punitive culture in which individuals are retaliated against, have their jobs or licenses threatened, are intimidated, or bullied. It's happened to me, I spoke up about something I didn't feel was right, and I was turned in for disciplinary actions and questioning. The lack of state protections allows this to be the norm.

As you know there is a shortage of personal protective gear and some workers are being asked to wash theirs and reuse it, this has never been done before. When workers speak out about this they are confronted by those in power asking if they would like to keep their job. Nursing isn't a job for me, it's a calling for many of us. The pandemic began and we proudly show up to care for our Colorado patients, families and communities. We are here to be part of the solution and make things safer for all.

I want to emphasize that policies like whistleblower protections are not meant to punish people instead they are meant to help all of us. We need the protection to be able to speak up about near misses, mistakes or issues in our system so we are able to fix those problems, we do this by creating a 'speak up culture', this helps all of us, being able to speak up saves lives.

Please vote yes on HB20-1415 and ensure that Colorado nurses and health care workers like myself can speak up and be able to save lives of all our loved ones, mine and yours included.

Respectfully,  
Becky Sassaman RN BSN HNB-BC  
[Sbmm1@comcast.net](mailto:Sbmm1@comcast.net)



## **Testimony in Strong Support of HB 1415: Protect Workers Trying to Protect their Health**

My name is Karla Gonzales Garcia. I am the Policy Director for the Colorado Organization for Latina Opportunity and Reproductive Rights (COLOR). COLOR works to engage and empower the Latino community to speak out about the policies that impacts our community. We are committed to ensuring that Latinas and our families are able to make personal decisions about health, have access to affordable health services and that we are each able to live our lives with dignity.

COLOR strongly supports House Bill 1415, which would provide what are known as “whistleblower protections” to ensure worker's rights during a public health emergency.

The global health crisis that we are in has caused incredible challenges across our state, but we know it has fallen especially hard on communities of color who already face ongoing health disparities. Many people have lost their jobs and are having a hard time making ends meet. It is truly both a health and economic crisis for many in our communities.

It is critical that we are able to do all we can to keep people safe, flatten the curve and get our state and our people healthy and thriving again. There are many measures that we can take to do that, but certainly ensuring that if someone notices that proper precautions are not being taken at their workplace or necessary protective equipment is not being provided that they are able to speak up and not face retaliation. No one should have to worry that if they look out for the health of themselves or their co-workers that they will be written up for fired. That is simply unconscionable.

We all have an important role to play in helping to deal with this pandemic and get through together. Protecting safety in our workplaces and the rights of people who are pushing to improve conditions seems like the least we can do. We urge you to pass House Bill 1415. It is a common sense measure that is way past due. Thank you.

**Submitted by:** Karla Gonzales Garcia, Policy Director, Colorado Organization for Latina Opportunity and Reproductive Rights (COLOR), 303-393-0382

My name is Destiney Lubbers. I am a member of the Communications Workers of America Local 7777. I work for Denver Public Schools as an employee in facilities and as a crew lead at Beach Court Elementary. I've worked for DPS for three years. I'm a former DPS student and DPS graduate. A lot of my family attend DPS schools which is why I worry about the health and safety of our schools being compromised if our voices are silenced through fear of retaliation. I'm even nervous being on this event, as to what my boss might say or how they might retaliate.

My normal responsibilities at work include cleaning the building top to bottom and taking care of the exterior groundwork. Our tasks changed since the start of the COVID19 Pandemic being we can no longer do team cleaning due to social distancing and because we took on additional time-consuming disinfection duties during the summer cleaning.

I support the Whistleblower Protections for the Health and Safety Act because I am a person who speaks out. I should have job security when I speak up for myself and those around me without fear of retaliation.

My job is to provide health and safety and secure the building for the students and the staff who come to our school. In order to do my job to the best of my ability I need to know I will be protected if I speak out. Currently I do not have these protections. These whistleblower protections are important for me and other facility crew, for the teachers in our buildings, and all public sector employees. Ensuring that we are all able to speak out will keep the students and families who attend our schools safe and healthy.

I am asking state lawmakers to protect me and my co-workers from reprisal when we use our voice to bring awareness to the health and safety issues rising during this global pandemic.

Please make sure all Colorado workers – including school district and public employees – have these rights implemented for our protection.

Destiney Lubbers  
[dtineylubbers@gmail.com](mailto:dtineylubbers@gmail.com)

Hello, my name is Anthony Scorzo. I am a proud member of the Communications

Workers of America and I work in the telecommunications industry here in Colorado. My coworkers and I install and repair internet service to residential and business customers. I love the job. Troubleshooting and connecting wiring can be challenging, but it is like figuring out a new puzzle every day, connecting the pieces to make sure that you can get online. Every day, you meet someone new and get to help them connect to the rest of the world.

Even though my co-workers and I love our jobs, we are facing some serious challenges during this COVID-19 pandemic. Deemed “essential employees” we feel anything but.

When this pandemic hit the United States, workers had a lot of questions. We wanted to know if there would be extra sick days to stay home in case we fell ill, would we be paid for taking those sick days, would we be paid if we had to stay home, would we still have

a job during this crisis, will there be PPE for us, will we receive hazard pay? Because I have a union, I have protections when I speak up and ask these questions. But over 85% of Colorado workers don't have a union. What protections do they have when they speak up? The answer for most, is very little.

My employer's response was less than what we needed at first. There would be no extra sick time initially, there is no hazard pay, and technicians are expected to continue to show

up to work as normal. That was until the workers spoke out and encouraged the company to do the right thing by providing emergency paid time off, home garaging, and adequate PPE.

Shortly after the pandemic hit the United States, our stock room at work was cleaned out of PPE such as nitrile gloves, face masks, and hand sanitizer. Supervisors were passing out whatever soap they could find at the grocery stores for technicians, which is fine, but out in the field we do not have running water in our work vehicles. Even the option of stopping at a gas station or grocery store to wash our hands has become out of the question. Would you use a public bathroom during a public health pandemic? And management has

issued a statement telling technicians that we are no longer allowed to go into company

offices unless absolutely necessary. Well, it is necessary for us to use the bathroom rather than the “brief relief” bags given to technicians.

In the past week, the company has mandated masks while on a customer premises, due to a customer complaint. PPE has finally come back into stock, but when left out in the stock room it disappears immediately. Because of this, supervisors started locking up gloves, face masks, and hand sanitizer in their offices. I have heard from technicians who work in other parts of the metro area who did not have any PPE and were still going into customers houses. The risks to workers become risks to the public, so when workers speak out, they are not only doing it for themselves, but for the community as a whole.

While company executives issue statements and guidelines from the safety and

comfort of their homes, we are on the frontlines entering customers’ homes. Frontline workers need and deserve protections so we can raise health and safety concerns -- to save our lives and the lives of our customers. Being able to raise concerns about the health and safety of your working conditions should be a basic right in my opinion. Please support this bill presented before you for consideration. Thank you.

My name is Sarah. I have worked as a Registered Nurse at Denver Health for 3.5 years and I am here today as a member of Denver Health Workers United. My union, and myself strongly supports House Bill 20-1415 which would provide protections to Colorado workers who raise health and safety concerns in their places of employment.

Healthcare workers have been on the frontlines of this global pandemic but many of us have faced problems with a lack of personal protective equipment, insufficient sick time and other COVID19 related concerns.

In healthcare, we are charged with the responsibility of advocating for and protecting the vulnerable members of our community. In years past, this encouraged a feeling of sacrifice and martyrdom amongst workers, where there was an understanding that we would put aside our health and safety in order to care for others. Thankfully, we now know better. We now know the value of caring for the caregivers.

Our ability to care for the public rests on their ability to trust us. They have to know that we are committed and bound to integrity, therefore, it is expected that we maintain a solid level of humility. Humility is needed as we regularly maintain accountability with each other because it is not enough to allow our institution to be just adequate. We strive to optimize patient care, and in order to do that we need to have optimum working conditions. We need to be able to insist on accountability within the overarching system in which we work. Especially now, families entrust their vulnerable loved ones to us. They have to trust that we will voice health and safety concerns without hesitation. House Bill 20-1415 is such a safeguard that can do just that, and provides assurances to the sick, their families, and those charged with their care.



Members of the Committee,

Thank you for the opportunity to share my testimony. My name is Jake Lyon, I live in Fort Collins, Colorado, and am writing to you in support of HB20-1415 because I have been directly impacted by the issues it addresses, and had this law been in place I would not be in the situation I am.

I am a former worker of Ku Cha House of Tea. Our workplace like many others closed with the governor's orders of Safer at Home and we were all placed on furlough without pay. All six employees were encouraged to get on unemployment and luckily, were all able to do so. When we found out we would be going back to work, the employees were concerned for our safety. Other than offering to put up a sneeze guard, our employer seemed to want us to return to work in relatively similar working conditions as before the pandemic. The employer was not taking into account social distancing standards or other health and safety regulations and the fact that there is a deadly pandemic raging through our country right now. We did not feel like the workplace was safe to return. Additionally, there are two employees who are immunocompromised and because of that are at a much greater risk to getting sick, so we asked what precautions would be taken.

During this time workers deserve to be protected, especially because they are the first line of defence in flattening the curve and keeping Coloradans safe. But the workers of Ku Cha were not protected, and I am paying the price.

We raised our concerns to our employer and they were denied and dismissed. One of the immunocompromised employees was threatened to be fired if they did not agree to come back to work under the dubious circumstances. When we stated that the working conditions proposed did not seem safe and asked to discuss the safety measures further— as well as continuing the furlough— the entire staff was fired.

Our employer made it clear to us in an email to the manager that not only were we fired, but that we were fired for raising concerns and suggested safety measures and they planned to report us to unemployment. They kept that promise and reported to unemployment that all six employees “refused to work”. This was an act of retribution for the employees who raised safety concerns.

Not only did the employers retaliate against employees with concerns of safety by the termination of our positions, they also actively and purposely threatened every employees' unemployment benefits— our only income and way of buying groceries and paying our rent.

Thankfully, four out of the six employees were allowed to keep their unemployment benefits. One employee is still waiting on a decision and I, for reasons unknown, was disqualified from being able to collect unemployment benefits.

This act of retribution from my employers has affected me and my material circumstances extremely negatively. Not only was I fired in retribution for asking to discuss safety concerns during a deadly pandemic, my only means of survival was taken away from me as well.

Because of this retribution, I cannot pay my rent this month. I cannot buy groceries this month. A law such as this would protect other people from having to be in the situation I am in. I was forced to choose between my job and my health, and because I felt my health was at risk, I spoke up. Lacking legal protection, I was fired. This bill would allow workers to raise concerns, protecting their safety and the health and safety of their customers.

My greatest fear is that my case gets used to send a message to workers around the state. That message is that they should be very afraid to speak up about concerns for their safety. That their options are that they can come to work knowing it is dangerous to them and their customers and be quiet about it, or they can speak up and lose their job and unemployment, leaving them staring at bare cupboards and a dwindling bank account. This bill being passed would send the opposite message: that workers can and should speak up if they feel that their workplace poses a risk to their health and that they will not lose their job and income for doing so.

Most of us want to go back to work, but we want to do it safely with the assurance that doing so will not endanger us, our customers, and our communities. This bill would have helped me to not be food-insecure and house-insecure. It will give many workers the confidence that they can ask for very basic safety measures while knowing their boss can't fire them for doing so. It is imperative that this bill and bills like it that advocate for worker safety get passed. **Because if workers aren't safe, no one is safe.**

Thank you for your time.  
Jake Lyon  
(970) 305-1011  
[jakelyonemail@gmail.com](mailto:jakelyonemail@gmail.com)

Madam Chair KC Becker, and members of the committee,

Thank you for the opportunity to submit my testimony. My name is Karla Wagoner and I represent working people, Service Employees International Union Local 105 and Colorado Care Workers Unite. I am writing to support this bill because I have a care provider for five years in Colorado, and since becoming a member of Colorado Care Workers Unite, I have had the opportunity to travel to Washington, speak out on behalf of members at the capitol, and spoken to the press about the conditions affecting care workers like myself in this state. In my capacity as a care worker, I care for a wide variety of seniors and people with disabilities. I support my clients with all of their activities of daily living-including feeding and bathing-and provide comfort as well as companionship. I work to the best of my ability to protect and soothe them, as I have grown to love my clients like family. I live in a multigenerational home with my son and occasionally my granddaughter, and I supplement my retirement income with my work as a certified in-home caretaker.

Since the beginning of the novel coronavirus and all of the precautions that have come since, there are certain clients I have not been able to see due to the new guidelines. Certain facilities are not allowing visitors, and other clients are fearful of allowing visitors in their homes. I am 72 years old, and I lack even the most basic resources, like personal protective equipment or paid sick days. I worry about who will be there for my clients if I fall ill, and what will happen to my family if I bring home the virus.

The reason I have been able to speak out about this is because of the fact that I have become a member of this organization, and because I can use my skills as a speaker to highlight the issues that are not known by other workers who are not at the front lines. I

strongly support this legislation because workers like myself, who sacrifice themselves every day, should be able to continue to speak out about the conditions we are working under without fear of retaliation. This Covid-19 crisis has highlighted issues that already existed in this field, and those who are working every day while being paid poverty wages deserve much more than to just be called heroes. I should be able to speak out about the low wages, the sudden schedule changes, and the fact that we do not have paid sick days.

With this bill passing, I would be able to continue my work of demonstrating in front of the capitol and calling on members of the current administration to enact urgent protections for essential workers. I would not be able to highlight the issues we are facing without this piece of legislation. I should not have to fear losing my livelihood for speaking out for basic demands, such as being educated on the novel coronavirus. Home care agencies can retaliate in a number of ways against outspoken employees, including cutting their hours or making false claims about their performance. This issue affects me every day, because I will not stop speaking out on behalf of workers and organizing has become a big part of my life as a caregiver.

In short, I strongly support this legislation because workers deserve to speak out about conditions on the job without fearing repercussions that would affect their livelihood.

Thank you members of the committee for your time.

Karla Wagoner

80525

(602) 525-1870

Dear Members of the Committee,

My name is Larson Ross and I'm writing in support of HB20-1415. Thank you for hearing the testimony of workers on this vital issue. I want to lay out what happened at our small tea shop to highlight why whistleblower protections are necessary not just for workers' rights, but for public health and safety generally.

To start, Kucha House of Tea is a small, retail-based tea shop in downtown Fort Collins, where there is ordinarily a ton of foot traffic. The shop had six workers at the time of the shutdown, five retail/service staff and one manager. Some of the staff are immunocompromised or live with immunocompromised people. In mid-April, a few weeks into the statewide shutdown, one of the workers received the shop's customer newsletter, which announced that we would be opening on May 1st. All of us were shocked, no one had been told by the owners that we were planning on reopening so soon, and there had been no discussion of safety measures that the store would be taking to protect staff and customers.

Through our manager (who was also in the dark), we asked the owners for a meeting to discuss safety measures on April 23rd, so we would have plenty of time to set them up before opening. During that meeting all of the staff proposed ideas for how to make the shop safe, such as curbside-only pickup and service, having immunocompromised workers assist with phone and online orders so that they wouldn't have to interact with customers in person, and having a table at the entrance of the shop, preventing customers from entering, but still being able to talk with employees at a safe distance to order teas, like a pseudo-walkup window. We urged these ideas because as workers who work in that shop every day, we knew that going about business as usual in the shop was incredibly dangerous. The owner shot down every idea of ours one by one, claiming that they'd be "weird". This was horrifying for us, especially the higher risk workers.

Risking our lives and the lives of our customers for a sense of normalcy rather than trying out basic safety measures was not something we felt was responsible, especially when almost all of the other retail shops in Fort Collins were implementing the same ideas. Our owner then singled out one of the immunocompromised workers when they expressed discomfort with the lack of serious safety measures. The owner asked if they were not planning on working until a vaccine was available and implied that the worker would be fired if that were the case. This is not what any of us were proposing, we were hoping to find ways to open the shop SAFELY, not keep it closed indefinitely.

At the end of the call the owner laid out some safety ideas, which we felt were dangerously insufficient, for discussion at a meeting scheduled for May 6th, and agreed to delay the shop's opening till May 9th, when the Boulder and Denver locations would be opening. The workers felt a small amount of relief and decided to continue to work together to lay out detailed plans to keep ourselves and our customers safe for the next scheduled meeting, which would sadly never come.

On May 4th I received a vague text from the shop owner saying that they could "sense I was uncomfortable working", and that if that were the case, the company and I would be parting ways. Almost every worker who was on the call with our owner received the same message, which implied that the owners were not planning on trying any of our proposed safety measures, and if we were uncomfortable with that, we were going to be fired. The workers and the manager, in response, drafted and signed a collective statement that we were not quitting, we

were not leaving our jobs voluntarily, and that we would like to continue our conversation about safety conditions. We also asked that if any worker was going to be fired for “being uncomfortable” (which in our eyes was a direct threat aimed at the immunocompromised staff) with working conditions, that the owners consider furloughing them instead. In retaliation to our simple request for continued conversation, the owners cancelled the next meeting and fired every employee at the shop on May 5th, one day after the cryptic texts.

The manager was then subjected to another series of emails from the shop owners, saying that they and all of the employees had been fired for “refusing to work,” that we were all trying to “game the unemployment system”.

We were attempting to make the shop safe, and for this we were fired. The state cannot possibly monitor every store in Colorado to make sure they're following COVID safety guidelines, but workers who know the shop can know whether their own workplaces are safe. However, employees know that they can be fired for speaking out, and this has an enormous chilling effect. If workers can be fired for organizing for safety, or even for requesting to discuss it, then one of the most effective means of protecting public health -- worker whistleblowing -- will be effectively non-existent. For the safety of workers and the public at large, whistleblower protections must be put in place. Please support HB 20-1415.

Thank you for your time,

Larson Ross  
lross23@gmail.com

Members of the Committee,

My name is Liam Buschel. I live in Denver, Colorado and I am writing to you in support of HB20-1415. Today I would like to share with you my personal experience and why I think HB20-1415 is critical for the safety of Colorado workers and all those in our state both in light of the COVID-19 pandemic and beyond.

I am a cook at The Denver Chophouse at the Denver International Airport. I have worked there since November and generally enjoy my job. I felt safe in my workplace until recently when everything changed. As news spread about COVID-19, my co-workers and I wondered everyday if this shift would be the one where we got sick, or if it will be the shift where we all lose our jobs. On March 18th I reported to my shift, like normal, only to find out that almost all of the managers had called out sick. This was super strange and left me feeling confused and uncertain. We didn't get any answers that day and did what we could to account for the smaller staff and lack of managers. On March 19th I got a call from one of my coworkers telling me that they were closing the restaurant for two weeks after the morning shift and that I shouldn't come in. I was confused and didn't know what was going on, it seemed like no one would give me a straight answer.

Later that night, I received a call from someone in Seattle who said they were with the Human Resource department of the company. They informed me that one of my coworkers, who I had been on the same shift with, had tested positive for COVID-19. The representative told me I needed to self isolate for one week. I immediately questioned this as the news and CDC has been saying that individuals who have been exposed need to quarantine for closer to 14 days to avoid getting others sick. The HR representative told me that wasn't true and I only needed to for one week. I was skeptical, confused and worried about my health and safety. If the HR department of the company wasn't encouraging employees to follow the proper protocols, what else was going on? How could they ensure we would be safe?

I asked what was happening with the restaurant, would they be closing, would I have a job, what would the safety measures be? They told me they would not be closing and I would be returning to work in about a week. I asked about compensation and what would happen for folks being told to isolate, I never got a clear answer.

This call from HR was just the beginning. Shortly after, I saw a colleague who works in the kitchen of the restaurant, post on facebook that he was also COVID-19 positive. He had taken a COVID-19 test that originally came back negative, so he had continued to work because even though he felt sick, the paid time off was only for workers who tested positive. Because my coworker had to choose between his health, and a paycheck he was forced to make a decision that put all of us at risk. I know of another worker for our company at the airport who was terribly sick, but never able to get tested for COVID-19, so she never qualified for our company's paid leave. Facing eviction, she started working at the airport again far sooner than she was comfortable with, putting herself and others at risk.

About a week after the initial call from HR, I received an email saying that the restaurant was being closed indefinitely and we were all being put on furlough. I've been out of work since then and have struggled to navigate Colorado's unemployment system and pay my bills on time. I know many of my coworkers are struggling more than I am. This past week, I received a notice in the mail that my company, HMS Host, is now cutting off all health benefits for its furloughed employees on June 4th, despite promising to keep our insurance plans going. As all of us are

struggling to get by, the company has added another huge burden to people's finances, and discouraged people from seeking medical attention when we need it most.

Now, our company is reaching out to us about re-opening restaurants in June. I'm confused and worried about my health and safety. What policies are going in place to make it safer than last time? I don't feel comfortable going back, clearly HR and individuals running the restaurant did not have the health and safety of workers in the front of their minds. Would there be cleaning protocols in place? Social distancing? We have not received answers to these questions.

I work at the airport, a hub for travel and currently, a hot spot for potential exposure to COVID. I don't trust that I will be returning to a safe environment. I have an immunocompromised partner that I live with. I don't want to put her health at risk due to the lack of workplace protections. If our workplace isn't safe, we can become another infection hotspot, and make it all that much harder for our country to recover from this pandemic.

If my colleagues and I had whistleblower protections we would be able to raise concerns to other workers, management, the media without fear of losing our job or being punished at work. This is vital to make sure that as restaurants and businesses begin to reopen we can do so as safely as possible. Workers are the eyes and ears on the ground. We deserve protection.

Thank you for your time. Please support HB20-1415. Workers like myself need to know we can speak up, request better protocols and advocate for our health and safety without any fear.

Sincerely,  
Liam Buschel  
[liamb360@gmail.com](mailto:liamb360@gmail.com)



Dear members of the committee,

Thank you for the opportunity to submit my testimony. My name is Marie Claude. I represent working people, Service Employees International Union Local 105 and Colorado Care Workers Unite. I am writing to support this bill because I need worker protections for speaking out about issues in my industry which is nursing facilities. The facility I worked at faced the COVID outbreak. In March, two residents died, and 3 frontline staff tested positive. I tested negative last week. I will not be returning to work due to what I see as employer negligence. They are not taking any precautions and asking workers to enter a tested positive residents' room with no PPE. Workers are exposed and scared. When workers are exposed or tested positive, they are not mandated to stay home and quarantine themselves by the employer. Residents are not tested automatically. I see it as careless and workers are not safe. Employers are asking housekeepers to help in caregiving while they are not trained with no protection. I decided not to go to work until I felt safe, and working in a safe environment. I was not feeling well and was upset because the employer did not want to tell employees about one of the supervisors who had tested positive. I worked with her and had to force them to let me quarantine myself. They were upset about it and directed us not to tell anyone

about what is going on in our nursing home. Once I heard them telling us to not share what was happening, it confirmed that my employer was also trying to hide what was going on and I feared repercussion if I said anything.

With all due respect, I urge you to support this bill, because it will give a voice to healthcare workers, the right to speak up and work in a safe environment. In addition, I need my legislators to enact legislation that would help care workers like myself. We need worker protections. We are the “heroes” in this pandemic, yet we are sent out on the frontlines unprepared and unprotected. Please extend benefits, address sick pay for us and get us care workers the protections we need in order to provide quality care.

Thank you, members of the committee, for your time. Please reach out to if you would like to further discuss my concerns.

Thank you, members of the committee, for your time.

Marie Claude

80017

Madam Chair KC Becker, and members of the committee,

Thank you for the opportunity to submit my testimony. My name is Mary Walker and I represent working people, Service Employees International Union Local 105 and Colorado Care Workers Unite. I am writing to support this bill because this would greatly affect my ability to speak out in the workplace about the conditions I see that are inadequate.

I have been a caregiver for over 20 years, and in my current facility I have seen completely unacceptable conditions that have exacerbated with the spread of Covid-19. I work the overnight shift, as I am very confident in the care I provide my clients. I consistently go above and beyond, providing them not just with the support they need to do their activities of daily living, but also companionship and human interaction. I am one of the most experienced caregivers, and I refuse to cut any corners because my clients deserve the best care possible at all times. I am also outspoken at work and I will not let the clients live in dirty rooms or be cared for with the care providers not wearing proper personal protective equipment.

In terms of retaliation, for management, it's easy to say that I am the issue, and let the younger care providers believe that by speaking out they will face social repercussions at best and a loss of their job at worst.. They control the younger care providers with fear, and pit them against skilled people that know what they are doing. I stand behind my work ethic and I will defend it all day long. They can do whatever they want to me, including random intrusive inspections, and I will continue to do excellent work. I do not have to justify my job ethic.

I support this piece of legislation because I should not have to fear retaliation and losing my job because I am outspoken about how they could be better. Some of the conditions I have seen have been unacceptable, and management has instead chosen to reprimand me for being outspoken and pit the less experienced care providers against me. This bill would allow me to continue to spend time with the clients I treat like family, and to make sure they are taken care of in the best way possible and speak up for them when they are not. I would be able to continue to provide for my family and hopefully impart the lessons I have learned on the younger care providers so they learn their worth and to never cut corners.

If this bill passes, I will continue to be outspoken on behalf of my clients and make sure their lives are not at risk, as well as make sure my job is not at risk either.

Thank you members of the committee for your time.

Mary Walker

80601

(720) 629-2998

Dear Members of the Committee,

My name is Sage Dalrymple, I live in Fort Collins and I am writing in support of HB20-1415. Thank you for taking the time to hear the testimonies of myself and other workers on this important issue.

Up until the beginning of this month, I was employed at a small retail tea shop in Fort Collins, Ku Cha House of Tea. When Colorado first shut down in March, the shop was closed and the employees were encouraged to seek unemployment benefits, which all six of us were able to get. In mid-April, an employee found out via a customer newsletter that the shop would be reopening on the first of May. This was news to us; our bosses had never communicated with us about opening back up. We requested a virtual meeting with one of our bosses where she told us the timeline for opening. At that meeting, we asked about what safety new measures would be put into place to protect us and our customers. Besides installing a plexiglass guard, she had no other safety measures in place and seemed to want to keep everything business as usual. This did not sit well with any of us, especially because we had members of the staff who were immunocompromised or lived with immunocompromised people.

During the meeting, we came up with many suggestions for safer ways to reopen, including offering curbside pickup and having the compromised employees do work with no guest interaction. All our ideas were shot down as being “weird”. Our boss seemed to be under the impression that enacting safety measures would somehow be awkward for the business and the customers. Despite our best efforts to convince our boss to implement better health and safety measures, the best compromise we were able to get was pushing the reopening date back by a week, to May 9th, with another meeting scheduled for May 6th to discuss the reopening plan.

We were briefly relieved, but we knew we had to continue discussing to get proper health and safety measures put into place. We were hoping that at the next meeting we would be able to convince our bosses to take more action, especially because they had listened to some of our workplace suggestions in the past. However, a few days before the new reopening date, all employees individually received vague messages from our boss. Almost all of the messages stated that it “seemed as if the employee weren’t comfortable returning to work”, and if that were the case, the employee and company would be “parting ways.” This message came as a total shock to everyone. Were we being fired? The language seemed purposely confusing and we were afraid to reply back, afraid of what the consequences would be. We decided to send back one collective message. All employees and our manager sent a signed email to our bosses. We stated that we were not voluntarily quitting, that we absolutely did not want to quit. We stated that if anything, we wanted to be furloughed, and we needed to protect our unemployment benefits. We stated that we wanted to have a conversation about health and safety measures. We asked to discuss these topics in our next meeting, but instead of a meeting, we got back an email. All six of us were being let go.

We felt like we had been sucker punched. All we wanted was a conversation about health and safety measures. We wanted to protect ourselves, our customers, and our community, and in response, we were fired. Our manager received an email from our bosses expressing their disappointment in our manager for “organizing the employees”. If this was meant to deter

organizing, it had the opposite effect. We got in touch with anyone we could that could help. We sent emails to city council members, state representatives, media, anyone trying to get our story heard. We organized a small, socially distant protest on the day of Ku Cha's reopening. We've told our story over and over again and we will keep telling it until workers' rights are protected.

Because we organized, we were able to keep almost all of the employees on unemployment after our boss reported us as "refusing to work". Because we organized, we are still fighting for our other employees whose unemployment isn't safe yet. Workers being able to speak up about workplace conditions and raise these issues with other workers is massively important, now more than ever. I'm thankful that as a staff, we were all close and friendly enough to be able to reach out to each other and talk about what was happening to us. I recognize that most workplaces aren't like that. Because of a lack of ability to speak out to the media and other employees, other workers are being disproportionately affected. Workers are falling victim to the whims and retaliation of their bosses. Workers are being asked to either come into unsafe workplaces and risk their lives for their employer's bottom line or stay home safe and risk their income/unemployment. We shouldn't have to choose between our lives or our jobs, and we absolutely shouldn't be punished when we choose our lives.

If we had whistleblower protections in place, none of the staff at Ku Cha would have been impacted and without work. We wouldn't have had to fight to keep our unemployment benefits. Our staff that still hasn't been approved would have food in their mouths and a guaranteed roof over their heads. If these measures, such as HB 20-1415 had been in place, maybe our boss wouldn't have even considered trying to reopen with so few safety measures in place. Workers need to be protected. Workers need to be able to speak out to their employees and the media. We are not willing to risk our lives and safety to keep a business open. We shouldn't be put in that position in the first place.

Thank you again for your time,

Sage Dalrymple  
Fort Collins, CO 80521  
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225-205-8853

Members of the Committee,

Thank you for taking the time to hear my story. My name is Dustin Hibbins, and I have been worked at the JBS USA Meatpacking Facility in Greeley, CO for about 8 months.

We have had 8 COVID-19 related deaths since March. The health and safety of myself and my colleagues is not a priority for the facility. As you know the Governor ordered the closure of the plant to allow for cleaning and to attempt to limit the spread of the virus. When this first happened, I spoke to the media about the steps JBS was taking to protect us, even speaking highly of them. After this I was approached by management at the facility who told me I was not to speak to the media.

After the facility re-opened, I became very concerned with the lack of precautions being taken in the facility. Employees wear masks but there is no social distancing happening on the floor as it slows down operations. We are standing right next to each other when we work, even bumping elbows. At lunch break the situation is even worse. The facility attempted to do staggered lunches for about a week but that has ended. We now all take lunch at the same time, forcing all employees to be in the cafeteria in close corridors to one another, eating, with masks off, unable to truly distance ourselves.

I feel strongly that every employee in the facility should be tested, but right now tests are optional so of course, not everyone is getting tested. I feel strongly that the public and media have a right to know about what is happening at the facility and know the whole story. So, I have appeared on the radio and news segments speaking out. Just last week I went on tv to speak out and after the facility staged the floor and made it look like there are more social distancing protocols in place for a news show. The public, and the employees at JBS deserve to know the truth and I should be able to speak out on public health and safety concerns.

Recently the safety department told me that if I keep going on the news, they will not fire me, but they will make my life hell. I asked if that was a threat and they said no, it's just what is going to happen, and it has. The day after this conversation they moved me to a different, not great job in the facility. I continue to be moved to different stations where I do not know how to preform the task because I have not been trained to work that station. This results in me not producing as much and getting yelled at. It's gotten so bad that I have called out of work a few days because I don't want to put myself through that.

I am worried that my actions may result in my termination at the facility. I am worried that the retaliation will continue in other forms of punishment if I continue to work there. House Bill 20-1415 is so important for workers like myself. The passage of this bill would protect me form the retaliation I am facing at work and make sure that I and my colleagues can continue to speak out to protect our health and safety.

Thank you,

Dustin Hibbs

[Dustinhibbs52@gmail.com](mailto:Dustinhibbs52@gmail.com)

JBS Employee

UFCW Member



# SOUTHWEST REGIONAL COUNCIL OF CARPENTERS

*Representing Carpenters in Southern California, Nevada, Arizona, Utah, New Mexico, and Colorado*

**Pete Rodriguez**  
President/COO

**Dan Langford**  
Executive Secretary-Treasurer/CEO

**Frank Hawk**  
Vice President/COO

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Members of the Colorado Senate

June 10th, 2020

Dear Senators,

I write on behalf of nearly 2,000 members of the Southwest Regional Council of Carpenters in the state of Colorado in strong support of House Bill 20-1415, Whistleblower Protections Public Health Emergencies. This policy is critical to the health and safety of our members and all Colorado construction workers.

During the COVID-19 pandemic our union has visited a number of construction sites that are following Center for Disease Control and Colorado Department of Public Health and Environment guidelines to limit the spread of the COVID-19 virus and keep their employees safe. These worksites are providing workers with personal protective gear, following social distancing, providing hand sanitizer, some have even installed hand washing station on site. These are good employers looking after their employees during this crisis.

Unfortunately, we know that there are many sites failing to fully implementing the proper cleaning and distancing guidelines putting the health of their employees, employees' family, and the general public at a higher risk of exposure to COVID-19. Individuals who work at these sites need the opportunity to raise concerns, speak up to a boss or coworker, or speak out to a government agency without fear. HB20-1415 ensures that construction workers, and all workers who are working on a job site are protected.

It is critical to our union and our members that this bill remain strong, and that all workers in all industries, whether employees in the public sector, private sector or independent contractors have these protections. The bill must remain strong with enforcement and remedies available to a worker who is wrongfully impacted. This ensures that individuals who speak out are eligible for reinstatement, back pay or other damages.

Thank you for your time, please vote yes on HB20-1415 and ensure a strong whistleblower protection policy is passed.

Sincerely,

Mark Thompson  
Southwest Regional Council of Carpenters  
Special Representative  
MThompson@swcarpenters.org  
719-499-4227

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## SOUTHWEST REGIONAL COUNCIL

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Members of the committee, thank you for the opportunity to submit my testimony. My name is Elisabeth Nietch, I was a HR Manager in the workplace at a call center. I am writing to support this bill, HB20-1415 as I was let go after refusing to agree to support 100% of the employees returning to work and insisting on the workplace honoring the health departments protocols and notifying employees there had been a presumed positive symptomatic case on the premises. Had this bill been in place I would have been protected.

When COVID first started the CEO decided that despite the fact we sell and were not in reality essential, one of the clients we worked with was a power and gas company, they would use that to keep about 50 employees on site. These calls were not essential, they were reaching out to previous customers to try and get them to return. They still issued essential letters to those employees and directed them to violate stay at home. They actually had permission for these people to work from home but wanted to keep them onsite so the center could remain open. NO matter how much employees wanted to work from home due to fear, medical risk or infirm people in their life they would not allow them. They were offered to go home without consequence but in most cases did not disclose their right to apply for unemployment or COVID leave unless the employee knew enough to request it.

We could not get in PPE for weeks and when we finally did get some in, ½ the supervisors would not honor social distancing and masks or enforce them with their employees. The CEO would not approve repercussions. That left just me and the plant manager going around saying please do not have 2 people in a workspace, please do not sit together in break rooms, please wear your masks. We were using employees to clean areas that had potential exposure and we didn't have any onsite janitor. When the day janitor came back after her injury, they let her go 2 weeks later for an outside cleaning company.

I would make up health standard signs and they would take them down. Then on the May 13 they had a call with other managers where they decided they were choosing to interpret the health dept order for 50% of workforce as 50% of building occupancy of 500, despite us never having possession per the lease of the full area nor ever having more then 250 employees. I wrote to my contact at the health dept to get clarification, but told management in the meeting I did not agree, I did not support it, and why would we want to bring people back on site when they were set up to work from home and we had multiple cases in the work from home population. They told me thanks for input, but they were moving ahead.

A couple hours later my job was posted with the exact same ad I had answered, except now it was a HR generalist not manager. I had one of the top 2 people come to me and ask if it was worth potentially being closed down and everyone not working, for just one employee. Why was I risking many for one person? My thoughts are its not one person in this disease, and the unemployment protections were there so we could safely take the time to quarantine. Plus we had the ability for them to work for home, so we wouldn't be losing income.

The next day I was out on the call floor with the teams and an employee looked ill, I spoke with her and touched her head and she obviously had a temperature so I removed her from the floor

asked her supervisor to immediately Lysol her area and sent her home. In speaking to her she mentioned her mom was symptomatic and had tested positive and she was going to get the test. I asked her why she came in and risked it, and she said she didn't want to lose her job and needed the hours. I talked to her about the COVID leave and asked her to send me an email requesting it, as well as her test results and notified management in an email, telling them we needed to send everyone home, sanitize the area. They refused and told me not to act or do anything.

They told me they would not shut down the area and the night cleaner would be notified. He told me he was never told about her being positive. They did not request a sanitize which we had received the quote on that exact day. (Mind you the night cleaner had only started the previous Monday and prior to that the only night cleaners were a couple of inexperienced employees who stayed after hours to earn more.) But they told the employees the center had been fully professionally disinfected.

They refused to send the exposed employees' home or warn them, though some knew her situation and walked out. They assured them that if they returned, it would be sanitized. They also told them work from home was not available. We got her result 2 days later on Saturday and they finally let these people go quarantine, but they wanted them to come in the Monday to the facility again to get set up for work from home so they wouldn't lose money, they didn't immediately offer the extended FMLA. None of the employees who walked out were paid for that day they told me.

They refused to allow me to notify all the rest of the employees and told me to tell them it would be sanitized overnight *if I was asked*. I myself had a low-grade fever at this point so I posted notification on the door about the case and left to quarantine, but it was removed by upper management the next day. No one was told why the rest of us were quarantined, no one was notified publicly someone tested positive outside of that immediate team despite the fact they all share the same break room, bathrooms etc.

No one was notified from my team except the one I had a phone number for, when my Dr then kept me quarantined me for fever and symptoms. Most didn't find out about the risks they had been exposed until the morning I returned on the 29<sup>th</sup> of May (including the people who had been directly exposed by myself). While I was quarantined, they removed all my signs, all my reminders of PPE and distancing, locked me out of my email, and would not provide me a copy of the health dept email or my own files.

I had notified the health department about the positive cases and they sent a letter reaffirming what the protocol and procedure was, but most managers never saw it before all my email and inside communication was turned off to "help me rest". I have an email upset at me that they had said they would start handling all communication, but per the people I spoke to at the health department mine was the only notification of symptomatic cases on premises. They did get in contact with the women assigned to the company.

The day I returned to work they notified me they could no longer afford me due to COVID and let me go. When I mentioned my job being posted they denied it, despite the fact I have a copy of it. When I asked for clarification on why, I was told I didn't understand the needs of call centers since I never worked in one.

Mind you the CFO, the account manager for the people they are bringing back, both work safely from home and have not been onsite since March. The CEO mostly is out of office working from home, and when onsite will not enter the floor or speak to anyone and sits in his office with the door closed. The people making these decisions were not onsite, were not willing to take the same risks they expected for the hourlies.

Since Monday JUNE 1<sup>st</sup> 2020, I have been called by employees who were not notified I was gone yet, and told:

1. The recruiter is directed to have 15 in a classroom of 18 (no way social distancing which they are falsely promising new applicants in the interviews can be honored. The trainer and I had established we could get 11-12 in the classroom with proper distancing. One class at a time, but they ran 4 classes this week with 1.5 onsite trainers and 1 internet trainer. They told her recruiter had to fill the classes; she thinks they are getting ready to get rid of her from questioning them as they recently put a new position above her and removed her reports.
2. They are bringing back the work from homes, despite restrictions to 50% of payroll. They say it doesn't apply to them since the building (including areas they don't pay rent for can hold 500)
3. They are not enforcing masks and are only enforcing temperature and questions at the door because the health department wants them faxed every week. The break room is open and 3-4 people sit at a table.
4. The recruiter has been called by new employees asked why she promised social distancing and there are so many people in the classes, recruiter wrote management, and no one will respond. When she asked the account manager why they were over filling classes, she stated to the recruiter "we have found a work around, don't worry about it".
5. One of the employees called me asking why people were sitting together, running around without masks and the work at homes were coming back, why wasn't I doing anything. I had to literally let her know I was let go, and they should speak to their supervisor or call the health department.

Most of these people are not willing to speak out, they cannot afford to be unemployed, they only make \$12 an hour as it is. The trainer and the recruiter and plant manager have all been told to stay out of it. They are all over 50 and afraid they would not be able to find another job in today's market. I cannot afford to be unemployed, but as HR my job is literally to keep the company in compliance with the law and public health orders and to be the voice for the employees, since staying silent would achieve neither I was left with no option but to speak out and lost my job over it. Ironically, I can't even qualify for the pandemic unemployment so there is no protective net to catch me.

Unless there are consequences, companies will continue to hide cases, not inform people and help spread COVID. Today it's "just COVID" this will not be the last pandemic, who knows what will come next. IF you want people to follow the laws and health orders the government issues and not ignore the word of the elected officials, and to protect the workers in this state from greedy bosses who do not care if the hourly get sick or spread it to their children or parents as long as they show up for work, these are the people who elected you, then there have to be better protections for whistle blowers. Because who knows if it will be your child sitting next to theirs, or your parent shopping next to them, your spouse's coworker, etc. This is bigger than any one of us, and for a disease that on average spreads to three people for each infected person do you want this type of information to be hidden?

Thank you for your time, please vote YES on HB20-1415.

Sincerely,  
Elisabeth Nietch  
303-332-3182  
caliche2@aol.com

## **Whistleblower Protections - SEIU Local 105**

Colorado Representatives and Senators,

We are the Service Employees International Union Local 105, a union of over 8,000 janitors, healthcare workers, airport workers, and security officers across our great state. We urge you to act now to protect Coloradans from retaliation for speaking out over dangerous working conditions.

In the midst of the largest public health emergency in generations, we must hear the voices and concerns of those working on the frontlines protecting our communities. COVID-19 has further exposed systemic workplace issues that must be addressed for the sake of our public health, but many essential workers are being threatened with retaliation from their employers for speaking up.

We're hearing these stories from essential workers like Shantelle Maes, a Denver home caregiver who was wrongfully terminated for speaking out about their employer's negligence with handling COVID19 at her facility. We hear the fear of speaking up from workers like Md Wahiduzzaman a passenger service assistant at DEN who has for weeks asked for better access to protective equipment from his employer to keep his coworkers and passengers safe.

No matter who you are or where you work, we all deserve the right to say when we fear for our safety. Our state's lack of whistleblower protections leaves all workers exposed to retaliation, at a time when we need to hear from them the most. As we continue to come together as a state and reopen, we must set higher standards to prevent future pandemics by putting the health, safety, and freedom to speak up of all working people first.

Thank you very much for your time and hopefully your support.

## **Whistleblower Protections - CCWU**

On behalf of Colorado Care Workers Unite (CCWU), an organization made up of home care, nursing home, and facility workers across our state, we urge you to protect the voices of our caregivers in our state. By passing this legislation you will be ensuring that the frontline healthcare workers we all depend on to keep us safe have a way of speaking out when faced with dangerous working conditions.

In light of the COVID-19 crisis it is even more critical that all workers in the state of Colorado have the ability to raise concerns and shed light on unsafe work environments without fear of adverse action or retaliation. This bill ensures that people cannot be retaliated against for speaking up about injustices in their workplace.

Home care workers are at the frontline of COVID-19 and their stories matter. Care workers deserve to be heard without fear of adverse action. If care workers are required to ever go back to “normal”, then they need a guarantee that they will be safe and protected. Right now, Colorado has very few whistleblower protections. The lack of protections leaves many workers to fend for themselves if they talk to coworkers, media, or when informing the public about workplace issues.

First and foremost, in order to protect public health, we need to make sure that all workplaces follow health and safety guidelines to prevent the spread of contagious and deadly diseases. When workers see that safety standards and protections are not being followed, they need to feel safe and protected to speak out.

Preventing retaliation by employers will ensure the problems get addressed and stop the spread of COVID-19 or other deadly viruses or diseases. This holds extra importance to help the state ensure that all open workplaces are following social distancing, cleaning, and health and safety protocols during the current pandemic.

Secondly, as Colorado begins to reopen businesses, restaurants, gyms, schools and other locations across the state, health care workers will have to further face tough situations where they are being asked to work in workplaces that are not following Center for Disease Control (CDC) guidelines for reducing the spread of COVID-19.

Health care workers should be provided personal protective equipment (PPE) and not be required to recycle or reuse their own masks. Protective equipment materials should be the priority of any company that employs workers, and even more so in the healthcare industry.

Health care workers being retaliated against for wearing their own personal protective equipment is not conducive to caring for all Coloradans during a pandemic, when employers are not obligated to provide PPE for their workers. Colorado health care workers need to feel safe and protected to elevate their voices so that employers can address issues swiftly instead of sweeping them under the rug.

Thank you very much for your time and hopefully your support.