DIVISION OF LABOR STANDARDS AND STATISTICS
AT THE COLORADO DEPARTMENT OF LABOR AND EMPLOYMENT

STAKEHOLDER PRE-RULEMAKING EXCHANGE AND KICKOFF,
"SPEAK," MEETING

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TRANSCRIPT OF PROCEEDINGS
August 28, 2019

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Proceedings had on Wednesday,
August 28, 2019, at 633 17th Street, Conference Room
12A, Denver, Colorado  80202, commencing at the hour of
1:08 p.m., before SCOTT MOSS, Chairman; ERIC YOHE,
Director of Outreach; SAIDA MONTOYA, Claims
Investigation Manager; EVAN GRIMES, Senior Policy and
Direct Investigations Manager; LIZ FUNK, Labor
Standards Director; HILDA GEHRKE, Interpreter between
English and Spanish; and Members of the Public.
SCOTT MOSS: So, as I said, the rules are out on the table for how we're proceeding today. I'll give just the abridged version for anyone who didn't pick up a copy.

We're asking folks to limit their comments to about three minutes. If you want to speak for up to five, we will try to accommodate that, subject to whether there's an exceptionally long line of folks waiting to speak at any point.

If you can, when you speak, give your name, your job, your affiliation, your role. To the extent, however, you want to speak anonymously, just give as much information as you can so that your comments can be transcribed when we go over the transcript, because the whole meeting is being transcribed, as our public call noted.

If by the end of your three or five minutes you are still wishing to say some of what you came to say, what we're offering is that there are pads in the back of the room, so write down your remainder of what you were going to say, and just note the time that you're starting to write so we can flag it to the portion of the transcript, and write as much of your name, role, and job as you indicated in your oral
comments, and that will just be deemed a continuation.

We'll literally scan those and treat them the same as the transcript. So they will be no less part of the record if you have to continue after the three- or five-minute mark.

Please speak in a clear and slow voice so the reporter, Wendy, can not get carpal tunnel over the course of the time here trying to keep up.

And we are allowing photo, audio, and video, but with the proviso that that will be for folks at the podium or forward, i.e., us. So if you wish to give your comments on an anonymous basis, you're entitled to under Wage Protection Act, Rule 4.7, as the rules note, but then just give your comments from where you're sitting. Just speak a little more loudly then.

If you need a Spanish interpreter, you have Hilda over there to help out. So just let us know that you need that or let Hilda know, and then we'll proceed with the English comments being transcribed, but you can give your comments in Spanish.

And, again, the transcript will just be in English, but that will be available if anybody wants it translated.

If you have any questions about any rules or you need anything, outside at the table will be either
Michael Primo or Jose Lopez from our division. You can ask them.

If there's anything you need to ask of me, feel free to write a note on one of the pads or on the paper in back and bring it up to me. I just ask that you do it after a speaker's done speaking, not in the middle of remarks so I'm not distracted from whoever's speaking because I want to hear everything that's being said.

And generally -- those are the rules. I appreciate everyone coming. We do want to hear what people are thinking about the wage order.

Here with me from the division are Liz Funk, Labor Standards Director; Evan Grimes, Senior Policy and Direct Investigations Manager; Saida Montoya, Claims Investigation Manager; and Eric Yohe, Director of Outreach.

We will not all be here all day. I will. But people will be coming in and out, just as in any public hearing. But, again, that's why we have the transcript. The transcript will be read by everyone relevant.

And I assure you, just as the written comments are being read by the division, so are all comments here. This is the policy team we wanted here
for the start of the meeting, so for those of you who showed up at the start, I appreciate that.

I will mention, if any of you are interacting with anyone who might be coming later in the day, as of 6:00 p.m., there will be more procedure to get up here into the building. You'll have to stop at security, and we'll have someone downstairs to escort you up with a badge to get in, just after-hours building procedure.

So if you know anyone coming a little later, it's fine if they want to show up after 6:00, and we'll have someone stationed downstairs, but there's some value in their own convenience of getting here a tick before 6:00 p.m.

And with that, we'll start. I do have some requests to go early from folks who have other personal, professional time commitments. So the first six folks I'm going to call on, just in no particular order, other than my getting the request, we'll start with Jason Wardrip.

JASON WARDRIP: (Start time 1:12 p.m.) Good afternoon, everybody. My name is Jason Wardrip.

THE REPORTER: Spell that for me, please.

JASON WARDRIP: W-a-r-d-r-i-p. I am the current business manager for the Colorado Building and Construction Trades Council. I cover 24 different
local unions and 14 different crafts in the state of Colorado, representing thousands and thousands of workers and work included.

I'm here to just make a couple of comments. I'll keep it short. There's no way I'm making three minutes. There's other people that are a lot better at that than I am.

SCOTT MOSS: Now you can go to five.

JASON WARDRIP: I'm not doing that either. So don't sweat that. So one of the things that kind of shocked me when I started hearing about the antiquated wage order as it was written was it shocked me that people don't get that the construction has breaks excluded in it. And that kind of blew me out of the water.

I've negotiated many, many contracts prior to coming to the building construction trades as working for the Sheet Metal Workers prior to that for ten years, and I negotiated probably 50 contracts.

And every time they came to us and said, "Hey, we really want to eliminate the morning break, because we don't have to have it," and I thought, What about the people that have diabetes?

What about those people that have to maintain your equipment or run your equipment or run a scissor
lift 110 feet in the air, or a boom lift -- what happens if they have a problem with their blood sugar?

It blows me out of the water to think that they wouldn't have that opportunity to be able to eat something to make sure that they would not endanger themselves or others running the heavy equipment in construction.

And then, as we heard from more people as we talked to them, talking about coming into the union, they often told us about stories that their contractors absolutely refuse to allow them to have a break because they didn't have to, some of them being diabetics. That bothers me a lot.

And, you know, I spent ten years fighting for that. And today I'm here to tell you that construction should never be excluded from break time.

The other thing that bothered me, also on heavy equipment and safety, is that it blows me out of the water that they could have somebody come in on a Sunday, after working 50, 60 hours, and working the other 12 hours, and not have overtime pay.

In this world that we live in in Colorado, who can afford to not work overtime if it's offered? Even at some of the wages that we make.

But then to have to come in and have to work
straight wages? On a Sunday? You know, religious or not, that's the day I give to my family. I think it's outrageous that anybody would have to be required without overtime to work on a Sunday. And then there's no recourse. Nothing they can do about it.

So I support changing those parts, and many other parts, but those are the ones that concern my crafts that I represent. And I would look forward to you guys, you know, considering supporting that as well. That's what I have for y'all today.

SCOTT MOSS: Thank you.

JASON WARDRIP: Thanks, guys. (End time 1:16 p.m.)

SCOTT MOSS: Next, we'll go with Nina Disalvo.

And, Wendy, can you do a time stamp for the time when each person starts?

THE REPORTER: I can, yes. It's automatically included on the transcript.

SCOTT MOSS: Okay. Great.

NINA DISALVO: (Start time 1:16 p.m.) Hi. My name's Nina Disalvo. I'm a strategic advisor with Towards Justice.

THE REPORTER: Could you spell your last name for me, please.
NINA DISALVO: D-i-s-a-l-v-o. And first, I just want to say, thank you guys so much for this opportunity to engage with you and to talk about some of these important issues.

My remarks today are just meant to complement what Towards Justice submitted in writing more substantial. But these are just a couple of additional thoughts that I had.

Today, only 7 percent of Colorado workers are eligible for overtime pay, which is down from around 62 percent in the 1970s.

SCOTT MOSS: Sorry. What was the percent?

NINA DISALVO: 62 percent in the '70s. And without overtime protection, the 40-hour work week is quickly eroding. It's not only high-powered professionals like lawyers and doctors who put in 68- or 70-hour work weeks; it's also gig workers. It's office managers. It's food service managers. It's retail team leaders. It's nonprofit organizers.

All of these people really have to work more than 40 hours in order to be professionally successful. And that's not okay.

Excessive work time is bad for public health. It's bad for the environment. It's bad for personal relationships, and it's bad for business.
Turnover and burnout reduce productivity and create all sorts of hidden costs for organizations, including increased gender inequity. We need a statewide effort to end that race to the bottom on workplace hours.

No individual business or nonprofit organization can do this alone while remaining competitive. So we need statewide change that would not only restore overtime rights for individual workers, but it would also strengthen the nonprofit sector.

It would enhance gender equity. It would improve public health, and it would reduce carbon emissions in our state.

So talking a little bit about the gender equity point, restoring this 40-hour work week would help gender equity across our economy. The erosion of this 40-hour work week means that it's increasingly difficult to be professionally successful in any role without putting in long hours.

Workers with caretaking responsibilities have more difficulty putting in extra hours, especially those who must be on call at home to care for children and for adults or other family members.

In a society that traditionally places more
caretaking demands on women, normalization of extended
work hours disproportionately disadvantages women.

I think we can also strengthen our nonprofit
sector by protecting the 40-hour work week. Our
nonprofit sector is plagued by turnover. That turnover
undermines our ability to provide the sophisticated
thought leadership that we need on a variety of issues
across our state.

Overtime protection would go a long way
toward building a sector that can attract and retain
talent while ensuring gender equity in our
organizations.

Protecting the 40-hour work week is also
incredibly important for public health and individual
worker health. Studies show that working long hours
increased the risk of heart disease and a decline of
cognitive function.

Working long hours also substantially
increases the risk of stroke, as well as the likelihood
of smoking, excessive drinking, and weight gain.

People who routinely put in more than 11-hour
days more than double their chances of major depression
compared to employees who typically work about 8 hours
a day.

Finally, there are a few -- talking about,
sort of, the potential environment impacts of restoring
the 40-hour work week, there are sort of few
immediately available, wide-reaching steps for
beneficially impacting the planet crisis. But numerous
studies have shown that lowering the number of hours we
work would help reduce our impact on the environment.

A 2018 United States study shows
positive association between working time and higher
state level carbon emissions. International research
exhibits parallel findings that longer work hours are
associated with increased environmental pressures,
including fossil fuel, energy consumption, and carbon
emissions.

As of 2006, it was estimated that if
Americans chose to take advantage of the --

THE REPORTER: Could you slow down your
reading, please.

NINA DISALVO: Sure. As of 2006, it was
estimated that if Americans took advantage of
their higher level of productivity by shortening the
work week or taking longer vacations, the United States
would consume some 20 percent less energy.

Finally, these changes to restoring the
40-hour-week, we need these changes now. The
consquences of the race to the bottom on working hours
are extreme. They must be addressed urgently. We've waited for over two decades for an update to the way coverage categories and to the minimum salary that must be paid to workers, exempt from overtime.

We hope your agency takes swift and decisive action to improve working conditions for Colorado workers as soon as possible. Thank you so much. (End time 1:21 p.m.)

SCOTT MOSS: Thank you. Next we'll take Jimmy Burds.

JIMMY BURDS: (Start time 1:21 p.m.) Good afternoon. My name is Jimmy Burds, B-u-r-d-s, new owner of Colographic. We make -- provide fleet graphics and signs. And our business was founded in '79, been around 40 years. And I have 15 people working for me.

I'm here, one, as a business owner that wants to do the best thing for my employees. We strive to always do that. And I would like, you know, a level playing field for those of us who are trying hard.

And I'm also here as a member of Good Business Colorado. I've been asked to speak on behalf of the organization a little bit today.

Good Business Colorado is the business voice advocating for a strong economy, thriving communities,
and a sustainable environment. We're a nonprofit -- or
nonpartisan statewide organization with over 160
businesses and members who collectively employ
thousands of people.

Because our members believe in a fair
workplace with livable wages, we support broadening of
the Colorado Minimum Wage Order. Currently, minimum
wage law is limited to specific groups. It's confusing
because there are many businesses that may interpret
the laws in different ways.

I honestly don't know if I fit in that or
not. We pay enough that we don't worry about. But I
don't know. So therefore, Good Business Colorado
would request that all businesses in Colorado be
covered by the Minimum Wage Order.

Explicitly stating that all workers are
covered by the Colorado Minimum Wage Order also levels
the playing field for businesses who are already
instituting these practices. This creates fair and
healthy competition between businesses based on quality
of service.

We believe clear, comprehensive minimum wage
law is the right thing to do for the hard-working
people of Colorado and the businesses that want to do
right by their employees and Colorado law.
We want to prevent exploitation of workers and make sure that they are fairly compensated. At Colographic, we've seen the difference that it makes in the lives of team members when people are treated fairly.

All of our team members are provided a hundred percent of their health insurance premium. We share profits, and we match a hundred percent what they put into their IRA.

We have a team of dedicated people that work to improve every day. Every team member has a lot of autonomy, so we don't -- you know, they take breaks when they know they need breaks, and they're very productive.

I always turn to the old adage, "I don't pay you to think. I pay you to work." I always joke with them, "I don't pay you to work. I pay you to think." When people have, you know, some breaks and some time and -- they are more creative, and they will do a better job. And thinking is how they get that done, not just doing stuff for hours on end.

So just in conclusion, I'd like to say Good Business Colorado requests that Colorado Department of Employment use their authority to extend the coverage of the Colorado Minimum Wage Order to cover all workers
and all industries. Thank you.

SCOTT MOSS: Thank you. I actually have one
follow-up question. And I may for some of you. And
feel free to not give an answer if you don't have one
on the spot.

But speaking just as yourself, as a business
owner, I appreciate your comments on coverage. On the
other posted issue about minimum salary to be overtime
exempt, do you have any thoughts on what, if anything,
might be an appropriate number, that you would support a
salary minimum to be overtime exempt?

JIMMY BURDS: Well, I can answer for me.
As I looked at the numbers, I played around with
it because I like math. I think it fits. At
first, I thought it could be lower, but I think that
two and a half is good.

And the only problem you might run into is
there's going to be a weird area when somebody's making
$55,000 and they're doing 10 hours of overtime a week,
they could easily be thrown into a salary management
position, where they take on more and make less. So I
don't know what you'll do with that math. But I
thought that could be a little funky right around that
area.

SCOTT MOSS: Thank you. Appreciate that.
And just so the record's clear, by two and a half, you mean the two and a half times the minimum wage number that comes to $62,400 a year?

JIMMY BURDS: That is what you were talking about, correct?

SCOTT MOSS: Correct.


SCOTT MOSS: Thank you.

JIMMY BURDS: That was two and a half. Isn't that the correct number?

SCOTT MOSS: If it's 52 weeks of labor, yes.

JIMMY BURDS: Okay. Thank you. (End time 1:26 p.m.)

SCOTT MOSS: Thank you. And next, we'll have Raphael Quinto Rios.

(No response.)

SCOTT MOSS: Or we won't. That's fine. Next, we'll have Marilyn -- Winokur? Did I pronounce that right?

Marilyn Winokur: (Start time 1:26 p.m.) Yes, Winokur. Good afternoon, everybody. My name is Marilyn Winokur, W-i-n-o-k-u-r. I live in Denver, and I'm currently on the steering committee of the Colorado Industrial Areas Foundation, soon to be known as Coloradans for the Common Good. I'm also a former CEO
of a health care technology company, which had 350
employees at the time that I left.

Coloradans for the Common Good is a
broad-based, diverse organization of 21 and growing
nonprofit organizations that include congregations,
labor unions, civic and neighborhood organizations, as
well as other non-profits. We work together to
advocate for social justice issues which are important
to our members.

And over the past few years, we've had over
2,000 one-to-one and small group meetings with people
all over the Front Range to find out what keeps them up
at night. And that's, of course, one of the reasons
I'm here.

As you know, the Minimum Wage Order has not
been substantially updated in 20 years, and workers
across the state cannot and should not have to wait any
longer for these basic workplace protections.

The cost of living, especially housing, has
risen and continues to rise dramatically. Workers need
to be paid fairly for the work they do so that they can
afford to reside and thrive in Colorado and add to our
growing economy.

I strongly believe that all workers should
and would benefit from the protections of the Minimum
Wage Order. In addition to being paid minimum wage, they should be given workday breaks and be entitled to overtime pay for working more than 40 hours per week. This includes the most vulnerable among us, agricultural workers, construction workers, and other classes of workers who are not currently eligible for these protections.

Under Colorado law, many salaried workers classified as managerial, professional, or administrative can be forced to work as much as their employers require or demand without getting paid overtime.

This means that a shift manager at a restaurant can be forced to work 60 hours a week for $35,000 a year, or a white collar administrative employee can be required to work 70 hours a week for $50,000 a year, all without receiving a cent of overtime pay.

And as was said before, workers with caretaking responsibilities, most often women, are often forced to choose between their employer's demand for more time at work and therefore any kind of career advancement or time that they spend with their families.

This policy leads to hundreds of thousands of
Colorado workers being overworked and underpaid. This is not good for Colorado families, and it's not good for business. Productivity and morale both suffer when employees are stressed and overworked and underpaid. So as a matter of federal law, exempt, salaried employees have a minimum salary of only $23,660 per year. The Obama Administration proposed increasing the minimum salary to what would have been $51,000 on January 1st, 2020, but the Trump Administration gutted that proposal and has proposed now a minimum salary threshold of $35,308. Some states have stepped up to fill the void. Washington State's labor agency recently proposed that its minimum salary for exempt workers be set at 2.5 times the minimum wage, and that same standard makes sense in Colorado, which means that employees have to earn $62,400 per year before they can be exempt from overtime, which is 2.5 times the minimum wage of $12 an hour. So let's be clear, this doesn't mean that employer has to pay that amount of salary. It only means that employees are entitled to overtime pay if they work more than 40 hours a week and don't already earn that threshold of 62,400 a year. So as the daughter of an immigrant father,
expanding the Minimum Wage Order is important to me because it's unfair that some workers are protected while others are not.

I believe that the current exclusions mostly impact minorities, immigrants, and other lower-paid workers who have little bargaining power and are taken advantage of by too many employers. Immigrants are too often threatened with loss of job or worse, such as deportation, if they complain about their pay, their hours worked, the fact that they don't get breaks, and other kinds of poor working conditions. And I believe this is grossly unfair and immoral.

The current wage order must be expanded to include and protect more workers. This protection would reduce workplace injuries caused by overworked and underpaid employees, improve family, children's lives so that workers could spend more time with their children, or at least provide more for them. And it would improve worker productivity due to better job satisfaction.

And employers who do not pay minimum wage or overtime and who do not give breaks and other wage order benefits, from my perspective, are practicing either conscious or unconscious wage theft.

This places an unfair burden not only on
poorer families but on Colorado taxpayers, so we in
good conscience need to support these workers with
social services and/or charitable works.
So I urge the CDLE to do what's right and
improve/expand worker protections in Colorado. Thank
you very far.

SCOTT MOSS: Thank you. Thank you,
Ms. Winokur. I appreciate that. Just two follow-ups.
Just to make it clear on who you're speaking for.

MARILYN WINOKUR: Yes.

SCOTT MOSS: Yes.

MARILYN WINOKUR: I'm speaking mostly for
myself. The Colorado Industrial Areas Foundation is
taking up this issue, but it hasn't yet approved it.
So I'm speaking for myself.

SCOTT MOSS: And are you able to say what
health care company it was that you were CEO of? I
understand that --

MARILYN WINOKUR: I'm not affiliated anymore.

It was years ago. But I ran a company that was pretty
large at the time.

SCOTT MOSS: Great. Thank you.

MARILYN WINOKUR: Thank you. Bye-bye. (End
time 1:33 p.m.)

SCOTT MOSS: And next, the last person who
had signed up and RSVP'ed in advance was Desiree Westlund. Then we'll just take volunteers from the audience.

DESIREE WESTLUND CINDRIC: (Start time 1:33 p.m.) Good afternoon. My name is Desiree, D-e-s-i-r-e-e; Westlund, W-e-s-t-l-u-n-d, and Cindric is C-i-n-d-r-i-c. And I am the deputy director with United for a New Economy. And we are a grassroots organization, a multiracial organization that works on issues of economic justice, particularly housing and workers' rights issues.

And this week, I have been knocking on doors in Adams County and the cities of Westminster and Commerce City and talking to folks about rising rents and housing costs and the fact that wages are stagnant.

So currently, in Westminster, to be able to afford a one-bedroom apartment, you need to be making $26 an hour for a one-bedroom apartment for that to represent 30 percent of your income, which is what the recommended standard is, that you should be paying 30 percent of your income for housing.

In Commerce City, that's $24 per hour that you need to earn for a one-bedroom apartment. Granted, there are families that are more than one income, but they tend to need larger apartments.
As we have been having conversations in the community, we are encountering workers from the construction industry, from the landscaping industry, as well as farm workers. That might be surprising to imagine farm workers living in urban settings, but the way that our economy works, in Commerce City, as we're door knocking and talking to families, that is often the case.

The Minimum Wage Order, as others have said, has not been updated in many years and really does not resemble the economy that we are currently working in. That includes housing costs, but it also includes the way in which people are working.

And our request to you all, as you are considering updating it, is ensuring that the Minimum Wage Order actually responds to the current economics that families are facing in the state of Colorado.

As was already stated, in the '70s, 60 percent of workers were under the threshold, and now we're looking at 7 percent.

In addition, the categories of workers that I just named that are our members that I'm engaging with on housing issues are working in industries that are also not covered, don't have access to breaks, and have to work excessive hours, are not able to spend time
with their families, and are consistently having to move housing and not have housing stability, which impacts their health and the health of their families.

Overtime protections should be the rule, not the exception. If they're working more than 40 hours, they should be entitled to time and a half, and they should be entitled to overtime and breaks. Thank you for your time.

SCOTT MOSS: Thanks. If I could ask one follow-up. I appreciate your comments. If you could speak to, if you know from talking to folks, if you could just elaborate for the record, how folks who come to be living in Commerce City can be working in an agricultural area, where maybe rents or housing prices are lower, but they might not be able to live there?

DESIREE WESTLUND CINDRIC: Yes. So in Commerce City particularly, so I will say we have not encountered, that I know of, farm workers in Westminster. Commerce City continues to be somewhat agricultural in particular parts of it.

And we often find that families are living in mixed situations. So folks will go for a period of time and do seasonal work and then return, or they will send money to family in Commerce City. So I would just say family -- it depends on each family and what their --
circumstances look like. (End time 1:37 p.m.)

SCOTT MOSS: Thank you. I'll ask folks to raise their hand if they want to speak. If there are a lot, we might ask to set up a line. But if there's just a couple, we can just take hands. Who's interested in speaking now?

Yes. In the blue jacket, you had your hand up too? No? Okay. Carry on.

MELISSA MCCOLLISTER: (Start time 1:38 p.m.) Hi. How are you? My name is Melissa McCollister, and I am a business agent in the United Food and Commercial Workers, Local Number 7.

THE REPORTER: Hang on. Say that again slowly, please.

SCOTT MOSS: Also, if you could spell your name.

MELISSA MCCOLLISTER: Oh, I'm sorry. Spell my name, or . . .

THE REPORTER: And say the whole thing again slower so I can get it. Thanks.

MELISSA MCCOLLISTER: Okay. Melissa McCollister, M-c-c-o-l-l-i-s-t-e-r, with the United Food and Commercial Workers, Local Number 7. And I do have a coworker who is going to speak on this as well.
One of the things that I wanted to talk about was raising the wage for the salary. We have -- we represent grocery store workers. And one of the things we come up against every time we have a contract is, as we bargain with these major corporations, is that they try to remove department managers from the bargaining unit and pay them a salary wage.

Already in these stores, the store managers and assistant store managers are salaried. So if this were to happen, the companies would have department managers working 50 or 60 hours a week and may not receive overtime benefits, which would take away hours from our hard-working, well-paid union members, taking money out of their pockets and benefiting only these big corporations.

If the overtime exemptions were to be a higher rate, it would force the companies to pay these department managers, if they had been taken out of the bargaining unit, a higher salary in wages and force them to pay the overtime if they were required to do so.

So ultimately, these changes help represent our members who desperately need these protections. Thank you.
SCOTT MOSS: Thank you. Actually, a few follow-ups to that.

MELISSA MCCOLLISTER: Sure.

SCOTT MOSS: Based on your knowledge of the industry, if you know, could you name the job categories of supermarkets that are often deemed exempt from overtime?

MELISSA MCCOLLISTER: As far as -- none of our bargaining unit members are salaried at all. So none of them are. But they do try to do that every contract, every three, five years when we bargain a contract, the company does try to pull some of the bargaining unit members out of the contract.

SCOTT MOSS: Would that be things like department or unit managers?

MELISSA MCCOLLISTER: Yes. Mostly --

SCOTT MOSS: Could you name some of those?

MELISSA MCCOLLISTER: A deli department manager, meat department manager, bakery department manager, front-end supervisor. Pretty much any specific department manager.

SCOTT MOSS: And then do you know about how much -- and this can be a range and rough -- the
assistant managers or store managers will make at the entry level?

MELISSA MCCOLLISTER: I don't.

SCOTT MOSS: That's fine.

MELISSA MCCOLLISTER: I don't. Sorry.

SCOTT MOSS: And at one point, you mentioned that it takes away work when there's overtime. Could you elaborate what you meant by that?

MELISSA MCCOLLISTER: Well, if there's a department manager that's a salaried -- if it's at a salaried wage, they could work 50 or 60 hours -- they could work more hours than the 40 that they work now, which would take away the hours for the bargaining unit workers because if they were working 20 additional hours --

THE REPORTER: Speak slower, please. If they were working 20 additional hours . . .

MELISSA MCCOLLISTER: Sorry. That would take those 20 hours from the clerks.

SCOTT MOSS: And is that because an assistant manager will sometimes be doing some duties that clerks and others would do?

MELISSA MCCOLLISTER: Yes.

SCOTT MOSS: And are there other folks who will be an assistant manager; that is, will a store
have more than one, such as assistant manager or night
manager or shift manager, like that?

MELISSA MCCOLLISTER: I'm sorry?

SCOTT MOSS: When there's a store, is it
usually there's one store manager and one assistant, or
multiple of each when the shift --

MELISSA MCCOLLISTER: It depends on the
company. There are often one store manager and
multiple assistant managers.

SCOTT MOSS: Okay. And that depends on how
many hours they work, in part?

MELISSA MCCOLLISTER: It depends on -- are
you talking about the whole store, like, store
managers of the store, or are you talking about the
department managers?

SCOTT MOSS: Or assistant manager, or if
there's a shift manager, like a night manager who runs
the place when the main store manager's out?

MELISSA MCCOLLISTER: It depends on the
company, and it depends on the size of the store.

SCOTT MOSS: Thank you.

MELISSA MCCOLLISTER: Yeah. Thank you. (End
time 1:42 p.m.)

SCOTT MOSS: Anyone wishing to -- I'll take
any other volunteers. Anyone wishing to -- yes, sir.
DON NEWELL: (Start time 1:42 p.m.) Good afternoon. My name is Don Newell, and I am a U.S. Army veteran, certified pharmacy technician, and a business agent for United Food and Commercial Workers, Local 7. We are the largest private labor union in Colorado, and we represent most of the industries in the state, including grocery, manufacturing of food, meat processing, health care, and cosmetology.

SCOTT MOSS: I just realized I should ask both of you. Melissa, are you both speaking for the local?

MELISSA MCCOLLISTER: Yes. Yes.

DON NEWELL: Yes.

SCOTT MOSS: Thank you.

DON NEWELL: This issue before us today impacts a great deal of our members, as well as other workers across our great state. All too frequently, we hear about employees missing rest and meal breaks or being held much past their scheduled shift, with little or sometimes no compensation for the impact on their livelihoods or health.

As a trained health care professional, in my own respect, I can tell you that I see people every day whose dietary and sleep requirements are much lower on the list of priorities than being able to simply support their family in this economy.
The stress being put on the human beings of Colorado's workforce is also increasing the probability that they'll use tobacco or alcohol to cope with these situations, or something even worse, such as prescriptions and illegal narcotics, which, sadly, we see in our communities daily.

Lack of time and money leads to poor diet and exercise habits that they're increasing the risk of heart disease, stroke, Type 2 diabetes, et cetera, and these mental strains are contributing to a significant height in problems such as anxiety, depression, and suicide.

Our members, friends, and neighbors need those critical workplace protections so that out-of-state corporations are not allowed to abuse our Colorado working families. Thank you.

SCOTT MOSS: Thank you. A follow-up question. You could answer, Melissa, if you want to weigh in. You mentioned, again -- Melissa maybe mentioned this -- subunit managers, whether deli or bakery or meat or the front-end managers, supervisor -- do you know whether there are any stores, and perhaps nonunion stores that aren't your members, where those folks are deemed exempt? Have you seen or heard of
those?

DON NEWELL: I have heard of some of them, yes.

SCOTT MOSS: So that would be those subunit managers are considered exempt in some stores?

DON NEWELL: They are.

SCOTT MOSS: Okay. And, Melissa, have you heard of such things too?

MELISSA MCCOLLISTER: Yes.

THE REPORTER: Would you spell your last name for me, please.

DON NEWELL: Don Newell, N-e-w-e-l-l. (End time 1:45 p.m.)

SCOTT MOSS: Who else is interested in speaking? Yes.

EDDIE BUSTAMANTE: (Start time 1:45 p.m.) Good afternoon. My name is Eddie Bustamante. I represent the Laborers International Unit of North America, Local 720. We represent construction craft laborers all across the state of Colorado.

And what I have to say here today is, one, I think it's absurd that we're even having this conversation in 2019 and not having all workers protected under these basic Minimum Wage Order protections and what -- how this affects our members,
our construction workers, it creates corners to be cut
by non-law-abiding contractors, for example, really
cheating, you know, a lot of people out of work, a lot
of -- cheating a lot of people out of this path to the
middle class.

And there's already enough safety concerns on
construction projects, for example, fatigued bodies
and fatigued minds should not be one of
them. These workers should be sharpened.
They should be getting their meal rest.

This is something that, you know, our members
of Local 720 are protected under collective bargaining
agreements, of course, but again, this is a
matter of, again, leveling the playing field for
contractors that, you know, follow the laws and treat
their members -- their construction workers fairly,
and, you know, not exploiting them, like we've
seen in many cases from members who have
come from nonunion job sites, nonunion contractors.

And sometimes we're talking big, big
contractors that land big commercial jobs. And, you
know, we hear these success stories on how they join
unions and -- you know, sometimes it doesn't
even have to be on the big, big construction projects,
right? Regular residential work is being done.
And there's so many -- you know, many, many people in the middle class, lower middle class being exploited, immigrants being exploited. I just don't think there should be any excuse as to why any workers shouldn't be covered under these basic rights.

And, you know, talking from a personal point, from a younger generation, that's -- it's another big concern is, you know, that these contractors cut so many corners, and it really just -- like it was said earlier, these stagnant wages, right? People my age, we can't afford to stay and live in these neighborhoods that we grew up in. You know, these neighborhoods that were really filled with culture at one point are -- now we're being driven out. This displacement of workers is absolutely insane. People, you know, were affected -- directly affected through our membership, directly affected through our families.

I mean, I grew up in Denver alone, and I can probably count on one hand, two hands the amount of friends that I still have that live in this area. So, again, you know, this is just a piece of the puzzle, putting these people under these basic protections. That's all I have.
SCOTT MOSS: Thank you. Let me just ask a follow-up, if you don't mind. You mentioned safety concerns. What kind of construction do you work in?

EDDIE BUSTAMANTE: So we represent construction craft laborers. So among the trades, we like to say we're the first ones on the job and the last ones on the job. We do a lot of the cleanup work. We do a lot of the tendering to a lot of the other trades -- electricians, carpenters, you know, operators, and things like that. I think it's safe to say our members are involved throughout the process of a construction site.

So, like I said, what we see on the nonunion -- as well as these -- you know, like the day laborer areas, the wages that they give and the fact that, you know, they have loopholes to go through, it just, it's not right.

SCOTT MOSS: And, last thing, if you remember any, or you've seen any or heard of any that you're free to tell us about, any safety problems you've seen that come up with a worker working long overtime, given the problem of, as you mentioned, fatigued bodies and fatigued minds? Any you remember?

EDDIE BUSTAMANTE: Not that I remember, but we have -- you know, as political director, or, you
know, not on the job sites as much. But we
definitely have, you know, staff and stewards on the
job sites that, you know, are able to probably attest
to some stories from workers who have come from
nonunion contractors.

SCOTT MOSS: Thank you.

THE REPORTER: Can you spell your last name
for me, please.

EDDIE BUSTAMANTE: B-u-s-t-a-m-a-n-t-e. (End
time 1:50 p.m.)

THE REPORTER: Thank you.

SCOTT MOSS: Who else would like to speak?

Any takers?

(No response.)

SCOTT MOSS: Okay. Well, I'll add that if
anybody has any follow-up thoughts on any questions
I've asked about different types of managers or
examples of the problems I just spoke about with
Mr. Bustamante about injuries because the number of --
you mentioned health concerns with overtime that you've
heard about or seen, feel free to come up and
elaborate, whether you intended to speak or if you
already spoke and might be able to elaborate.

One good thing about this process of having
folks in the room is that folks can jump in and respond
to each other's comments or elaborate. So if anyone
wants to elaborate specific examples would be
interested in hearing them.

Otherwise, I'll just wait, and if anyone has
anything to say, feel free to jump in. Any takers?
Anyone want to give a comment, follow-up, et cetera?
Yes. Thank you.

JOE PIMENTEL: (Start time 1:51 p.m.) My name
is Joe Pimentel.

SCOTT MOSS: Can you say that again?

JOE PIMENTEL: Joe Pimentel, J-o-e,
P-i-m-e-n-t-e-l. I'm just speaking as a labor
construction worker. It's very important when we're
out there working that we have our break time and we
have our proper hours because, as you've seen not too
long ago, there was a gentleman that was driving on the
highway, and he slammed into a bunch of cars.

That's because somebody was overworked,
didn't have his break times. He was probably on the
clock, wasn't making the wages that CDL drivers should
be making because he was probably working for a
contractor and cutting corners, like everybody else
says.

So when you don't take your proper breaks or
you ain't getting treated right at work and stuff like
that, and you got to do it on your time, you're taking time away from your family.

I can speak on that for myself. When I get home sometimes, my kids ask me to help them with their homework. But you're tired. You got to take the -- you know, you got to do the stuff that we do after our work.

And what upsets me a lot is that, what I see all the time out there is these temp agencies are taking advantage of workers. Everybody's trying to get the job done. Everybody's out there trying to make it happen. Everybody's cutting corners, like they said.

And I see it firsthand. I'm out there at job sites. I'm an organizer, so I'm at union job sites, nonunion job sites. I see everything that everybody's talking about here, some of these people.

But what it is is, in the construction field, we're out here in downtown Denver, where you see all those cranes. There's people walking around. There's heavy trucks. There's concrete trucks.

All this equipment is so heavy, so if you're not sharp on it, you can't stop that truck if somebody's coming and you're down and you're not on your break.

I've been there, where we're about to have
lunch, and we're waiting for a concrete truck to come in and didn't show up on time. We gotta stop what -- we gotta stop eating because that concrete truck is here, and this has to be poured, and they're expecting -- so we have to stop eating, so you're out there eating -- you have to eat as you're working to get the job done. And if we don't do it, we don't get paid.

You know how that goes. So you got that pressure on you. You got your family that's depending on you to come home. And our motto at our local is to work safe, come home safe. And that's what we fight for. And that's what our contracts what we fight for is for safe work, for people to have a better wage, to feel good, to be able to take their family out on the weekends and enjoy that because us, as laborers, we are the first ones there at the job and the last ones out.

And people don't really see that because everybody's busy. But without us, nothing's going to get done. These roads ain't gonna get done. These buildings ain't gonna get done. So if we're out of shape or if we're sick, if we can't come to work, or if we're just there just trying to get by for the boss to see us, we're not
there one hundred, so we're gonna endanger the life of
our own workers, people on the streets.

And that's how these accidents are starting
to happen. They have flaggers. They're holding these
signs that are -- they're not paying them the right
wages. So these guys they have flagging are supposed
to protect the -- I just have so many -- it's 'cause I
have so much -- and they have to protect these people
and the workers.

But some of these guys that they're using,
they're unqualified to protect the workers and the
public. And not only on that, they been working, like,
late hours. They don't get no breaks because they have
to report to the next job.

And these temp agencies don't care about
them. They just care about the -- you know, getting
them out there, sending them out to that contract, and
they ain't asking you how many hours you had of sleep,
are you good? They just want to gotta get you to that
job because someone's waiting for you.

So they have this flagger that's supposed to
be protecting these guys who have a family and have to
go back home, and also protect the public, half
asleep, holding the sign, like that. You know what I
mean?
And that's what's important to you guys to make those laws so these people can't get into those types of fields of work. It has to be some kind of -- I have the words in my head. But, I mean, like I say, I'm speaking like a civilian, like a worker that's out there.

And I got Eddie Bustamante, who knows how to speak for us and talk for us. But we try to share everything that goes on, but there's so much. But if you guys can make those laws, you guys will make a big difference in everybody, and the whole -- everybody can just -- it could be a better place for everybody.

People can hold their heads up high when they're at work, and during that traffic, there won't be no more road rage. You know, I mean, because people want to go to work. People go to work because they have to. You know what I mean? Because of their families.

But people should love to come to work, just like you guys love to come here. But, I don't know. I love my job. I love what I do. I love to come to work because my job is putting people to work and fighting for better wages.

And we just got -- our fights, everybody's here fighting for, other people think it's just unions.
No, our fights are for everybody in the state of Colorado for us to have a better wage.

I mean, I could talk to you guys about this all day, but I just couldn't leave this room not saying something after hearing everybody, and then after you made it easy for us to come up and speak on stuff.

So I'm just speaking for the workers that are out there. We're the first ones on the job, the last ones to leave. Now we have to move farther. I have to report to downtown Denver at 7:00. I have to get up at 5:45, and if I'm not on that freeway by 6:10, I'm screwed.

And I used to live up the street. I can't afford to live there no more. You know what I mean? And I'm building and doing roads that you drive, we all drive and we all benefit from.

So I just think that they should help the workers out a little bit, people that are here, because without us, ain't nothing gonna happen. If we're not here, they're just gonna put an individual for a lower pay who's not going to give you a hundred percent of your work. I mean, that's all I got to say. I'm sorry. Thank you.

SCOTT MOSS: No, thank you. You
mentioned that Eddie spoke, but I very much appreciate you coming up, and that's why I'm --

JOE PIMENTEL: Thank you so much for -- like I say, there's a lot of times we come to these things, and we leave, like, Oh, I should have said this or I should have said that, or things like that.

And it's just trying to educate people, you know. And, like, if you guys have any questions, I mean, I'm out in the field every single day. I'm out every single -- I see everything that's going on right now. I see the changes that are happening.

And I just hope you guys tonight -- you know, you guys all have family. You guys travel on these roads. These buildings. We just want everything to be built a hundred percent the American way. You know, keep it all and save (inaudible).

SCOTT MOSS: Yeah. Can I ask you just a couple of follow-up question?

JOE PIMENTEL: Sure thing.

SCOTT MOSS: You mentioned flaggers, and I just want to make sure I heard it right, are you saying that flaggers are often temps?

JOE PIMENTEL: Yes. The flaggers are from temp agencies. Before, they used to be construction. But now, there was loopholes, like people mentioned,
where these people get into this construction now.

But some of those people don't have the training that we have. For example, for those temp agencies, they want you to get there two hours early to take a training that requires more than two hours.

You're protecting -- you're supposed to stop traffic. Two hours is not enough for that kind of work. And then on top of that, they don't drug test some of these people. Some of these people need to be there one hundred percent because our workers need to go home to their families.

SCOTT MOSS: Do you know if the two-hour training is paid?

JOE PIMENTEL: No.

SCOTT MOSS: Sorry. I asked that wrong.

JOE PIMENTEL: No, you just show up, and you tell 'em you're looking for a job as a flagger. They'll sit you down, put a video on. Watch the video. They wait for a contractor to call, and they send you off to work, and they give you a stop sign and just tell you what to do.

SCOTT MOSS: So that is unpaid time, the two hours; is that right?

JOE PIMENTEL: From talking to the workers -- because I talk to them and try to get them a
better wage and benefits and stuff and --
I build relationships with them.

You know, I go back out and talk to them, see how they're doing, make sure they're safe, try to get them, like, better stuff. You know, if they're on drugs, I try to get them into a rehab and let them know, you know, I'm here to help you, dude, because this -- some people just give up on them right away.

SCOTT MOSS: And do you know about how many hours a flagger may work?

JOE PIMENTEL: Some of these flaggers -- depends on the job site. If a contractor just wants them for four or five hours, they'll be there. If it's 12 hours, 15 hours -- sometimes they'll come do an 8-hour shift, go get their day pay, and then come back and do another shift. It all depends on what they want to do and what the needs are.

SCOTT MOSS: So sometimes 12 or 15 hours in a day?

JOE PIMENTEL: Yeah, sometimes 15 hours. I mean, I met guys that done, like, a 20-hour shift. And then they have to be back there the next day. And it's just uncalled for. You know what I mean? I mean, these guys deserve a little break.

But they just need those hours, you know? So
they are not looking at that safety issue. They're not looking about the sleep. They just know they need that money.

SCOTT MOSS: And have you seen any accidents when folks are fatigued, either flaggers or on the construction site?

JOE PIMENTEL: I heard from other flaggers out on the job that, you know, a flagger passed away, someone upset, you know, and ended up crossing the construction barrier and whatnot.

I have been at job sites where we have a street closed off, and traffic still comes through, and we're like, Get out of the way. So it got to the point where we put our road equipment on the highway to protect us.

And it's just people trying to get by, you know, and I've been in the situation when there's traffic and you're trying to get home, and it's, like, Jesus, why here? And stuff like that. You know what I mean?

SCOTT MOSS: Thank you. Appreciate it. Liz may --

LIZ FUNK: We would just like to take you up on your offer to contact you, so if you would sign in.

JOE PIMENTEL: Yeah, of course. (End time
2:00 p.m.)

SCOTT MOSS: Any other comments, either elaborating or following up? Go ahead. It's kind of like in class, where you can get a second cookie after everybody gets a cookie.

THE REPORTER: Could you remind me of your name, please.

NINA DISALVO: (Start time 2:00 p.m.) Hi. My name is Nina Disalvo, again, and I'm with Towards Justice. I want to let you know that we have two foundations who wanted to submit some comments to you all. I'm happy to email them in, or I'm happy to read them out. I just -- what works best for you?

SCOTT MOSS: How long are they?

NINA DISALVO: Page and a half.

SCOTT MOSS: Why don't you read them in.

NINA DISALVO: Sure. So they say, "We understand that your office is engaging in an informal pre-rulemaking information gathering process to gather stakeholder feedback on the Colorado Minimum Wage Order."

SCOTT MOSS: Sorry to interrupt. These are from whom?

NINA DISALVO: These are from the Buck Foundation and the Longmont Community Foundation.
SCOTT MOSS: They both signed on the same comment?

NINA DISALVO: The same comment.

SCOTT MOSS: Great. Thank you.

NINA DISALVO: Yeah. They say that they "understand that you're particularly interested in whether Colorado should implement a minimum salary required to be paid to employees covered by the exemptions in Section 5 of the Minimum Wage Order.

"We are foundation leaders supporting the success of Colorado's vibrant civil society. For the reasons described below, we believe a minimum salary of 2.5 times the minimum wage would reset expectations for workers in a way that benefits the nonprofit sector and the communities it serves.

"Without statewide overtime standards, 50- and 60-hour work weeks have become the norm in many non-profits across Colorado. This is true not only for highly paid executives or those with unique professional skills. Instead, it is true for organizers, administrative staff, low-level managers, and those making far below the median wage in our state.

"That doesn't make sense. We need statewide rulemaking to end the race to the bottom on worker
hours. Restoring the 40-hour work week would reduce
turnover, which is a significant and growing concern
for Colorado non-profits.

"A 2016 article identified, quote,
'attraction and retention of talent,' unquote, as a key
challenge for non-profits and noted that employees have
become dissatisfied with low pay, despite feeling a
high sense of satisfaction with the mission-driven
work.

"We're always sorry to see talented staff
members move on from the organizations we fund,
especially in pursuit of higher wage. Finding, hiring,
and training new employees is a substantial investment.

"Although employees move on for a variety of
reasons, burnout is an important factor, especially in
the emotionally exhausting world of mission-driven
work. Reducing turnover would make our foundation
dollar more efficient, and we could accomplish more
with the same level of funding.

"We believe we could reduce turnover by
reducing work hours and paying employees for all the
hours they work if statewide rulemaking supported our
effort. Restoring the 40-hour work week would also
help ensure gender equity at our partner organizations.

"The erosion of the 40-hour work week means
that it is increasingly difficult to be professionally successful without putting in long hours. Workers with caretaking responsibilities have more difficulty putting in extra hours, especially those who must be on call at home to care for children, older adults, or other family members.

"In a society that traditionally places more caretaking demands on women, normalization of extended work hours disproportionately disadvantages women and undermines our efforts to promote gender equity in our organizations.

"Despite making up the majority of the workforce in nonprofit jobs, women make up the minority of top executive positions, and a meaningful wage gap exists even in this women-dominated industry.

"We want the talented caregivers in our organizations to be able to succeed at work while dedicating appropriate time to their personal lives. We can do that with the help of statewide rules.

"The minimum salary for overtime exemption under Section 5 should be high enough to require the statewide reset in workplace culture that we need to remain competitive while treating our employees fairly.

"We propose setting the minimum salary at 2.5 times the minimum wage. This is consistent with the
new standard in Washington and how the minimum
salary responds to inflation in the same way that our
minimum wage does under the Colorado Constitution.

"Today, 2.5 times the minimum wage is about
140 percent of the median wage in our state. It makes
sense that someone earning less than one and a half
times the median wage be entitled to overtime pay when
they work overtime hours.

"A minimum salary for overtime exemption
under Section 5 of the Minimum Wage Order would rein in
the race on the bottom on employee hours. If workers
are entitled to overtime pay, employers will engage in
a thoughtful analysis of business necessity when
keeping employees beyond 40 hours in a week or
12 hours in a day.

"That analysis would reset incentive
structures statewide, making employees happier,
reducing turnover, and giving us a better shot at
gender equity in the workplace.

"We appreciate your consideration of these
important issues. Signed by the Buck Foundation and
the Longmont Community Foundation.

SCOTT MOSS: Thank you.
NINA DISALVO: Thank you. (End time
2:06 p.m.)
SCOTT MOSS: I'll ask if Hilda can translate into Spanish, interpret the following. In case anyone is waiting to hear it in Spanish, anyone can speak to follow up on anything that was said or say anything, even if you weren't planning to. Thank you.

THE INTERPRETER: (Speaking in Spanish.)

SCOTT MOSS: Anyone else ready to speak?

ADAM HARRISON: (Start time 2:06 p.m.) Good afternoon. I'm Adam Harrison. I'm here representing the Colorado Plaintiffs' Employment Lawyers Association.

And my comment at this point is that the four industries listed in the wage order make no sense, should be abolished, and the agency should on an individual basis look at whether industries should be exempted, as opposed to only including four industries.

While the four industries are each described in a little bit of detail, it's so easy to find ambiguity there that I have done hundreds of hours of litigation, which has been great for my firm and which for us as litigators is great for us to bill the hours to look at whether or not someone actually fits into either service or support or happens to fit into medical.

But other than advantaging the
attorneys, other than wasting a lot of court time, the industries as listed are not useful and don't help anybody.

I'll give you a very quick example. I litigated in both state and federal court over the course of about seven months last year. The question of whether an individual who only worked with food, who only handled food, whose only job was to move food from one place to slightly another place, and all they did was food, whether they fit into food and beverage. That is somewhat nonsensical.

To another extent, I'd like to support the proposition that's been made today that a salary, when someone's called salaried and therefore not entitled to any overtime, they should receive a salary in fact. They should receive a salary indeed.

There's some attempt to do that at the federal level, but it's clear to all of the states within enlightened humans running them now that the federal government and Congress and our federal courts are probably not going to help people who work.

And so the more enlightened states are moving towards a better salary basis. The salary basis test should be set at 2.5 times the minimum wage. That is a
salary indeed. And if you're going to -- roughly,
I'm going to call that $62,000.
If you're taking a single woman -- if you're
taking a hardworking person who needs to care for a
household away from their children for
70 hours a week, which companies can continue to do if
they choose, then she either needs to make overtime, or
she needs to have something that would really be called
a salary.

And I support the call to make that two and a
half times the minimum wage for an annual income.
Thank you.

SCOTT MOSS: Thank you. I just have some
follow-ups.

ADAM HARRISON: Yes, sir.

SCOTT MOSS: You mentioned the case in which
you had to litigate the food and beverage category,
whether someone's covered. In your experience, either
cases you have, or just cases you've seen in
researching other cases, was that a very uncommon thing
to have to litigate whether someone's covered within
one of the four coverage categories, or have you seen
that come up in a number of cases?

ADAM HARRISON: If the other side
has any money to hire an attorney, they will take
that to us in almost every case. Another example is
that we are currently at the dispositive motion stage
in a case where the entity is called such-and-such
health.

They are litigating with us, or there's an
entity on their behalf fighting about whether they are
actually part of -- actually, whether they actually do
health. So it comes up all the time. It is extremely
common, and it's extremely time-wasting.

SCOTT MOSS: And just to make sure that
record's clear on that, you said in "almost every case"
it comes up all the time when an employer has attorneys.
Is what you're saying that, when an employer has
attorneys and they can afford to litigate it, in almost
every wage case under Colorado law, there's dispute
about a coverage category?

ADAM HARRISON: Yeah. So they're informally
between the attorneys, or formally. Often, it comes up
in the guise of a 12(b)(6) motion to dismiss for there
not being a legal claim, which will delay justice for
everybody to, depending on the court, six months or a
year. But it comes up either formally or informally.

SCOTT MOSS: And I won't ask you to quote
your own hourly rate as an attorney, but I know that
lawyers know other hourly rates out in the market
because there are motions for attorneys' fees that the 
other side will file. There's sometimes published 
averages.

Can you tell us, ballpark, for the experienced 
head or senior attorney on any case in an employment 
dispute, what's the common range of hourly rates 
for those attorneys?

ADAM HARRISON: $300 for a very inexperienced 
person, to 7- or 800 for the higher-paid employment 
lawyers on the employer side.

SCOTT MOSS: Thank you.

ADAM HARRISON: And ballpark hours? My 
typical case, where I would have to fight a motion to 
dismiss, we're probably looking at putting a good 50 or 
60 hours just into the issue of whether the employer 
fits under the category at one of those rates. And so 
that money adds up quickly.

SCOTT MOSS: And just one follow-up on that. 
I know that's for just researching that issue on the 
motion early in the case, that it be dismissed, but in 
a wage case that goes all the way through to a verdict 
or an appeal, what would be a rough ballpark, if you 
know, of how much in attorneys' fees on either side 
could such a case could cost?

ADAM HARRISON: I can't speak to that
personally. I would estimate that if you continued --
that if there continued to be a fight all the way to
the appeals court, which there are every year in either
federal or state court, to my knowledge, every year one
of the appeals courts is looking at whether food is
food or health is health, you're
probably looking at a couple hundred hours on that
issue within the entirety of that litigation,
all the way up to the last appeal.

SCOTT MOSS: And as a compound to kind of the
last question, I'll quiz you on fees about it. Is it
common or uncommon for one side's attorneys' fees to
reach six figures, over a 100,000, in a wage case?

ADAM HARRISON: Unbelievably common.

SCOTT MOSS: Thank you.

ADAM HARRISON: Thank you. (End time
2:13 p.m.)

SCOTT MOSS: Anyone else, either with your
own comments or following up on someone's?

PATRICIA MADSEN: (Start time 2:13 p.m.)
Good afternoon. My name is Patricia M-a-d-s-e-n,
Madsen. I'm a retired lawyer.

I'd like to talk to you about a memory of
work that I did -- well, in junior high. So it tells
how long ago it was. It was junior high, not middle
school.

In western Iowa, there's an industry to develop hybrid seed corn. I was on the crew to detassel corn. They plant two different strains together, and then the tassels have to be pulled out of one of the strains so that the cross will be proper.

They hired mostly teenage girls because teenage boys wouldn't put up with it for more than a week. All day, we would stand like this, walking down a row with our arm up and slide it down to get a grip on the tassel, and then pull it up, with a little jump because I was short, because if we broke the tops of too much corn, then we'd be fired.

Your hand was like this all the time 'cause, you know, stalks of corn grow pretty close together. And your arm was like this all the time, and at the end of eight hours, I hurt. For the first week, my hand was like this because the corn, when it was wet, would do little cuts.

SCOTT MOSS: Just for the record, when you say "like this," you mean your hand was up and your fist is clenched?

PATRICIA MADSEN: Yeah. Fingers were bent. I couldn't unbend them without, you know, massaging, soaking.
To get to this work, our mothers turned us up at the crossroads of a couple of gravel roads, and -- oh, I don't know, an hour or two before dawn. It was hard on them too.

And we were taken to work in a truck that had benches that might or might not have been fastened down, and didn't have anything in the back, so when the truck stopped, a cloud of dust poured in. We didn't have any protection against that dust. So we breathed it in.

I go over this because I am told that those trucks are still going on, the benches still aren't reliably fastened down, the dust still blows in the back. When we were in the field, with luck, there was a container of water at the end of the row, if that was important enough for somebody to deliver.

If you had to go to the bathroom, you just hoped that a male supervisor couldn't see you because the bathroom was a row of corn. I'm told that a row of something is still the bathroom. And female employees still have to hope that a male supervisor is not around.

I did this work over 50 years ago. I have never in my life worked as hard as I worked those three summers, for well under the minimum wage, for other
kinds of workers.

If any of this corn had gotten to a corn canning plant, those workers would have gotten minimum wage. But those of us who were messing with stuff in the field, we were young, we were seasonal, we were agricultural. We didn't come close to minimum wage.

And they had us. There wasn't a lot else for us to do. Over 50 years. Haven't worked that hard since, haven't paid that badly since. Fifty years. Just can't be right.

SCOTT MOSS: Thanks. If you don't mind, I have a couple of follow-up questions. At the time, did you know you were getting paid less than a minimum wage that was in a law somewhere?

PATRICIA MADSEN: We took what they gave. We had -- no, we did not have any. I was 13 or 14 when I did this work. Our parents were farmers. We didn't have a clue.

SCOTT MOSS: And at the risk of asking the obvious, you spoke English?

PATRICIA MADSEN: Oh, yeah. Yep. We were all white, all local, all, you know, in the neighborhood. I venture to say that Mr. Garst, whose firm we worked for, I doubt, if he had teenage daughters, if they would have detasseled corn.
SCOTT MOSS: And I suspect I know the answer, but did you ever complain about the wages or working conditions?

PATRICIA MADSEN: No. What else would we have done? We would have had to babysit to get our hands on a little cash, but it wouldn't have been that much cash. They had us. We were very young in a place where there wasn't much work.

SCOTT MOSS: And have you seen anyone be fired from that job?

PATRICIA MADSEN: Well, I hadn't seen them, but the boys -- they would have a girls' crew and a boys', and the girls' crew would last the season, but the boys' crew would last less than a week because boys didn't put up with this crap.

I'm sure some of them were fired. Some of them just walked. A couple of people, for not being careful about the corn, you know, they were sacked.

SCOTT MOSS: So that's if there was breakage while doing the work, when you were having to reach above your head for most of the day, sometimes there would be breakage, and people would be fired for that?

PATRICIA MADSEN: Yeah, if there was too much of it.

SCOTT MOSS: And you hadn't ever heard anyone
complain about the wages or working conditions?

PATRICIA MADSEN: No. I don't think we would have dared.

SCOTT MOSS: And were any of you union members?

PATRICIA MADSEN: Oh, no. No. I grew up in what is now Representative Steven King's district. I don't think the word "union" would have gone over well.

SCOTT MOSS: Thank you.

PATRICIA MADSEN: Thank you for doing this.

(End time 2:19 p.m.)

SCOTT MOSS: Who else would like to speak?

JOSE PENA: (Speaking in Spanish.) (Start time 2:19 p.m.)

SCOTT MOSS: Oh, we need Hilda.

Jose Pena: I was going to ask for a translator. I speak English, but I want to do it in Spanish. I feel more comfortable.

SCOTT MOSS: (Speaking in Spanish.)

JOSE PENA: Jose Pena.

SCOTT MOSS: (In English) Hilda, if you could explain, if he wanted to do one or two sentences at a time, please, to make it easier to translate.

THE INTERPRETER: I just did.

SCOTT MOSS: Oh, okay. Thank you.
JOSE PENA: (Through the interpreter.) Hi.

My name is Jose Pena. I just want to make one comment.
Regarding safety, I would like to add a little bit more
to what my coworker said, what
Bustamante was mentioning before.

I would like to give you an example because
you asked if we have examples of safety, and I would like
to add a little bit more about that.

I don't know if you heard about this, but I
believe it was this year, a company that was working in
Boulder, one of their workers was deceased, passed away.
And the reason why that happened was lack of safety and
lack of training.

So this company was working in a basement,
and they were trying to install a pipe, and it was very
deep. They were doing it with a safety box or
trenching shoal. When they do that, the worker
has the risk of being injured because of the dirt will
collapse, and that is same thing what happened.

SCOTT MOSS: If I could jump in. If you
could explain more about what a safety box is.

JOSE PENA: (Through the interpreter.) A
safety box is a metal box that you use when you are
digging, to make, like, trench so they can work inside.

SCOTT MOSS: So they're inside the box?
JOSE PENA: (Through the interpreter.) They do a trench, and then they install this box to hold the walls.

SCOTT MOSS: Okay.

JOSE PENA: (In English) So that's what the trench box is, or trench or sometimes it’s not a box. It's hydraulics, and they hold the walls in place that will not cave in.

SCOTT MOSS: Sorry to interrupt.

JOSE PENA: (In English.) No, that's fine. And sometimes -- I'm just trying to do it in Spanish because sometimes I feel more comfortable. But it's a little complicated to explain in English.

SCOTT MOSS: Oh, it's a hundred percent fine. If you're more comfortable in Spanish, we'll have it done with an interpreter. That's what Hilda's here for.

JOSE PENA: Okay. We'll just go back and forth. (Through the interpreter.) What will happen is, when a worker doesn't have a training, and they just told him, "Go work in there," they don't have that training, they don't know what kind of risk they're going into.

And that is why it's so important to be trained. And the class name for that particular
training is trench ensuring. And I just wanted to give
that example. It was just one example. And,
unfortunately, the consequences in that example were
fatal.

JOSE PENA: (In English) A Hispanic male
just deceased because of that action from the company.
They don't have the right equipment, or a lot of times,
they try to cut corners to do the job faster.

So it's one of things, you know, that we need
to protect. As a union member, I have been through a
lot of jobs in our contracts, which always, always have
the trencher in place. And this is one of those deals
that you can save a life.

And it's unfortunate,
that this doesn't take into the consideration the
workers. And the sad part about this, they kill
somebody, and the state, or whoever is in charge of it,
Department of Labor or whoever it is, they go and just
say, "You gotta pay a fine."

They'll do it again. So that's -- we need to
stop that -- because that's not acceptable.

SCOTT MOSS: Thank you. Just a question, to
follow up. What type of work do you do?

JOSE PENA: I'm labor, member of Local 720.

I worked in the field for, like, ten years. Then I
become a project coordinator for 11 years. Now my position is businesses. And so -- we basically see a lot of jobs every day. We see the difference, you know, like day and night. Union, nonunion.

I mean, I don't have nothing against nonunion, but they need to implement safety for the workers.

SCOTT MOSS: And either in visiting sites or when you were a project coordinator or in the field, did you ever see any safety risks that seemed like they were worse because someone was working long hours, or was this just throughout the day?

JOSE PENA: Well, you know, not so much the long hours, you know, because even our members, sometimes they work long hours. But, you know, with the proper breaks.

I mean, long hours, they're fine as soon as they give you some breaks between those long hours. And one of those things that I've been seeing in the job sites, you know, sometimes, we go talk to the guys, the foremans, the superintendents, they ask our guys to take a little break and get some water, and they even offer us water. "You want water?"

They carry cold water, you know, bottled water, pretty much. So they even offer.
sometimes we have to carry the water with us, or they
nice sometimes. Offer us some water, "Hey, here."

SCOTT MOSS: Why do you see breaks as
important?

JOSE PENA: Because you can rest. You know,
when you work long hours, you need a little break to --
break and drink plenty, all that, especially when
it's hot. It's one of those things that we've been
seeing in our job sites.

And that's the reason sometimes
that we visit job sites, see how the guys doing. A lot
of times, you know, we can see what's going on. And
contractors are aware. They know that. Something is
not right, we let them know.

And nonunion, they just want further action.
They don't care if the guys are tired. They don't.

SCOTT MOSS: Yeah, and I was gonna ask -- I
know you mentioned -- that's good to hear that there's
sites where the foreman and others will offer water and
breaks. Have you seen sites where breaks aren't
offered or allowed?

JOSE PENA: Not in our contracts, no, but we
see in somewhere, if they nonunion, sometimes they
work, you know, not side-by-side, but sometimes they
have no break. We can see the guys.
SCOTT MOSS: You're saying more in the nonunion sites, there might not be breaks?

JOSE PENA: Yeah. Uh-huh. Yeah. Most of our -- hundred percent of contractors, they do breaks and lunch and all that. The other guys, a lot of times, 15 minutes for lunch, and that's it. And ten hours per shift.

So on our side, if you were holding eight hours, they give you another 10-minute break, and so they are rested more. That's why the guys, they were more capable of working long hours. Sometimes, on our side, the guys, we're so tired because no breaks. So . . .

But, yeah, I just want to give you that. And, you know, and I hope that you take that. And I will appreciate that. Thank you so much. And thank you for translating for me. So thank you.

SCOTT MOSS: Thanks very much.

JOSE PENA: Thank you. (End time 2:31 p.m.)

JAMES GLEASON: (Start time 2:31 p.m.) Good afternoon, everybody. Long day, right? Hope you're getting breaks.

My name is James Gleason. I'm a resident of Fort Collins, Colorado. Been a carpenter for 42 years and member of Carpenters Local 555, an organization
founded on principles of promoting the eight-hour day, and founder PJ McGuire was instrumental in founding the holiday we now know as Labor Day.

I want to thank the CDLE for affording the community and not just associations the ability to have input on transparent rulemaking.

I speak today regarding the Colorado Minimum Wage Order and the current rules excluding construction industry from the Colorado Minimum Wage Order.

I would encourage the CDLE to adopt rules applying the Minimum Wage Order to all industries, and exclusions only available when demonstrated that lack of rule application would not be harmful towards developing and maintaining a viable workforce.

The construction industry, according to the Bureau of Labor Statistics, in 2016 employs directly 6.2 percent of the workforce in Colorado. The construction industry is also -- in that same study, the BLS, is projected to grow 12.4 percent by the year 2026.

Beginning in the late '90s, about the same time construction was excluded from the Minimum Wage Order, what used to be a traditional workforce of employees employed by general contractors and subcontractors in Colorado began to shift to a work
force employed by labor brokers and temp agencies.

This led to misclassification of employees, wage theft, and disregard for any rules and regulations governing the minimum wage, overtime compensation, meals, and break times.

You will hear from workers employed in the construction industry their concerns that they're expected to work 50 to 70 hours a week, with no premium time, over 40 hours in a week or 12 hours in a day.

I myself have spoken to many workers on job sites and have witnessed these conditions firsthand. No meal time or break times afforded them during long hours of physical exertion, performing work critical to the building industry.

The situation can cause fatigue, anxiety, and over a prolonged period of time, even depression, leading to overall bad health, burnout, and sometimes on-the-job injury to themselves and others, not to mention impact on family life.

These workers deserve protection from exploitation like any other industry. Will this eradicate the abuse? Not completely. But it will curtail the abuse that has become so prevalent in today's construction industry.

Enforcement of the Minimum Wage Order in
construction will also level the playing field for the law-abiding employers who are at an economic disadvantage when competitively bidding projects.

As a participant in Governor Hickenlooper's Joint Enforcement Task Force on payroll fraud and employee misclassification in the construction industry, we looked at current conditions concerning employment practices in the construction industry.

During one period in 2018, it was determined that 19 employers, some of whom who weren't even registered with the Colorado Department of Labor and Employment, misclassified almost 1,700 employees.

The task force concluded -- this is a quote -- that "The use of labor brokers, and consequently misclassification, is a problem with carpentry and interior systems work taking place at large-scale commercial and mixed-use projects in Colorado."

My knowledge and experience in the construction industry, over 42 years, leads me to conclude that roughly 99.9 percent of those 1,700 were not being compensated correctly for overtime or offered adequate meal and rest breaks. They had no place to turn to enforce protections under the law for just compensation and breaks.
I would like to see CDLE extend those protections to workers in all industries, including construction, and not force them to seek legal representation to get relief in other ways.

Workforce development is crucial in supporting increased demand in the construction industry, which is predicted to grow, as I said previously, 12.4 percent by the year 2026.

Having a healthy and productive workforce is vital to supporting all industries and beneficial to Colorado. When employees are asked to work long hours, there's little opportunity for skill advancement and continuing education. Workers burn out or leave for industries where conditions are better.

Think of a 19-year-old entering an industry where conditions require long hours, daily and weekly, without adequate compensation or any breaks to reenergize. It would not be long before you burn out or seek better conditions elsewhere.

In closing, I request that the Colorado Department of Labor and Employment extend the Minimum Wage Order to cover all industries, including construction. Thank you.

SCOTT MOSS: Thank you. Couple of questions, if you don't mind.
JAMES GLEASON: No problem.

SCOTT MOSS: First, could you tell us, if you know, what types of jobs are covered in the carpenters union local?

JAMES GLEASON: Okay. Could be drywall. It could be concrete forming. Could be millwright work and the powerhouses out at the airport. Could be acoustical ceiling work. Could be hanging doors and hardwood. Pretty expansive, the trade jurisdiction. Carpentry covers a lot of classifications.

SCOTT MOSS: Thank you. And then, were you in construction in the late '90s in Colorado?

JAMES GLEASON: Yeah.

SCOTT MOSS: Do you have an idea, or did you hear at the time, why construction came to be excluded from the Minimum Wage Order then?

JAMES GLEASON: I have no idea. As a matter of fact, it's really hard to trace where that came from. But it just excluded it. The task force has looked into that a couple of times. I know there's letters on file from associations requesting that it be not included in a Minimum Wage Order.

SCOTT MOSS: And then there's one argument I did see, that in the late '90s that federal law is sufficient to cover workers. That's the federal
Fair Labor Standards Act on minimum wage and overtime.
In your experience, has federal law on minimum wage and
overtime been sufficient to address the problems you've
talked about?

JAMES GLEASON: It's been helpful, but not
efficient because of U.S. Department of Labor, the
staffing requirements and other things that it takes --
it's almost -- as in the case of Diversified Builders
Incorporated, who cheated their workers of overtime
pay, as well as other things, not even unemployment,
that they took two and a half to three years to get the
kind of closing on that case.
That was just one case involving roughly 48
employees. So it's a long process. And the federal
government is, you know, with budget cuts and other
things, they're not staffed adequately to support.

Maybe in the '90s they would have had
adequate staffing. But anybody who's lived in Colorado
since the '90s knows every industry has grown
substantially since the '90s. So their resources
aren't there to do this stuff.

SCOTT MOSS: And I know there is no right to
meal or rest breaks under federal law.

Last question I had: These health effects or
accidents that, you and others have alluded to, can be
worse either with long hours or no breaks. Have you
seen any accidents, or heard of or seen anyone with
health problems, that seem traceable to long hours?

JAMES GLEASON: Yeah. There's Skyhouse
Denver, 19th and Broadway, large-scale project. A
drywall contractor. There was a woman who was injured
doing cleanup, and also she was a taper or finisher in
drywall. She was injured.

But one of her reasons was that she was
substantially overworked because she had been required
to work a minimum of ten hours a day, and she had also
been juggling her kids back and forth between child
care, and I would venture to guess that was probably a
hard contributor to her eventual injury.

And we hear all the time of people getting
hurt on projects, you know, whether it be a back
injury, a shoulder injury. If you're lifting drywall
for 10, 12 hours a day without a break or a meal break,
and being driven to do it, chances are it's going to
happen.

And anything that industrial psychology or
(inaudible) agrees that productivity decreases after
six and a half hours, and the longer you work, the less
productive you'll be and the more likely to
suffer an injury because of you're not thinking
correctly, and you have your mind on other things.

So fatigue sets in. You're more likely to cause an accident, not only injuring yourself, but potentially other coworkers if the incident is severe enough.

SCOTT MOSS: And just to follow up, you mentioned 10-hour days. The 10-hour days that that injured worker worked, is that exceptional in your experience in either drywall or other related construction, or is that something that a number of workers have?

JAMES GLEASON: This day and age, it's pretty common. Because of the constraints, as far as access to a labor force, there could be quite a few people who work 10, 12 hours a day, sometimes four days a week to seven days a week, depending on where you're at at the project.

SCOTT MOSS: Thank you.

JAMES GLEASON: As union members, we have contracts that deal with that. Anything over eight hours a day is time and a half. Anything over 40 hours in a week is time and a half.

We allow for four 10-hour days if need be, schedule out (inaudible) help. It's governed, and, you know, it's a lot easier to focus on the stuff
when you get time and a half after eight hours or if it's 10 or 12 hours.

And most people aren't getting these standards. And these standards are being driven by labor brokers who supply labor strictly. They don't bid jobs. They supply labor on an hourly basis.

And I can tell you that if you're billing 70 hours a week at $24 an hour, you're not paying any time and a half. And those workers, to tell you the truth, they've sort of given up a lot of times of expressing concerns because nobody really looks at it severely enough that they would actually take something, and resolution takes time.

So as this investigations deal I talked about, I brought that up, is that this classification issue has created that environment and feeds it because if you're misclassified, chances are the reason you're being misclassified is to avoid paying overtime, giving breaks.

THE REPORTER: Can you spell your last name for me, please.

JAMES GLEASON: G-l-e-a-s-o-n.

SCOTT MOSS: And last follow-up. So you mentioned 70 hours a week. Have you heard of workers working 70 hours a week in construction?
JAMES GLEASON: Oh, yeah. All the time.

SCOTT MOSS: And there are employers that do pay overtime, perhaps because of union contracts; is that right?

JAMES GLEASON: Yeah.

SCOTT MOSS: And in the workplaces where overtime is paid by union contracts, do you see employers requiring lighter hours because it will cost more to work overtime?

JAMES GLEASON: Lighter hours? I'm not understanding.

SCOTT MOSS: Well, when -- the employers that do have to pay overtime by contract --

JAMES GLEASON: Yeah.

SCOTT MOSS: -- do they require lower hours per week, less overtime?

JAMES GLEASON: Yep. Oh, yeah. And you're more productive if you're not working as much overtime. Plus, it's, if you have to pay time and a half, you may end up having to go back to an owner and charge him extra because of that.

Labor rates are set according to hours worked. So if an owner's requiring you to remodel this floor in two weeks, and you have to work seven 10s, chances are you're working 70 hours.
If you got collective bargaining, you're paying after eight in a day and 40 in a week at time and a half. A lot of employers that do this standard remodel work don't pay overtime. Strictly seven 10s.

So it puts a legitimate employer at a disadvantage when bidding that work because they know they have to factor in the overtime hours in the cost, whereas some employers that are employing people through labor brokers and other avenues, they don't have to.

SCOTT MOSS: Just one more question. When federal law does apply to overtime, do you find in your experience that workers working over 40 hours a week do pursue their federal rights to overtime and then win overtime for their and others' work going forward, or is there some barrier to them doing so?

JAMES GLEASON: Usually, it's a documentation issue or other things, or a barrier would be not being able to get resolved, or taking two and a half years to get that issue resolved. Financially, that might put burden on it.

But they're not -- they're generally apprehensive because termination could happen, other
things. There's threats and other things involved.

SCOTT MOSS: So your impression is that, if I understand right, federal law hasn't resolved the problem of these long hours?

JAMES GLEASON: No. As all (sic) it was there. I know Towards Justice brought a lawsuit on the Skyhouse project, and that was under FLSA then with the lawsuit. And they recovered almost 640- to $800,000 in wages, back wages for nonpayment of overtime.

SCOTT MOSS: And when you mentioned documentation, you're talking about workers' immigration status?

JAMES GLEASON: Yeah.

SCOTT MOSS: Thank you.

JAMES GLEASON: Construction is, always has been a majority immigrant population. There's new immigrants working in the field. And that's where it's at. Not at all times do they have correct documentation or are they here legally, but they're here and they work. Some of them worked 20 to 30 years. (End time 2:46 p.m.)

SCOTT MOSS: Thank you. We'll take more comments, but first we'll take a 10-minute break now. Convene back at 5 minutes to 3:00. Thank you.

(Break from 2:46 p.m. to 3:01 p.m.)
SCOTT MOSS: Back on the record. I think you were waiting, sir.

VICTOR GALVAN: (Start time 3:01 p.m.) My name is Victor Galvan. I've been a lifelong resident of Colorado.

SCOTT MOSS: I'm sorry. Can you spell your last name.

VICTOR GALVAN: Galvan, G-a-l-v-a-n. I've been a lifelong member of this community here in Colorado, grown up here in Denver. I think I was lucky to enter the workforce pretty early and learn what it meant to really work for your money.

You know, for me, that inspiration came from my mom having to raise three kids on her own and just feeling proud to contribute to my family.

As I came into my adolescence, one of the things that inspired me was community organizing. So I got into community organizing very early in my life through an organization called (speaking Spanish.)

The one thing that I love about this work is that you get to fight for what inspires you on a daily basis. But I think the nonprofit industry also has a pretty dark side a lot of people don't talk about.

And I think it's a fine line between working passionately for something that you love, but people
that are willing to exploit that to get as much work
out of you as possible.

And people always talk about this term
"burnout" as a way to chalk it up to, you know, just
too much work or work being too hard or too difficult
on the person that, eventually, they just kind of leave
the field.

But I definitely do think that having
people who work as salaried workers and work
with no end in sight, and I think that that has become
a custom in the nonprofit field, something we like to
call the nonprofit industrial complex.

Now, I specialize in civil engagement, which
means that we routinely do campaigns throughout the
year that invests itself in activating voters and
citizens within their community to engage government,
issues, and policies that they want to see change.

Through this work, it means a lot of hours
spent, not only planning, creating strategy, but
sometimes getting out to the doors and knocking, up
until 8:00 p.m., and, you know, wrapping up things,
you know, to 9:00, 10:00 p.m. at night.

This part of the work is very important. And
it's dear to my heart because I've seen it produce some
of the most important pieces of legislation that have
impacted my community's lives, and even my own. But through that same veil of passion and disregard for obstacles, I see a lot of burnout in this industry, organizations taking advantage, again, of that passion and working salaried employees for 68, 70 hours without extra compensation.

And when this proposal was brought up to me through Towards Justice and some of the educational work that they do through our coalition, I specifically, you know, was impacted by this because I know that so many of our brightest and youngest employees have been victims of this abuse, that they are considered salaried employees and are not compensated for the time and for that dedication that they put into work that is absolutely important.

But at one point, that coin has turned, and, again, passion turns to exploitation. And I would really urge the Colorado law to guarantee overtime for everyone, including managerial, professional, and administrative workers, unless those workers make more than 2.5 times the minimum wage. And that's assuming that a $12-an-hour minimum wage, that would be $62,000 per year.

These are talking points that, you know, I've been given, but they really, I think, would set an
expectation on this industry that I think does a lot of
good in the community. And I think, as it relates to
driving folks to continue to engage the community, even
in work like this, to affect policy, we need to
consider the people who are working for those issues.
A lot of times, I like to target folks that
are directly impacted by the issue because it motivates
them and drives them. But in no circumstance do I want
to see that person exploited for their passion for that
work. Thank you.

SCOTT MOSS: And, actually, some follow-up
questions, if you don't mind. So just to clarify --
to clarify whoever you're speaking for, you mentioned
talking points that folks helped with, but these
are all your views you're expressing?

VICTOR GALVAN: Absolutely.

SCOTT MOSS: And, I mean, they're based on
your experience in the industry?

VICTOR GALVAN: Yes, sir.

SCOTT MOSS: Okay. Can you describe the
type of work that folks will do working overtime? I
know you mentioned doors, but can you describe a
range of types of jobs at nonprofits or organizing
that folks do in the nonprofit sector?

VICTOR GALVAN: I think the broad category in
this workforce is the title "organizer."
But a lot of times, those people
become, you know, political analysts. They become
campaign strategists. They become development, you
know, workers.

They are, you know, asked to do a
range of jobs. And I think it absolutely helps develop
that individual in a lot of places that they
sometimes may not want to be developed.

But it really ranges. It's a huge range
under that category of "organizer" because
those people are essentially given a goal to, you know,
change a policy. And under that goal, you
know, it is a range of jobs.

SCOTT MOSS: That's helpful to know the range
of what I'd call, perhaps, upper-end jobs, like analyst
or development or whatever. But are most community
organizers doing things like door-knocking, petition
drives out in the field?

VICTOR GALVAN: Absolutely. Yeah.

SCOTT MOSS: And when you mentioned
development, is development fundraising for the
nonprofits?

VICTOR GALVAN: Yes, sir.

SCOTT MOSS: So the nonprofits have folks
doing their fundraising who are working over 40 hours without overtime?

VICTOR GALVAN: Oh, yes.

SCOTT MOSS: And how big are these nonprofits in number of employees? I know there's a range, but if you can give me how big they run or how small they run.

VICTOR GALVAN: Yeah. That's hard to say because during those moments of campaigning, you know, a staff of five can end up becoming a staff of 50, depending on the funding and resources that come in.

And I'd actually also like to add that this also creates a competition, almost a race to the bottom of, like, how many doors, how many people you can reach at the lowest price.

We really try to, as the Colorado Immigrant Rights Coalition, we really like to put value in the employee first. And when I first started in this work and started actually creating the budgets and asking for the funding, some of our funders were actually shocked at the price tag.

And that shock insulted me because I felt like I was advocating for the bare minimum of what people should be paid for this work. You know, for us, it was $15 an hour, you know, and absolutely willing to pay overtime when we had to but keeping in
mind, like, what it costs to knock on a certain number
of doors.

You know, that outrage at the ticket
price, I think, it only goes to show that so many
nonprofits are willing to exploit their employees in
order to hit a mark.

SCOTT MOSS: And when you said "funders were
shocked at the price tag"? Did I get that right?
VICTOR GALVAN: Yes.
SCOTT MOSS: Do you mean that funders were
shocked at how much a nonprofit that does pay its
workers well will spend in campaign costs, because they
may be used to donating less to other nonprofits that
pay less?
VICTOR GALVAN: That's exactly right.
SCOTT MOSS: And does that hurt the
fundraising of the nonprofits that pay the workers
well?
VICTOR GALVAN: I think it absolutely does.
But I think it also feeds into a competitive nature of
where nonprofits are trying to, you know, meet
the status quo. (End time 3:10 p.m.)
SCOTT MOSS: Thank you. Appreciate it.
THE REPORTER: Could you say -- what was the
name of the coalition again?
VICTOR GALVAN: Yeah. So

I'm the director of federal campaigns of

engagement at the Colorado Immigrant Rights Coalition.

SCOTT MOSS: Are you speaking for yourself or

for the coalition or both?

VICTOR GALVAN: I'm speaking for myself.

SCOTT MOSS: Thank you. Give me a second.

Next, sir.

REV. BRAD LAURVICK: (Start time 3:11 p.m.)

Good afternoon. I'm Reverend Brad Laurvick,

L-a-u-r-v-i-c-k, and I serve the people of Denver with

Highlands United Methodist Church, though I am here

speaking as an individual.

I'm here today to implore you to make needed

changes to Colorado's work order. I serve a community

that is made up of people from all occupations, each

one of them working hard to make a difference in the

world while providing for themselves and their

families.

Many could never make a hearing like this
today because if they're not working, they're not

making ends meet. So I'm here to offer my voice as an

ally and advocate.

As an employer and an exempt employee myself,

I understand the need for non-hourly workers. Such
classification has appropriate use when it's not an end run around providing a livable wage. To get 50, 60, even 70 hours of work with a week from someone making barely more than minimum wage being paid for only 40 is unconscionable.

We recognize the importance of a minimum hourly earning when we established a minimum wage. We shouldn't see that undone. We must not shy away from the justice of fair compensation for those who just aren't punching a clock.

I watch the people I serve pour out their energy to better the world, only to barely make ends meet for themselves and have nothing left to offer when they get home.

On a more personal level, I watched my father work from early morning till long into the night for years making a pittance when his salary was divided across his total hours.

I also ask your action to bring breaks to those currently overlooked by technicalities and loopholes in the current order. My heart falls at the thought of workers being denied breaks from long days, short breaks, enough to be safe, enough to care for oneself. People being denied the chance to eat as they do work the rest of us rely on.
There are many complicated problems our world faces right now, but this is not one of them. Clarifying the language and eliminating these carve-outs so all workers have their basic human needs met is as possible as it is straightforward.

It's not only just; it also increases safety for workers and the general public. It's important to me that you on this panel see community members and community leaders from outside what are often assumed to be the immediately impacted industries, that we're here and that we're speaking for those changes.

We are invested in the well-being of all of our neighbors. Our state and our economy are cared for by the hard work of people who deserve our respect and admiration. They also deserve fair compensation and the dignity of a break.

Please, fix Colorado's wage order and overtime salary thresholds. Thank you.

SCOTT MOSS: Thank you, Reverend. If you don't mind, I have a couple of questions. I know you're speaking just as yourself, but to clarify --

REV. BRAD LAURVICK: Yes.

SCOTT MOSS: -- the background because that's informative as these comments get read by the rest of my division afterwards. Are you the -- I don't know
the title -- the chief executive of the church?

REV. BRAD LAURVICK: I'm the senior pastor, yes.

SCOTT MOSS: Okay. So functionally, the head of all the employees?

REV. BRAD LAURVICK: Yes, indeed.

SCOTT MOSS: How many employees are there?

REV. BRAD LAURVICK: Let's see. Nineteen.

SCOTT MOSS: Okay. And just your own view -- I understand your opinions about coverage -- do you have a sense of, just your own opinion, about a minimum salary to be overtime exempt? You mentioned your dad working a salary that had been divided, didn't quite cut it, in your view.

Do you have a sense about a number, or range, that you think would be fair as a minimum salary to be overtime exempt?

REV. BRAD LAURVICK: I'm one who does agree with that two and a half times the $12. So that $62,500 number. I think that begins to create space for people to live and exist, and it also holds employers to a higher level of accountability for, is draining this person's life worth it to me financially?

And it helps bring some of that into question for people to decide what that looks like, if they have
to pay more for what they're impacting employees. (End time 3:15 p.m.)

SCOTT MOSS: Thank you. Who else would be interested in speaking? Gentleman in the green shirt, and then the blue shirt. Anyone else? One, two, three, four, five, six -- anyone else in line? Great. I will try to get back to the creeping 3- to 5-minute.

JOE DERAS: (Start time 3:16 p.m.) Thank you. My name is Joe Deras, D-e-r-a-s. I work for the International Union of Painters and Allied Trades. We are a union that represents painters, floor coverers, drywall workers, and glass workers.

For the last five years, I've worked in the capacity as organizer, and lead organizer now. And in those five years, I've seen and talked to workers who work 50, 60 hours a week.

And I was present earlier when the gentleman from the carpenters' union, Jim Gleason, talked about the issue of misclassification.

It's something that we see all the time, especially within the residential industries, we see a lot of workers who are misclassified or told that they are independent contractors and made to work 50, 60 hours a week without any overtime, many times without the breaks, just getting an hour, half an hour
of lunch.

And the human cost associated with that is great. I've seen families who because of this informal way of working are unable to pay for living expenses or aren't able to pay for their rent or their food or their children's medical needs.

I've sat in the living rooms of workers as they tell me that that week they weren't paid on time because the company just wasn't paid from the contractor.

And I believe that, like when we see issues of overtime and we see issues of breaks not being given, it means that there are bigger problems on the site.

And so, at the very least, I believe that if the Colorado Department of Labor and Employment is able to endorse the wage law for all workers, that there's some remedies and sometimes alleviating some of that hurt from those work.

So I urge the CDLE to up that limit on overtime to two and a half times of minimum wage and to make sure that all workers are covered by the wage law.

Thank you.

SCOTT MOSS: Question. Were you always an
organizer, or was there a job you had in the industry before?

JOE DERAS: No, I've always been an organizer.

SCOTT MOSS: And you mentioned hearing James Gleason's comments. If you remember, would you say you, in your experience working in a similar industry, would agree with any, some, or all parts?

JOE DERAS: Yes.

SCOTT MOSS: You agree with all?

JOE DERAS: Yes. (End time 3:19 p.m.)

SCOTT MOSS: Thank you.

CRANE FRIEDMAN: (Start time 3:19 p.m.) Hi. My name is Crane, and I worked with Towards Justice this summer.

SCOTT MOSS: Are you okay giving your other name, or --

CRANE FRIEDMAN: Yeah. Yeah. My last name is Friedman, F-r-i-e-d-m-a-n. And I drove up today from my college, which is located in Colorado Springs, to speak with you about a couple of things, but first of all about my experience hearing from workers about fear of retaliation to make public comments.

So with Towards Justice, one of my responsibilities was traveling around the state and
talking to workers about this proposed rulemaking process and everything like that. And I wanted to relay my experience hearing from workers about how they were, in some cases, scared to speak up because of fear of retaliation surrounding their immigration status.

I remember at one event, a community event, someone told me that the police officer that was there at the community event had ties to ICE and was known in the local community to be affiliated with ICE in some way. And -- so someone from the community told me that, you know, workers may not be coming to this because they may be afraid.

On another occasion, I went to a job site, and I was speaking with a worker who told me that -- or he kind of joked in Spanish that, ‘If I sign this, is this going to make me vulnerable to deportation?’ And he was very reluctant to speak to me because of that.

So I just want to relay that, if not for this fear of retaliation, I think we may have gotten even more comments and even more support for expanding the Minimum Wage Order coverage and for raising the minimum salary exemption.

SCOTT MOSS: Thank you. And I appreciate your work. I know you gathered a number of comments.
I will mention, to the extent that anybody knows anyone
who's thinking of coming, even in the next several
hours because we made the hours until 7:00 p.m., to let
folks come after work, viewing maybe the 1:00 p.m.
hour as when folks come over lunch, but we do have a
binding rule in place that we can assure
confidentiality. Folks can testify anonymously.

I know folks may feel vulnerable anyway, and
I completely understand that. But we do have a rule
that one can speak anonymously. We view wage rights as
applying, regardless of immigration status.

And the division will not voluntarily
provide any person or entity information about the
immigration status of someone offering information
to us.

So I just wanted to make that clear, but I
completely understand what you're saying. Thank you.

CRANE FRIEDMAN: And then is it all right if
I just make one more quick thing?

SCOTT MOSS: Sure.

CRANE FRIEDMAN: So I just want to say that,
as a young person, as a college student, I want my
voice to be heard on the issues personally as well.

And I just want to say that I encourage the
CDLE to put all industries in the Minimum Wage Order,
rather than the vague couple of categories that exist now. And I also encourage the CDLE to set the minimum overtime exemption salary at $62,400, or two and a half times the minimum wage of $12 an hour. Yeah. That's about it.

SCOTT MOSS: Well, let me ask you this: Did you read the Minimum Wage Order in your organizing work?

CRANE FRIEDMAN: Yes.

SCOTT MOSS: Okay. And I know you talked to a lot of workers, and clearly you're in college, you know, highly informed, knowledgeable in the field. When you talked to workers, was it clear to you which folks were covered or not covered by industries that are listed, like commercial support, or health and medical, or food and beverage?

CRANE FRIEDMAN: No. No, I wasn't. And there's especially a lot of confusion about, for example, I think service is one of them, and it's, you know, if you sell something, then you might be considered under that, but if you sell something to someone else who sells something, then you might not be. You know? So there's a lot of confusion about that. And I think that is something I noticed for sure.
SCOTT MOSS: You know, just in your own reading, or in talking to workers?
CRANE FRIEDMAN: I would say in both. Yeah.
SCOTT MOSS: Thank you.
CRANE FRIEDMAN: Okay. Thank you. (End time 3:23 p.m.)
SCOTT MOSS: And who was next?
KJERSTEN FORSETH: (Start time 3:23 p.m.)
Hi. My name is Kjersten Forseth. It's difficult to spell. I can spell it for you.
THE REPORTER: Spell it, please.
SCOTT MOSS: Please do.
KJERSTEN FORSETH: It's K-j-e-r-s-t-e-n, and the last name is Forseth, F-o-r-s-e-t-h. I'm testifying on behalf of the Colorado AFL-CIO. The Colorado AFL-CIO is Colorado's Federation of Labor Organizations and is one of the largest advocacy organizations in the state, representing 185 local union affiliates and over 130,000 members.
Our mission is to promote organized labor, to educate our members and the public about the labor movement, and to encourage the active involvement of our members in the communities.
The Colorado Minimum Wage Order needs modernization to meet the demands of a rapidly growing
economy with stagnant wages. Specifically, the wage order excludes all industries and selectively brings some under the protections, rather than including all industries and carving out a select view based off of those industry needs.

The federal government in most states use such an inclusive approach for determining the coverage of minimum wage, overtime, and rest and meal breaks, and so too should Colorado.

The Colorado wage order has meal and break requirements, which are not required under federal law, but the wage order only applies to employers in the retail service, food and beverage, commercial support services, and health and medical industries.

The wage order should apply to more industries than just these four, which do not represent the full range of business in Colorado. More workers, particularly those in manual labor, should receive two breaks and a lunch break during the workday to ensure they are allowed proper rest and nutrition during the day.

For this reason, we are urging the division in the alternative to the broader inclusionary rule of coverage to specifically include the construction industry, broadly defined to include landscaping,
renovation, demolition, and other closely related businesses in this list of covered industries.

The wage order also provides for overtime pay for workers over 40 hours in a week or over 12 hours in a day or consecutively. These protections, which are greater than federal law, should also apply more broadly to the Colorado workforce. An inclusionary rule of coverage would serve this purpose.

Another way that the division can broaden the coverage of the wage order is to implement a minimum salary amount for the exemptions to overtime in Section 5 of the wage order and to set a minimum salary amount that only exempts the highest-earning workers in the state from the overtime rule.

Many employees earning far less than the median American salary, approximately $60,000 annually, are classified as exempt and routinely work more than 40 hours every week without receiving overtime for these hours. We heard that from the campaign worker earlier.

Many of these employees should receive overtime for their additional hours of work that they do now. Therefore, we support the division setting a salary threshold that is close to the median Colorado salary, approximately $69,000, as possible,
and which in no event lower than the federal threshold
for this exemption, which will rise to $35,000 --
(inaudible; coughing.)

THE REPORTER: Excuse me. Please say that
number again.

KJERSTEN FORSETH: Which will rise to $35,308
annually next year. The Colorado AFL-CIO request the
department take up rulemaking on a wage order to
evaluate and find a more inclusive approach to wages,
overtime, and breaks, and to set minimum salary for
exemptions to its overtime requirements. Thank you.

SCOTT MOSS: Thank you. I have one follow-up
question. So I understand that comment to be arguing
for as close to 69,000 as possible. Just to try to pin
it down, would the preference of the AFL-CIO be 69,000
itself, or were you thinking more of a range?

KJERSTEN FORSETH: I think we would stick
with probably the broader, as today, which was around
the 62-5, the two and a half times, which I think is
appropriate. But, you know, the closer we can get,
obviously, to the salary would be great.

SCOTT MOSS: Thank you.

KJERSTEN FORSETH: Yeah. Is that it? (End
time 3:27 p.m.)

SCOTT MOSS: Yes. Thank you.
JARED MAKE: (Start time 3:27 p.m.) Good afternoon. Jared Make, M-a-k-e. Thanks for the opportunity to speak today. I'm a Denver-based senior staff attorney with A Better Balance. We are national women's rights and legal advocacy organization, dedicated to promoting fairness in the workplace.

Our organization is deeply concerned with the steady erosion in access to overtime and other fair working conditions around the country and the related normalizing of long hours at low pay that interfere with our personal and family needs.

Based on our experience advocating for and representing low wage workers, we strongly urge CDLE to modernize Colorado's Minimum Wage Order by setting the overtime salary exemption threshold at 2.5 times the minimum wage and extending the orders protection to more industries and occupations.

The value of the overtime threshold has severely eroded over time, and it now leaves many low-wage workers and their families behind. In particular, modernizing the overtime threshold will benefit women in the workplace, especially single mothers and women of color, and help to address the gender pay gap.

Women make up a majority of low-wage workers...
in the United States, with women of color disproportionately represented. As I detailed in the written comments I submitted, research shows that single mothers would especially benefit from an increase in the overtime salary threshold, with higher rates upon increase of new overtime eligibility among single mothers than among single women overall, married women without children, and married mothers.

Through our free legal hotline and clinic, A Better Balance hears regularly from individuals who are working increasingly long and rigid hours while struggling to afford child care, put food on the table, and care for loved ones.

Under state overtime threshold that sufficiently reflects inflation and Colorado's cost of living, more Coloradans will be fairly compensated for working more than 40 hours a week.

In addition, some workers who are struggling to balance their work and family needs will no longer be required to work involuntary overtime, which will allow them to better meet personal needs or care for loved ones.

A Better Balance also urges CDLE to broaden the wage order to cover all workers unless there's an explicit exemption. We firmly believe that a rule of
universal presumptive coverage with any exemptions explicitly stated will lessen litigation and lead to more clarity for both workers and employers.

In particular, we urge coverage of construction, agricultural, and domestic workers, who too often face labor violations, work long and punishing hours and are denied safe and fair working conditions.

Expanding protections for workers in these industries is also a gender equity issue. For example, women make up 9 percent of construction work, but they often face difficulty progressing to specialized or management positions that provide higher wages.

And domestic workers, who are disproportionately women of color, are too often subject to abuse while working for low pay. So CDLE should take the necessarily steps to ensure equal treatment for these workers under the wage order.

Finally, A Better Balance is concerned that the occupational exemptions, especially for administrative, executive, and professional workers, are used by some employers to avoid paying fair wages. Many workers who could be classified under these exemptions still receive low wages and face financial hardship.
And as a nonprofit organization dedicated to work-life balance, we also feel that it is important for us to advocate for coverage of nonprofit employees, who are often asked to work extra hours without sufficient pay at a cost to their personal and family well-being.

So, in short, CDLE has an opportunity, in our opinion, to promote greater financial security, gender equity, and work-life balance by modernizing the wage order, specifically by guaranteeing overtime unless a worker makes more than 2.5 times the minimum wage, and including more occupations, sectors, and workers.

Thanks for your time and consideration.

SCOTT MOSS: Thank you. Just one follow-up question. If you know, about how many employees does A Better Balance have overall?

JARED MAKE: Yeah. So it looks like it's actually changing this week. We just lost two fellows and have four people starting next week. So, the math, we are approaching 20. So 18 to 20.

SCOTT MOSS: Thank you.

JARED MAKE: Sure. (End time 3:32 p.m.)

SCOTT MOSS: Was there anyone else? Yes.

TYLER JAECKEL: (Start time 3:32 p.m.)

Hello. My name is Tyler Jaeckel -- it's
J-a-e-c-k-e-l -- and I'm from the Bell Policy Center. We're an organization that does policy research and advocacy to ensure that every Coloradan has an opportunity.

And I'm here to continue to recommend two overall changes in the Minimum Wage Order. But before doing so, I also just want to thank you for the opportunity to participate in this process. It has been great to have employees from across Colorado businesses and nonprofits be able to voice their opinion on this critical need.

But the two overall changes that we're recommending are, one, updating Colorado's overtime threshold to two and a half times the minimum wage to better reflect the historic intent of the salary threshold of only exempting highly paid, bona fide executive professionals and administrative employees, and secondly, aligning Colorado's wage order with most states across the country by having Colorado's wage order presumptively cover everyone and ensure that all employees can benefit from minimum wage, rest and meal breaks, and overtime.

On the first point, I just really want to talk through that overtime requirements are, one, fundamental to establishing clear standards across
industries and ensuring that all employees are treated fairly.

When these requirements become outdated and meaningless, business that value employees' time or want to ensure their employees get the pay they deserve have to compete with businesses that will do anything to reduce their bottom line, even if it is not in the long-term benefit of their business.

Thus, updating Colorado's overtime salary threshold is important to both ensuring that employees' time is respected and to also creating a fair and competitive economy in Colorado.

Today, less than 7 percent of employees receive overtime protection. That is compared to over 63 percent in the '70s. The intent of the Fair Labor Standards Act was only to exclude bona fide executive administrators and professionals from overtime exemption. This should only be a small subset of employees, not the vast majority of employees that it is today.

The proposed Trump Administration rule falls extremely short of being an adequate measure of who should be exempt from overtime protections. Based upon the FLSA's original intent, we believe a recommended
threshold of two times the minimum wage is very modest and actually does not even fully implement the original intent of the FLSA. Nonetheless, which think it is an appropriate standard for Colorado and a good start.

As we've outlined in our written comments, there are multiple justifications for this standard, the first being bona fide executive administrators and professionals should be paid more than the average wage to reflect their additional duties, skills, and added responsibilities they have in the workplace.

2.5 times the minimum wage would be about 140 percent of the median wage in Colorado. That is less than the 1970s level, which is about the equivalent of about 157 percent of the median wage.

Also, the standard is close to the 40th percentile of salaries in the western centers region, our region, a standard that was used during the Obama Administration's rulemaking process back in 2016.

Finally, based upon review of salaries and occupations in Colorado, this standard is well below what the salary of occupations that are likely to be categorized as executive, administrative, or professional.

So overall, we feel it's a modest increase but an important increase for Colorado to go to a
threshold of 2.5 times the minimum wage. We also
believe that presumptive coverage under the minimum
wage is essential for Colorado. It is
inappropriate for our hundreds of thousands of
Coloradans, if not more, to be exempt without
justification. Happy to take any questions.

SCOTT MOSS: Only one clarification. I know
that, in your written comments today, you've advocated
2.5 times. At one point, you said two times. Did you
mean to say 2.5?

TYLER JAECKEL: Meant to be 2.5 times.

SCOTT MOSS: Clearing up the record there.

Thanks.

TYLER JAECKEL: Thank you. (End time
3:36 p.m.)

JON ALVINO: (Start time 3:36 p.m.) Hi. My
name's Jon Alvino, J-o-n, no H, last name A-l-v-i-n-o.
I'm a business representative for the Sheet Metal, Air,
Rail, and Transportation Union Local 9, representing
approximately 1,500 active sheet metal workers,
retirees, and their families.

And I'm here today to talk about the Colorado
Wage Order and protection for all Colorado workers. I
believe that work is just a simple exchange of one's
time for money and that all workers should be
compensated for their time.

For example, after a worker puts in, you know, an eight-hour day for pay, if they're asked to work over those standard eight hours, they should be compensated, time and a half, or -- for overtime, the sacrifice that they're making.

As a representative of a building and construction trade, I find it absolutely mind-blowing that some construction workers, agricultural workers, and manufacturing workers aren't entitled to overtime under current state law and in some cases aren't even allowed to have state-mandated rest and meal breaks.

To me, this is an obvious safety risk because of a fatigued, hungry, tired worker is going to lack focus and energy, and therefore, they're going to be a risk to themselves and others around them.

Additionally, if current state law mandates overtime for some workers and not others, we're creating barriers to equality within labor.

Closing out, I just ask that this body level the playing field and value all labor in a dignified and equal manner, and I would ask that you honor every individual's precious resource. Thank you for your
time. Thanks for letting me speak today.

SCOTT MOSS: Thank you. And I know you're a business representative. Did you do work in the industry before this?

JON ALVINO: Yeah, absolutely. Up until two years ago. I'm an elected official, so two years ago I had tools on. I'm running up for election in another two years. If it doesn't work out or if I don't get reelected, that's exactly what I'll do. I'll put the tools back on.

SCOTT MOSS: Doing what kind of work out in the field?

JON ALVINO: What I do with sheet metal is we build commercial HVAC systems. So I help keep buildings like this cool in the summer and warm in the winter.

SCOTT MOSS: And how long have you been doing that kind of work?

JON ALVINO: Six years prior to getting elected. I got into the apprenticeship program.

SCOTT MOSS: Okay. And in your experience either doing work and being on work sites or talking to workers in your union or elsewhere, have you seen or heard examples of long hours causing injuries or ill health effects?
JON ALVINO: I wouldn't say necessarily personally. Statistically speaking, though, I believe there's OSHA reports out there that could dictate such.

I mean, again, working union, we're covered by a collective bargaining agreement, so all our -- you know, our contracts, you know, sets the standard and lets us know what the expectations are for both the employee and the employer.

And so when it comes to stuff, like the reference I made, that eight hours pay for, you know, eight hours of work, anything beyond eight we're getting our time and a half, anything beyond 12 we're getting double time, so being that I haven't worked in a nonunion sector that's not covered by contract, I don't have any direct relationship with that.

SCOTT MOSS: That's great. What kind of hours did you work?

JON ALVINO: Typically, you were doing a straight eight. So you're there at 6:00 a.m., probably off by 2:30, with, you know, one break in the morning, half hour for lunch, and if you're you're doing anything over ten, you get a second break in the afternoon, either that or, in some cases, knocking off 15 minutes earlier and trying to get those
taken care of.

SCOTT MOSS: And did you have days longer than eight hours or weeks more than 40?

JON ALVINO: Absolutely. Absolutely.

SCOTT MOSS: What was your experience with whether there's any effect on your own abilities, or alertness, or what have you, for long days or weeks?

JON ALVINO: Definitely, well, when you're given the time to take the breaks, get nourished, you know, make sure you're hydrated, what have you, it's been -- I always equated it to you can't run a car without fuel.

So if you're not taking the time to do those things, take your breaks, eat, you know, literally, I mean, in the construction trades, I say it all the time to a lot of guys that you're an athlete out there. Gotta take care of yourself, take care of your body. And that means having adequate rest, whether it's, you know, when you're away from work or during those rest breaks.

SCOTT MOSS: That's great. Thank you.

JON ALVINO: All right. Thank you.

Appreciate the time. (End time 3:41 p.m.)

SCOTT MOSS: Who else is interested in
speaking? Keep your hand up, and we'll start a line
going. I'm going to start to give the three to five
minutes. Thank you.

ALFONSO ALEGRIA RODRIGUEZ: (Start time 3:42 p.m.)

Hello. (Speaking Spanish.)

SCOTT MOSS: Hilda, can you help, please.

ALFONSO ALEGRIA RODRIGUEZ: (Through the

interpreter) My name is Alfonso Alegria Rodriguez.

THE REPORTER: Ask him to spell it, please.

OTHER SPEAKER: (Through the interpreter.)

The name is A-l-f-o-n-s-o. Last
name is A-l-e-g-r-i-a. And the other
last name, R-o-d-r-i-g-u-e-z.

I have an issue with a company named Excel
custom drywall. The company doesn't want to pay me an
amount of $11,500 because of the owner has been telling
that he doesn't have money to pay me.

The companies they owe, they haven't pay him
back, and I've been going back and forth with him for
over three months now.

I work in the department building located at
80th and California, and also in the one locate in
3303 in Boulder, and neither of those job sites want to
pay me right now. I'm still struggling with that
issue.
And the problem right now is that I don't have money to pay my rent. I don't have money to do transportation. And I come here with you to see if you can help me resolve these issues with the company of Excel Drywall Company, and the name of the person is Mike Corwin. That's it.

SCOTT MOSS: I appreciate that. Actually, if you want to talk about your situation, Evan can talk to you now. Thank you.

(Evan Grimes and Alfonso Alegria Rodriguez left the room at 3:45 p.m.)

SCOTT MOSS: Who's next? You can come down.

MIKE DEERING: (Start time 3:45 p.m.) Good afternoon. Mike Deering, D-e-e-r-i-n-g, Southwest Carpenters. I'm a specialty rep.

I was just going to give a quick example of exploitation. If a worker's promised $170 per day, cash, under the table for hard labor, in an eight-hour day, that would be $21.88 an hour. In a 10-hour day, that would be $17.50 an hour. Many of these workers are working 12- to 14-hours days, which would be 14.58 to 11.66 an hour.

But without breaks and overtime, right? A lot of these guys are doing that. If a worker's rate of pay is $21.88 an hour, if they usually
work 60 hours, that would be roughly $220 a week that
they'd be losing, close to $220 an hour (sic) without
the overtime rate.

That equals $11,500 a year. That's a lot of
money. That's a lot of rent for -- I think the rent
platform is a thousand dollars a month on that rate.
That there alone just that they're losing.

We brought a bunch of carpenters with us.
They've experienced a lot of that, a lot of loss
of pay and stuff like that.

I just wanted to give a quick example of how
much money that really is, once it adds up,
just for that time and a half rate, what you lose out
on.

SCOTT MOSS: Thank you. And what job
types have you seen that sort of pay arrangement in?

MIKE DEERING: Drywall, mostly.

SCOTT MOSS: And is that common or uncommon
in drywall?

MIKE DEERING: It's pretty common in drywall
nowadays. Yep. (End time 3:47 p.m.)

SCOTT MOSS: Thank you. Thank you.

ANTONIO MORALES: (Start time 3:47 p.m.) My
name is Antonio Morales. I am working for the Excel
Drywall Custom. And I'm working for the Excel
for five months. I start working in the March 19th.
No pay, nothing for me.

SCOTT MOSS: You've been paid nothing since
March?

ANTONIO MORALES: Nothing, no.

SCOTT MOSS: Okay.

ANTONIO MORALES: The boss, he say he no have
the money. So I don't know what happened. I'm working
too in Boulder. He said not pay nothing to us. I
working, start in Boulder, June 22nd. We, couple of
days, not pay nothing.

SCOTT MOSS: Do you do drywall?

ANTONIO MORALES: Yeah. I'm a finisher

there. Yeah.

SCOTT MOSS: And is that project continuing?

ANTONIO MORALES: No more.

SCOTT MOSS: Would you mind speaking to

someone? We can bring you down.

Yeah. If anybody else either -- in that
situation or has a specific individual claim, Evan can
take you to someone. We'd love to talk to you about

that.

ANTONIO MORALES: Okay. Thank you.

(Evan Grimes and Antonio Morales left the
room at 3:48 p.m.)
SCOTT MOSS: Who was next?

JUAN SALAZAR: (Through the interpreter) My name is Juan Salazer, J-u-a-n, S-a-l-a-z-a-r. I start working with Excel Drywall.

SCOTT MOSS: Just to make sure, can you hear with her facing away?

THE REPORTER: I can hear pretty well. Thank you.

JUAN SALAZER: (Through the interpreter.) And the date is 6/25/2018. I work 2880 California Street and 550 Park Avenue. I used to work 80 hours every two weeks.

SCOTT MOSS: How many hours?

JUAN SALAZER: (Through the interpreter). Ninety hours. Eighty hours every two weeks and sometimes 90. They never give us overtime. And they hire me as a framer -- framer, drywall, and they still owe me six weeks from April 8th of 2019 to May 14th of 2019. And they owe 173.5 hours.

And they were supposed to be paying me $25 per hour. The supervisor that hired me, his name is Nestor. And I keep calling the company, but they haven't paid me yet.

I have message, this message, and also, they corroborate what they have been telling me.
And Nestor told me that the owner of the company was going to claim bankruptcy and they were not going to pay us if I put a complaint. So I don't know.

SCOTT MOSS: Thank you. I could have you speak with the investigator who will handle this.

(Evan Grimes and Juan Salazer left the room at 3:51 p.m.)

SCOTT MOSS: (Speaking Spanish.)

SCOTT MOSS: (In English) Can you relay that message, please, Hilda.

THE INTERPRETER: (Speaking Spanish.)

SCOTT MOSS: Thank you for saying that better. Who's next? Yes. You can come up. I'm sorry. The woman -- were you next? I'm sorry. Okay. I lost track. Yes. Go ahead. I'm sorry. The queue only works if I remember the queue.

ALEXIS SANCHEZ: (Start time 3:53 p.m.) Hi. Good afternoon. My name is Alexis Sanchez, and I am with the Direct Action Team.

SCOTT MOSS: Is it Alexa or Alexis?

ALEXIS SANCHEZ: Alexis.

THE REPORTER: Speak up a little louder.

DAVOR CABERRA: And I am with the team as well.

SCOTT MOSS: And what's your name?
DAVOR CABRERRA: Davor.

ALEXIS SANCHEZ: So the Direct Action Team is a group of community volunteers committed to helping workers in the Denver Metro area with wage grievances, specifically wage theft. We serve a range of service industry workers, such as construction workers, but that also entails day laborers, landscapers and others.

The team consists of law students, attorneys, professionals from the Korbel Institute of Denver University, as well as students, professors from the University of Colorado-Denver, and longtime community activists, construction workers themselves, and many more.

That is in partnership with -- (speaking Spanish) -- Joseph Korbel School of International Studies, the task force, Towards Justice, law firms, and other organizations of which they've worked collaboratively with to develop strategies that address systemic barriers that target an extremely marginalized sectors of today's workforce, construction workers.

And so the term "wage theft" includes the many ways workers are denied wages and benefits protected by federal and state labor laws. Examples of wage theft include underpayment, illegal deductions or improper deductions, misclassification, denied
overtime, and outright withholding of wages. And a study done by Professor Galemba with the Korbel Institute found that many of these construction workers are largely foreign-born. There's large community within the construction workers' industry that are migrant workers who are living check-to-check, right? And that figure looks to be about 88 percent of those that were reached out to on the daily work orders, where they pick up workers that are then hired on to these construction work sites. So in recognition of the fact that day laborers hired into these construction work sites, these workers exhibit strong seasonal variations, in terms of exploitation, and under current political climate, the Direct Action Team, along with other organizations in the community -- excuse me -- advocating for workers' rights, such as Colorado Legal Services, recognize that, due to this climate, workers are being threatened with ICE, and so -- in retaliation for these workers seeking out compensations of their wages that they are owed. Another tactic that employers are using to try and withhold wages is asking for things
such as Social Security numbers, in full knowledge of
the fact that these workers that they have hired to be
subcontractors on these work sites do not have such
documentation before the work is commenced, but then
asking for that documentation, in full knowledge of
that after the worker is done.

And so consequences of these exploitations of
these workers is that these workers are then left
without pay, right? And so they are left without being
able to meet the needs of their families and without
being able to pay rent. And so, in turn, this creates
more poverty within the community and more
homelessness.

Among other tactics, we are
now seeing with these wage theft cases that contractors
are asking subcontractors to sign these informal
contracts, where subcontractors are asked to wait a
period of two years after the work is completed to seek
out any recourse, whether that be legal recourse or
other recourses to try and seek out compensation of the
wages that are due, knowing in full knowledge that that
overexceeds the statute of limitations of the two years
that the workers have to file a wage claim case.

And overtime hours, these construction
workers are reporting to us that they're working 12-,
13-, 14-, 15-hour work days and not receiving overtime pay.

And so tracking down wage payment overall can be very difficult within the construction industry as well, just due to the way that the work is delegated in these industries from owner to contractor to subcontractor.

We are also seeing where employers are employing other tactics, such as issuing checks -- excuse me -- with insufficient funds, and of which -- when a check is issued with insufficient funds, that costs the worker more than just the unpaid wages, but also overdraft fees with the institutions that they bank with. And this, in turn, creates a space for more reluctance from the demographic of the workers employed in the construction industry.

THE REPORTER: Can I ask you to read that slower, please. I'm not keeping up with you.

ALEXIS SANCHEZ: Sure. Within the industries to trust and access banking institutions. This is a widely recognized issue, recognized by organizations such as the Consumer Financial Protection Division, with the Denver Office of Financial Empowerment and Protection of Human Rights and Community Partnerships.

We have things such as video and audio
evidence of retaliation on behalf of these employers, threatening ICE, asking for Social Security numbers, and still we are unable to get these workers their wages that they are owed.

Oftentimes, we also see that workers continue to work out of need, so they will go, you know, months at a time, as you're hearing the testimonies of the other workers that are in the room, and they're going months at the time without get paid and still working out of necessity.

And, again, that's because a lot of the workforce, a large demographic is foreign-born. It's migrant workers who are living check-to-check.

DAVOR CABRERRA: Then I would like to say, from personal experience, from the painting --

SCOTT MOSS: Could you speak up.

DAVOR CABRERRA: I would also like to speak from my personal experience in the painting industry, where before, when I was working there, and I was denied my wages, and I had to come to the Direct Action for help, I had no knowledge of what resources or what laws I could use against people who owed me money.

So in there, I also saw a lot of workers coming here to you guys and telling you
guys about their experiences but still not having the resources to go up until now.

    I see that, if you guys could, like,

definitely push this more to change the law so that these people cannot take advantage of people who have not even any knowledge of how to protect themselves can be really helpful to a community as well.

SCOTT MOSS: And you said you work in painting?

DAVOR CABRERRA: Yes.

SCOTT MOSS: And what was your name, if you're comfortable giving it?

DAVOR CABRERRA: Davor Cabrerra.

SCOTT MOSS: And Davor is your first name?

DAVOR CABRERRA: Yes.

SCOTT MOSS: And how do you spell that?

DAVOR CABRERRA: D-a-v-o-r.

SCOTT MOSS: And when Alexis mentioned 12- to 15-hour days, in your experience, have you personally or seen others work 12 hours or more?

DAVOR CABRERRA: Oh, yes. Worse. There are shifts till dawn some days, from dusk till dawn.

SCOTT MOSS: So 12 to 15 hours is common?

DAVOR CABRERRA: (Nodded head up and down.)

SCOTT MOSS: Are there breaks within that?
DAVOR CABRERRA: There's supposed to be, but they don't often take them because you're often, like, mean-mugged by their employers.

SCOTT MOSS: They're often what?

DAVOR CABRERRA: Mean-mugged. Mean-mugged by their employers. So they're stared at by their employers so that they don't feel comfortable taking a break. Or they will definitely get told by their supervisor that they're not to take a break because they will have a lunch where they can take a break.

SCOTT MOSS: And you were in painting?

DAVOR CABRERRA: Yes.

SCOTT MOSS: And can you tell me, were you in painting of commercial construction?

DAVOR CABRERRA: Yes, like apartment complexes and the like.

SCOTT MOSS: And the other workers you're talking about who are working those hours, 12 to 15, are they in painting or in other areas of construction?

DAVOR CABRERRA: Painting, all sorts of construction.

SCOTT MOSS: What other types of jobs? Name some.

DAVOR CABRERRA: Remodeling. The big construction sites themselves, where they have to,
like, build huge skyscrapers as well.

SCOTT MOSS: And one last question for
Alexis. I know you mentioned Professor Galemba's
study. We've read it, and she submitted it as a
written comment. Did you read it?

ALEXIS SANCHEZ: Did I read it?

SCOTT MOSS: Yes.

ALEXIS SANCHEZ: Yes, I did.

SCOTT MOSS: And, if you remember, do you
agree that some or all or parts of it are accurate in
your experience talking to workers in the industry in
Colorado?

ALEXIS SANCHEZ: Absolutely. So a lot of the
way that she gathered that research was through
outreach work, where students were going to day labor
corners where these workers were gathering and getting
work in these construction industries
specifically.

And so it's based off the experiences that
these workers have relayed back to the students that
are going out and visiting these corners. And so most
definitely.

SCOTT MOSS: So does that mean you're saying
that all of it comports with your experience and what
you've heard?
ALEXIS SANCHEZ: Yes.

DAVOR CABRERRA: And my experience.

SCOTT MOSS: And your experience, sir?

DAVOR CABRERRA: Yeah.

SCOTT MOSS: Thank you. Davor, just to clarify, do you know the study as well?

DAVOR CABRERRA: Yes, sir. I worked with them. Yes. I work with them. I'm part of the Direct Action Team. (End time 4:01 p.m.)

SCOTT MOSS: Great. Thank you. Who was next? We'll take a 10-minute break after.

MARIE RAMOS: (Start time 4:02 p.m.) My name is Marie Ramos, and for the last six years I have been going 30 minutes north of here. And I work with the Spirit of Christ Migrant Ministry.

And what we do 30 minutes north of here is we take donations of clothing and food out to the migrant farm workers.

In the last six years, I've witnessed a lot of things that just, like, horrified me. And I'm probably not telling you guys anything you don't already know. But in the U.S., there are few protections for farm workers in general.

I'm talking mainly about the agriculture and dairy business here because that's who I've worked with
for the last six years. Farm workers are not subject
to the national relation laws that grew out of the
1930s. Farm workers are not protected under the labor
relation laws. Farm workers are exempt from many
protections under the Fair Labor Standards Act.
They are not entitled to overtime pay or
mandatory breaks for rest or meals. There are few
labor protections for farm worker children.
And I have run into teenage children
working out there.
Most farm workers are excluded from minimum
wage laws and other labor protections, including the
overtime pay for workers that work for more than 40
hours a week.
Farm workers are not protected from
retaliation. This is a real problem 30 to 40 minutes
north of here.
They are not entitled to receive attorney
fees under the Migrant and Seasonal Ag Worker
Protection Act. Many farm workers on small farms do
not even have access to toilets and handwashing
facilities and drinking water. I personally caught one
farm worker getting water out of an irrigation ditch to
drink.
There is a lack of transparency. The Fair
Labor Standards Act is supposed to protect all workers with respect to federal minimum wage and overtime pay, even undocumented workers. However, workers have little or no way to enforce their rights.

It's just unbelievable to me that we would treat anybody, any human being, the way I've seen these people treated.

When I go out there in May, when they first start arriving, I go through the housing. I look at it. I visit with the farm workers. The housing is all cleaned up. Their beds are there.

By the time August comes around, there's sleeping bags all over because they keep adding more and more workers without any beds.

I've seen these men work from sunup to sundown seven days a week. They give them Sunday afternoons off and that's about it. These guys and these women are totally isolated. And it's just a real big problem. And they're so afraid of retaliation.

And the one other thing I want to bring up is the mode of transportation that some of these farms are using to get these migrant worker farm workers out to the field. I have pictures with me.

But twice in the last six years, I've seen
these men, these human beings, transported in box
trucks with very little ventilation, 15 to 20 men per
truck in 94-degree weather, and at 1:00 in the
afternoon. Wouldn't put my dog in those trucks.

So I just really want to bring this to your
attention, what's going on 30 minutes from this
building.

SCOTT MOSS: Thank you very much. I have a
couple of follow-ups because -- I appreciate you
sharing all this. The box trucks you're talking about,
just to get the record clear on this, those are
enclosed box trucks?

MARIE RAMOS: Yeah. They're something like
American Furniture would use to haul Furniture.

(Presenting pictures.)

SCOTT MOSS: Thank you. I'll put these --
this is the same picture?

MARIE RAMOS: Yeah.

SCOTT MOSS: I'll ask this be attached to the
record.

(Exhibit 1 was marked for identification.)

MARIE RAMOS: I don't know,
there's a vent hole here, and there's a vent hole up
here, at the top of the back of the truck.

SCOTT MOSS: Is it okay if we attach this to
1 the record?
2        MARIE RAMOS: Of course.
3        SCOTT MOSS: Thank you. And you mentioned
4 someone had to drink from an irrigation ditch. Would
5 that worker have been able to take a break to get clean
6 water?
7        MARIE RAMOS: It was in the middle of
8 nowhere.
9        SCOTT MOSS: Nowhere near anywhere with clean
10 water?
11        MARIE RAMOS: No.
12        SCOTT MOSS: And do you know anything about
13 how workers go to the bathroom when they're, as you put
14 it, in the middle of nowhere working?
15        MARIE RAMOS: Go out in the field.
16        SCOTT MOSS: And these fields, what
17 are in these fields that they're working on?
18        MARIE RAMOS: Corn, onions, cabbage, potatoes.
19        SCOTT MOSS: So you've heard from these
20 workers they have to go to the bathroom in the fields
21 with the corn, onions, and cabbage?
22        MARIE RAMOS: Yes.
23        SCOTT MOSS: Okay. And you mentioned working
24 sunup to sundown. Is that common from your experience
with these workers?

MARIE RAMOS: Yes. Very common during harvest.

SCOTT MOSS: And forgive my knowledge of sunup and sundown. How many hours would you estimate that workday is, about?

MARIE RAMOS: Twelve to 14.

SCOTT MOSS: Okay. And have you seen any health problems with workers working those long hours?

MARIE RAMOS: We see multiple health problems, like broken legs, people healing from sprains, back problems, just -- you name it. I mean, I've gone to Walmart. I've got Tylenol for people. I've bought Band-Aids. I've bought first aid. You know, it's just -- it's bad.

SCOTT MOSS: And do you see or have the workers indicated that the length of the hours are related to either some of these injuries or how they heal?

MARIE RAMOS: No workers have ever really complained to us. They're afraid. You can see, in that picture I gave you, that picture, we confronted that farmer. And at first, he was very worried. He said, "Oh, my bus broke down with the windows in it, so I had to put them in that truck to take them where they
were." And he apologized. He said it would never happen again.

And in the next breath, he said, "This is a legal vehicle to take these workers to work." He was scared to death that I would send that somewhere to be published, and he would lose his business.

The farmers from Brighton -- I work from Brighton up to north of Platteville, and they're getting away with a lot up there.

SCOTT MOSS: And do you know the hourly rates -- that these workers get, the daily rates?

MARIE RAMOS: No.

SCOTT MOSS: Have any of them indicated it was more or less than the minimum wage?

MARIE RAMOS: No. (End time 4:10 p.m.)

SCOTT MOSS: Okay. And, thank you. We’ll take a 10-minute break and come back at 4:20. Thank you.

(Break from 4:09 p.m. to 4:31 p.m.)

SCOTT MOSS: Back on the record. We have a gentleman in the back who said he has a time constraint, so we'll start there.

EAN THOMAS TAFOYA: (Start time 4:31 p.m.) Is this the typical form, where you'd like the name on the
record and the whole thing?

SCOTT MOSS: If you could, yes. And if you
could speak as loudly as you can.

EAN THOMAS TAFOYA: Sure. My name is Ean
Tafoya. I'm a resident of Denver, and I'm here
speaking on behalf of the Colorado Latino Forum. I am
the cochair of this nonprofit.

LIZ FUNK: Spell your name for us.

EAN THOMAS TAFOYA: Ean, E-a-n. My last name
is T-a-f-o-y-a.

LIZ FUNK: Thank you.

EAN THOMAS TAFOYA: So the nonprofit that I
work for is Colorado Latino Forum, and our mission is
to improve the economic, social, political, and
educational strength of Latinas and Latinos, and we're
proud to be part of this coalition and excited that you
can --

THE REPORTER: Okay. I need you to speak a
lot slower. Thank you.

EAN THOMAS TAFOYA: Okay. We are really
excited that you've made this so accessible for people,
which I really appreciate. I was here earlier, and I
heard all the accommodations that you were
making for people, and I think that's really great.

There's a couple of pieces here. One, you
know, we want to start by saying everybody deserves a 40-hour work week. I know that there's been conversation about 2.5 times whatever the minimum wage is and people having access to overtime or not.

I've worked in jobs where people were salaried, and even in the climate that we're living in, with the cost of living so high in Denver, you can make $60,000, have a high student loan, a car payment, a house payment, whatever, and it all gets eaten.

It's not like $60,000 is a lot of money in Colorado anymore. I mean, I think $35 an hour is what the Denver Post says the average person has to make to endure.

Now, in regards to -- there should be nobody who is exempt to any of these standards. And I know that construction, agriculture is a piece of this right now. But I do believe state workers, I think everybody should have access to these rules.

Now, I gave a talk earlier at the press conference, and I think it's scary times right now for people in the Latino community, obviously, given the climate of what's happening with our president and the rhetoric.

But here we are in construction and agriculture, and people -- you just heard testimony
before the break of really terrible working conditions
for Latinos and Latinas. The (inaudible) was about
that. My family was united farm workers, and they
fought for those kind of things.

The very first Latino legislatures that were
elected here in Denver in Colorado were fighting on
similar worker rights for people in the fields.

And so I want to make sure that those people
are definitely included into this process. It's a very
important part.

I do want to note that it's really important
for the 40-hour work week for people to have access to
their families for the education, for the free time
they want -- really, for anything they want. It's
their time, and they should be entitled to it.

It's good for business. There's a lot of
research out there that shows that people's work ethic
declines the longer they're on the job. And if we're
about growing our economy, which is already doing
great, there's certainly opportunity in there to either
hire more workers, give people the breaks so that they
can be innovative.

In my speech outside, I was talking about how
we're here at a cultural revolution with Green New Deal
and the conversation about how we're going to restore
our planet and create good jobs at the same time. And I think this conversation is definitely a part of it.

The last thing that I really want to say is, and this is very typical, whether I'm talking to the air quality commissioner, or whatever, your board of people who are working for us are typically white. You hold the power to affect the lives of thousands and thousands of Latina mothers and people in your hands.

And there's an expression that we have been taking on here with the Colorado Latino Forum, which is, "Stop putting us in cages and pay us fair wages."

We are in a position where we need you to be strong allies for us. So please do that. Thank you. (End time 4:35 p.m.)

SCOTT MOSS: Thank you. Appreciate that. Who else is interested in speaking? Raise your hands. Just to start a queue. In the blue, and then the gentleman holding the piece of paper. Anyone else? Okay. We'll get a queue going of folks. You can come up, miss.

PAMELA RESENIZ TRUJANO: (Start time 4:35 p.m.) Good afternoon. My name is Pamela Reseniz Trujano. That's P-a-m-e-l-a; Reseniz, R-e-s-e-n-i-z; Trujano, T-r-u-j-a-n-o. And I'm the executive director of Colorado Jobs for Justice.
Colorado Jobs for Justice is a long-standing coalition of community organizations, labor unions, student activists, and faith groups. We focus on issues affecting working families and work at the intersections of movement to support workers' rights with an economic and racial justice lens.

We're currently organizing in Denver's construction industry with a focus on supporting women and people of color to access apprenticeship programs and enter the middle class.

We understand that your office is gathering stakeholder feedback on the Colorado Minimum Wage Order. As explained in this comment, we recommend that Colorado's wage order cover everyone, so that all workers in Colorado can benefit from minimum wage, rest, meal breaks, and overtime.

We also recommend that Colorado law guarantee overtime for everyone, including management, professional, and administrative workers, unless those workers make more than 2.5 the time of the minimum wage.

Part of our work involves talking to unorganized workers about their experiences working with private contractors during the construction boom we are seeing here in Denver. Many of them have
experienced wage theft, in the form of unpaid overtime and outright nonpayment.

And we have heard of long days in the hot sun without rest or meal breaks. It's that or clock out and lose pay when they are counting on every dollar on their paycheck.

Further, many construction workers face misclassification as independent contractors, meaning that they're not afforded the protection of actual employees.

Further compounding the issues that they face in paying high rents and cost of living, that is rising faster than their wages, if they get a raise at all. We have also heard from workers who are legally paid below the minimum wage, which must also change.

Colorado law stands out nationally as being confusing and unjust. And it is long past time for us to catch up with the times and support the success and quality of life of all workers in our state.

For all of these stated reasons, we are commenting and requesting that the CDLE use their authority to extend the coverage of the Colorado Minimum Wage Order and salary threshold through rulemaking. (End time 4:38 p.m.)

SCOTT MOSS: Thank you. I believe we're
starting a queue -- a line, so who's next?

ADAM HARRISON: (Start time 4:38 p.m.) A kind citizen allowed me to do this so I can go back to my 2-year-old and my 3-month-old.

I have a quick comment as PELA. PELA would like to second and echo everything that was said by the carpenters' union and would also like to, from our experience as litigators, echo everything said by the Direct Action Team and El Centro.

Individually, I would like to point to a huge hole in the Minimum Wage Order, which is that currently, the Minimum Wage Order, which is supposed to give greater rights than just the Fair Labor Standards Act is supposed to be what employers follow.

It says that individuals get 10-minute breaks, but isn't clear on whether or not there is a monetary remedy or any remedy whatsoever if that's not followed.

I understand from a director within your department that the CDLE does not itself focus on breaks in its enforcement. You have to prioritize, and I fully understand that, and so you focus on the Wage Claim Act and ongoing after violations where people aren't paid their agreed-upon hourly wage rate. I get that. But there have to be teeth to a law.
It is not clear whether the person who's never given a break ever -- and the carpenters have talked about the importance of breaks. The Direct Action Team has talked about the exploitation that results from not having breaks.

If an individual is not given breaks, we would ask that it be clarified under the law that that person has worked 10 minutes that they were not supposed to work during every four hours or fractions of four hours, and that they are thus entitled to an additional 10 minutes of pay for the day that they are not given, or the four hours that they're got given a break.

Under the Colorado Wage Act, I believe they'd also be entitled to penalties if that monetary damage remedy was included and there were actually teeth to this law.

My main point here is that, without any remedy and with the department not actively going after employers who don't give breaks or enforcing breaks, that 10-minute requirement becomes absolutely meaningless and not something that is actual law but merely a soft suggestion.

SCOTT MOSS: Thank you. And just to clarify
which comments PELA's joining -- you mean the carpenters and El Centro's written comments?

ADAM HARRISON: The Direct Action Team has spoken in conjunction with El Centro. I apologize. So they've made that comment today about day laborers, and PELA would also echo the need to add construction workers with the order.

SCOTT MOSS: So just to be clear, you're joining Mr. Gleason's comments today, as well as Ms. Sanchez and Mr. Cabrerra's for the Direct Action Team.

ADAM HARRISON: Yes, sir.

SCOTT MOSS: Thank you.

THE REPORTER: Could you please remind me of your name.

ADAM HARRISON: Adam Harrison, from the Plaintiffs Employment Lawyers Association, and individually when it comes to the problem with breaks.

(End time 4:42 p.m.)

LIZ FUNK: Next up is Tim.

TIM ADRIAN: (Start time 4:42 p.m.) Good afternoon. My name is Tim Adrian, A-d-r-i-a-n. I work for the United Union of Roofers and Waterproofers International Union. I am a market development rep.
I worked in the field for 24 years before working in the office. So I have some experience with a lot of what we've heard here today: Abuses against workers, workers working too much overtime and not being paid, or not being paid at all.

I'm not here to speak on behalf of all the union members. I will only speak on my own behalf and my observations of being out in the field. Everybody has their own experiences and observations.

As far as your protections that are offered to workers, no class should ever be excluded from protections. Ever. That shouldn't even be a matter of question. I'm actually appalled that you don't even already realize that and insist upon it. This is something that never should have been up for debate.

There have always been people wanting protections since there has always been labor. But yet here we are. But I'm very thankful to have the opportunity to speak, and I really hope that some good will come out of this today, that there will be a progressive movement in this direction and not just fluff.

Something I would also like to address that I haven't heard much comment about here, I do not live in Colorado state. I travel 50 weeks a year. I don't
even work in my own home state. Something that became
apparent to me when I came to Colorado, especially in
construction, I looked after roofers and waterproofers,
and the first thing that I noticed in coming to
Colorado was the massive abuse of subcontracting and
independent contracting and using that as a legal
loophole to manipulate employees, which we know that
they are not contracted workers hiding under
the name of independent contracting -- being paid cash,
not paying in workmen's comp, not being covered when
they get injured on the job, and they
don't have enough money to hire an attorney to go after
the employer.

So we all know that employers take advantage
of this. So, again, since we all are aware of this,
why isn't anything being done about it? Why are we
favoring the employers in the situation and not the
workforce?

Without us paying taxes, you wouldn't have
government offices. So that's why we're here. I'm
here to speak on behalf of the good guy. That's all I
have to say. (End time 4:45 p.m.)

SCOTT MOSS: Thank you very much.
LIZ FUNK: Thank you. Now we have Mark next.
MARK THOMPSON: (Start time 4:45 p.m.)
Thank you for the opportunity.

SCOTT MOSS: Could you please state your name and spell it.

MARK THOMPSON: You bet. My name is Mark Thompson, M-a-r-k, T-h-o-m-p-s-o-n. I've been a carpenter in Colorado for the last 32 years. Currently, I'm a representative of the Southwest Regional Council of Carpenters.

At age 19, I entered the carpenter's union apprenticeship program. I've worked for responsible contractors my entire career. Because of this decision to only work for responsible contractors, I've not found myself a victim of an employer that cheats me out of overtime, break periods, or lunch periods. I've always had the protection of my union and a collective bargaining agreement.

As a union representative, I speak with workers, union and nonunion, every day. Workers share stories with me about being cheated regularly. Because the construction industry is not included in the Colorado Minimum Wage Order, these workers find themselves with nowhere to turn for help.

So briefly, I'd like to invite you through a day of a Colorado carpenter. I invite you to leave your house early in the morning before your spouse or
family wakes up. I invite you to leave the house between 4:30 and 5:30 a.m. because the project you're building is 45 minutes to an hour and a half from your home.

Be ready to be productive as the sun comes up. Invite you to strap 30 pounds of tools to your hips and get in the hole, ankle deep in mud, or start climbing a wall of concrete forms.

Concrete is on the way, so a decision is made to work through break in order to button up the wall. As lunch approaches, so does the concrete truck. So a decision is made to work through lunch to place that concrete, align the walls, and ensure there's no blowout during the concrete pour.

As the concrete pour is complete, I invite you to scramble to the next wall and start the whole process over because we're doing it all again tomorrow morning. Concrete is again on the way.

Safety is not just a humanity issue, a dignity issue. Safety is a big part of taking a break, taking a lunch. Workers that have such a physical job, they need to take a load off their feet. They need to clear their head. They need to get some nutrition and hydrate.

Now I invite you to explain to your family at
the end of the week why you're so exhausted, why your paycheck does not reflect any of the overtime that you have put in during that week.

Carpenters build wealth in our communities and across our state every day. The construction industry deserves the same protections as other workers in Colorado.

I urgently ask that you please consider including construction in the Colorado Minimum Wage Order. Again, I thank you for your time. I thank you that you've made this a priority and important enough to go such a long time today to allow workers, whatever their worker schedule is, to be in here. So thank you.

Count those of you with the signs.

SCOTT MOSS: Thank you. I just want to count those of you with signs, just for a second, if I can do it.

ADAM HARRISON: Since you're doing that, can I get a picture?

SCOTT MOSS: Of what?

ADAM HARRISON: The guys holding signs.

SCOTT MOSS: Sure. I'll just say, if anyone wants to be excused from the picture, feel free to step outside.

(Taking photos.)
ADAM HARRISON: I've never been in a public hearing where I could do that.

SCOTT MOSS: Does 30 sound right for the number of you with signs?

ADAM HARRISON: Sounds about right. (End time 4:49 p.m.)

SCOTT MOSS: I know you're not the only 30 folks on the job. I give credit to those of you who came. Thank you.

LIZ FUNK: Thank you, Mark. Next up is Dave.

DAVE MEFFORD: (Start time 4:49 p.m.) Thank you for the opportunity to talk. I get very nervous talking in front of people, I guess.

SCOTT MOSS: That's okay.

THE REPORTER: Please state and spell your name.

DAVE MEFFORD: Dave Mefford, M-e-f-f-o-r-d.

Shit. I don't think I can do it. Sorry.

SCOTT MOSS: You can come up again if you feel like it later.

DAVE MEFFORD: I have something in writing.

SCOTT MOSS: Okay. Good. Is it both sides?

DAVE MEFFORD: Yes, it is.

LIZ FUNK: You can present it in writing if you have it. Or somebody else could read it for him.
RENEE GENOVESE: I'll do it.

SCOTT MOSS: Thank you. This is being read on behalf of Dave Mefford. Thank.

RENEE GENOVESE: (Reading on behalf of Dave Mefford's comments.) "Thank you. Thank you for allowing me the opportunity to speak with you about the important issues of overtime pay and breaks."

I am speaking on behalf of Dave Mefford, and he is a proud member of Carpenters Local 555.

"I'm fortunate enough to belong to a brotherhood that works on improving the lives of all working class people and have never worked an overtime hour that I was not paid for in overtime wages.

"Unfortunately, there are thousands of other construction workers in our community and in the construction industry that are taken advantage of every day by unscrupulous employers. Some of these workers can work 60 hours a week, all of which are paid at the straight time rate.

"The reason the employers are getting away with this is because there is no law stopping them. I'm asking you today to add the construction industry in your overtime rule.

"Without this rule, our middle class is becoming the impoverished class. When many need to
work six or seven days a week just to make ends meet, 
that tells me there is a problem. 

"By changing the rule to include 
construction workers, this will help strengthen our 
middle class, our economy, and society. Let's do the 
math. 60 times 20, 1,200 straight time. 40 times 20, 
800 straight time. 20 times 30, 600 overtime. 200 
extra a week equals $10,400 a year increase in pretax 
earnings. 

"All the money we make in our community, we 
spend in our community. I personally can't afford a 
million-dollar house that we build in 
Washington Park. But my wife and I have a nice little 
place in Aurora. Our house is full of objects bought 
in our community. 

"If a parent makes an extra $10,000 a year 
without having to work two jobs or six and seven days a 
week to make ends meet, this would allow them to spend 
time with their loved ones, raise their children. 

"They will spend that money to get their kids 
into sports, rather than having the kids roaming the 
streets unattended. That money would be spent on 
making those family memories that we all strive for. 

"By show of hands, who here had a mid morning 
break? Who here had lunch today? In our industry, we
work eight to ten hours a day, if not more, on a regular basis. Some workers do this without mandatory breaks. This makes construction work more dangerous than it already is.

"There is a roofing crew working right now working in their ninth hour in this 90-degree weather and won't get a break until the job is done.

"I've been in the construction industry for close to 20 years, and it is very demanding. We work in the summer. We are exposed to heat stress injuries that include dizziness and confusion. We take breaks to allow us to cool ourselves and replenish much-needed nutrients.

"Without both of these items, there is a chance we won't make it home to our families. I would hate to be those roofers up on that roof today, forget to tie off to their fall protection system, and fall 30 feet off of a roof. This would greatly change or injure life.

"I am asking for all the unprotected construction workers in our community to add the construction industry to your overtime and mandatory break rule. Thank you again for allowing me the opportunity to speak on these very important issues."

On behalf of Dave Mefford. (End time 4:54 p.m.)
SCOTT MOSS: Thank you. Thank you,
Mr. Mefford.

LIZ FUNK: Next we have Jesus.

THE REPORTER: Please remind me of your name.

JESUS LOAYZA: (Start time 4:55 p.m.) Sure.

My name is Jesus, last name Loayza, L-o-a-y-z-a. And
I'm the outreach and intake coordinator at Towards
Justice. And 50 percent of my job consists of doing
intakes with potential clients. And a lot of those
potential clients come from the construction industry.
And besides trying to connect people who come
to us with attorneys who may take on the cases, and the
cases that we tend to take on have to do with
wage theft or any kinds of workplace violations.
And we do an intake, right? We ask
them if they receive breaks, if they receive lunch
breaks, if they were paid overtime, and if they were
paid overtime, if they were paid at time and a half.
For all the cases that we can't take on, we
try to refer out. That includes workplace
injuries or workers' comp attorneys. And for the grand
majority of those cases that
we refer out to workers' comp attorneys, most of those
people did not receive breaks.
And I am here to report to the department
that this is an issue of safety, 100 percent. Had these people received those breaks, had their bodies not been as tired or worn out, maybe they could have prevented some bodily injury.

The second thing that I would like to bring up is, during the summer we did a lot of outreach, one of them including to farm workers in Avondale. And when I asked them, you know, if they would like to be included within the protections of the Colorado Minimum Wage Order, one of the farm workers, you know, when I asked them if they would like to be entitled to breaks and overtime, and they said, "Do you -- or wouldn't you want to be included too?" I'm like, "Yes. Yes. Of course."

So there's your answer. Quite frankly, yes. They absolutely would. Some of them that day in Avondale did not end up writing a public comment, maybe out of fear of retaliation by local employers.

But I also did hear about farm workers who, it takes them ten minutes just to get to a bathroom. And if they can't sneak away from their employers because, you know, there's a supervisor in the fields, they will just go in the fields. That is a real thing.

Just, the last thing I want to touch on is
Whenever people ask me, you know, like people who are managers, like, "Do I have rights to overtime? I worked over 50 hours a week." I say, "You know, depending on, you know, if you're salaried or not, yeah."

That's the reality of the fact. And that is currently how it is, right? I hesitate to tell them, you know, think through it. How many hours can that potential employer be expecting you to work? Because once you accept a position, you know, with the pretext of promotion, it comes with added responsibilities, and then those overtime hours are completely legal to be demanded of you.

And I've heard of horror stories of how it's affected time with their loved ones, time to see their dying ones, and not having time to recuperate from deaths.

So I would bring those narratives into consideration when you're drafting these rules because the department has a lot of power right now to do a lot of good for a lot of people, and they should use their one shot to improve the lives of overtime exempt salary workers.
SCOTT MOSS: Quick follow-up questions.

When you said, I believe, reporting about workers perhaps being reluctant to take on a management position because they'd lose overtime, are you saying you heard that from workers, or you were advising them of that point?

JESUS LOAYZA: They were asking me, essentially. And I can't give legal advice. But, you know, I tell them, frankly, you know, think it through. Because, you know, and I tell them, that once you become a manager, there's nothing wrong with being demanded 50 to 60 hours a week.

SCOTT MOSS: So they were asking if they'd lose those rights upon becoming a manager?

JESUS LOAYZA: Yes.

SCOTT MOSS: And also, since you do intake at Towards Justice, we heard about Towards Justice litigating a large case about the Skyhouse construction. When Towards Justice gets an intake call, and it seems to you like there may be a plausible claim of violation, do you find you can get an attorney for all these workers who call?

JESUS LOAYZA: Absolutely not. And I'm glad you raised that point. Previously, there were some
nonprofit staff here who talked about burnout. And, really, it's like drinking from a water hose. There are too many injustices just happening out there, and there's not enough attorneys to take on these cases.

And so the best thing that one can do, I think, in combating wage theft or workplace violations is keeping people in those positions to advocate for those rights, to seek some kind of justice, whether it be through Direct Action, whether it be through referring them to the appropriate attorney. It requires people to stay in those positions long enough and for burnout to be prevented.

SCOTT MOSS: And you're speaking for Towards Justice here?

JESUS LOAYZA: Yes. Or, I'm speaking for myself, and I work at Towards Justice.

SCOTT MOSS: Okay. And Towards Justice has paid employees, not just volunteers?

JESUS LOAYZA: Yeah.

SCOTT MOSS: Do you know how many employees, roughly, Towards Justice has?

JESUS LOAYZA: Yes. Six. (End time 5:01 p.m.)

SCOTT MOSS: And -- thank you.
LIZ FUNK: Next up, we have Caroline.

CAROLINE HANKINS: (Start time 5:01 p.m.)

Good afternoon. I'm Caroline Hankins, proud member of Local 555 Carpenters Union.

SCOTT MOSS: Can you spell your last name, please.

CAROLINE HANKINS: Yes. H-a-n-k-i-n-s.

First of all, I want to thank you guys. I'm honored to be able to be heard here tonight. I wanted to speak a little bit about the construction industry.

We need to be included in the wage order. Excluding construction, I believe, is discrimination against hard-working men and women. The exclusion is only to benefit the developers, not the workers. Every person matters.

I'm from Texas. I came up here in 1991, and the airport was the first job that I built.

I worked 18 years in Texas. I started the trades when I was 18. I'm a 40-year veteran.

I've been in Colorado, Denver, for 28 years. I'm grateful to have moved from Texas to here for the job opportunities that I had. I never had any breaks in Texas. So when I came here to Colorado, it was just amazing the change that I came to.

I'm a farmer. I grew up a dairy farmer in
Texas. So I'm speaking on behalf of the farmers as well. That's my roots and my heritage.

But I just want to ask that we could please be heard and do something about this. It's time for change. And I thank you very much for your time.

Thank you.

SCOTT MOSS: Thank you. Let me just follow up. What type of work was it you got no breaks for in Texas?

CAROLINE HANKINS: I was in the power industry. So I worked for Halliburton and Browner and Rube (phonetic.) I was a scaffold builder in power plants. I'm a scaffold specialist. And we had no breaks. I never had a break until I came to Denver, Colorado. And I worked 18 years in the trades before I had one.

SCOTT MOSS: What brought you to Colorado?

CAROLINE HANKINS: I was transferred up here to build DIA Airport.

SCOTT MOSS: And did the conditions, like getting breaks, did that have anything to do with your choice of staying in Colorado instead of going back to Texas?

CAROLINE HANKINS: I was on affirmative action when I came here. President Clinton was in
office. And I was offered so many jobs and so much opportunity, I uprooted from Texas and stayed here. And this is my second home now.

SCOTT MOSS: Thank you.

CAROLINE HANKINS: And I'm proud to be here.

Thank you. (End time 5:03 p.m.)

LIZ FUNK: Next up, we have Orlando.

ORLANDO MARTINEZ: (Start time 5:03 p.m.) My name is Orlando Martinez. I'm a project superintendent that works with all of my brothers and sisters out here, Carpenters Local 555.

I'm here to talk about the price. What is the price of being able to take a break? I'm just going to read you a couple of facts from OSHA. In 2017, 4,647 workers died on work. One in five -- that's 971 workers -- died in construction. I mean, that means they're not going home to their family. This is very tragic.

But 381 of those were from falls. That's misplacing your foot. Struck by objects, I'm not sure if you're familiar with that, but that can be just as simple as somebody dropping something.

For example, on one of our projects last week, when the electrician was shooting up a wire, it bounced, went -- flew all the way down the shaft,
almost hit one of our guys. It was about 10 feet
long, a rod about that big. It could have impaled or
killed somebody.

And then there's 3 percent is
electrocution. And then this is
another wild one. Caught between objects. This is
literally getting crushed. Five percent of those 951
people that died. They weren't paying attention.

I'm out in CU, working on the campus
out there, and the biggest hazard I seen when I walked
on that job, it's getting around all them big earth
movers. You've got those big all-terrain forklifts.

If you're tired, you're not taking a break,
you're not paying attention, you know, yeah, you could
go away, or even, I'd say, worse, live with yourself if
you made an accident and you killed somebody else.

How do you put a price on that?

Take a break. Sit down. Unwind for a
minute. So that's pretty much why I think we need to
make sure that everybody in construction work gets a
break.

SCOTT MOSS: Thank you. Let me follow up, if
you don't mind.

ORLANDO MARTINEZ: Yeah. No problem.
SCOTT MOSS: How many years have you been working?

ORLANDO MARTINEZ: I started in 2001. So we're getting -- we're getting close to the 20 years.

SCOTT MOSS: And since you mentioned ability to pay attention and avoid these sorts of accidents, in your experience, both your experience and what you've seen, is there a difference in ability to pay attention and avoid accidents in longer than eight-hour days or longer than 40-hour weeks?

ORLANDO MARTINEZ: Let me put it this way. The easiest example, for anybody sitting up here, what happened when you didn't get enough sleep last night? Imagine that happened during the middle of the day.

Unfortunately, we can't get a power nap. Those are awesome. You could literally go sleep for 15 minutes, you'd be surprised at how refreshed you are.

But just to be able to sit down in the shade, cool off, of those, they took a lot of other angles about, you know, rest and hydration, all that, but to be able to sit back and refocus and think about what you're doing.

SCOTT MOSS: So your experience --
ORLANDO MARTINEZ: At least that.

SCOTT MOSS: So it's your experience that there are more likely either accidents or near misses in the longer than eight-hour day or longer than 40-hour weeks?

ORLANDO MARTINEZ: Yes.

SCOTT MOSS: And just by a show of hands, those of you with the signs, how many of you would agree with that in your experience?

(Raised hands.)

SCOTT MOSS: Let the record show, that's everyone I can see holding one of the signs.

ORLANDO MARTINEZ: I was a safety man, just like this gentleman over here, 250 Columbine in Cherry Creek, and I was tracking when the accidents -- we're talking real strains, the little things, and it was about 15 minutes before lunchtime.

And I let all of my guys know, I've tracked this. And if you think about it, on Friday was even worse. So you're looking at the longest duration you had without a good, solid break, and you're on your fifth working day for the week.

And I was able to quantify that with just the data that I was able to put together in a
four-month basis. That showed it right there. I
warned everybody. All right, guys.

   LIZ FUNK: At one work site?

   ORLANDO MARTINEZ: One work site.

   SCOTT MOSS: Is that data, stuff you have
compiled?

   ORLANDO MARTINEZ: Yeah. I sat and
had to track every time somebody got hurt.
If it was a recordable injury, if it was bad,
if it was just a Band-Aid, if it was a sprain,
if I had to take 'em to the clinic. Yeah. I sat
there --

   SCOTT MOSS: Is that anything you're allowed
to share with us?

   ORLANDO MARTINEZ: Well, this is just from --
that was a tough job back in the days. And I'm still
trying to put - that's very hard. I commend this
gentleman right here 'cause he does it full-time. I
don't have it with me right now. It's just a simple
little fact that I will take with me for the rest of my
career.

   SCOTT MOSS: That was at one work site that
that was --

   ORLANDO MARTINEZ: Yeah.

   SCOTT MOSS: -- compiled?
ORLANDO MARTINEZ: Yes.

SCOTT MOSS: Okay. So that belongs to the employer, in a sense?

ORLANDO MARTINEZ: Yeah. Well, I -- you could tell us (inaudible) --

SCOTT MOSS: No, I'm saying, you're allowed to tell us. I was just saying the reason you don't have the information right now at your fingertips.

ORLANDO MARTINEZ: Yeah.

SCOTT MOSS: Thank you.

ORLANDO MARTINEZ: You're welcome. (End time 5:08 p.m.)

SCOTT MOSS: That was the list we took. So raise some hands if you'd like to speak. Yes.

JORDAN JONES: (Start time 5:08 p.m.) How's it going? My name's Jordan Jones. I'm with Southwest Regional Counsel of Carpenters. I'm actually a millwright out of 1607.

My experience is breaks are awesome. You go out to a job site. As a millwright, we go travel to power plants that are south -- south of -- southern Colorado, anywhere from Wyoming, anywhere. We travel all over America.

And we go out, we go for 12-hour days usually, seven days a week. Now, as a union member,
It's awesome because I get breaks. I get time. I get overtime.

But the guys that don't get the overtime, I can see in their eyes. I was on a job where we were going hand-in-hand, union, nonunion. The nonunion guys were sitting over here, busting their behinds, working just as hard as we are, not as skilled but just as hard, and we would go ahead and take a break.

And you could just see that they're having to work through break. Beads of sweat running down their face. As for us, we get a break time, short, sweet, concise, but we're back and ready. We're rejuvenated.

These guys are beat by the end of the day. They get a break at lunch, and then you go for another six hours until your end of the shift.

And I know, I've done it before, being management, it's hard. When you work a 12-, 14-hour day, and you're trying to just stay on top of everything, it's a hard thing to do is just go through.

So I just ask you that you include us, as construction workers, I mean, we're people too. It's sad that we're here at this point, having to ask to be included in basic human rights.

But if you would, it would change hundreds of thousands of people's lives. That's all I have to say. (End
SCOTT MOSS: Thank you. Anybody else from the carpenters who wants to speak? Just to try to get a transcript that will all flow together. And you can later if you want to volunteer. Otherwise, David.

DAVID SELIGMAN: (Start time 5:10 p.m.) Hi. I'm David Seligman, S-e-l-i-g-m-a-n. I'm the director at Towards Justice. So first, I want to thank the agency. I want to thank the Polis Administration for engaging so thoughtfully in this process.

This is something that Towards Justice is really excited about and very interested to continue working to improve this wage order and bring it where it ought to be in 2019.

I also want to thank everyone who's come out today to testify. Some really powerful personal experiences that speak for themselves.

And my comments are also to compliment Towards Justice's written comments. But there are a few things that I wanted to flag, and in particular, some odds and ends, and I'd also be happy to answer any questions.

One is, with respect to the 2.5 times the minimum wage number, which is the number that Towards
Justice and many others have advocated for as the minimum salary threshold, we are confident that this is the right number, the appropriate number, and that the agency shouldn't compromise off of it.

As our comments identify, the Obama DOL minimum salary threshold was set at what was intended to be across the country the 40th percentile of earnings. That same methodology when applied to Colorado gets you to about two and a half times our minimum wage.

It's also consistent with historical levels, historical levels for the minimum salary threshold, which had been in the 1970s three times the minimum wage.

I noticed in only one or two comments that you received, there was some concern raised by folks that about differences between whatever the minimum salary threshold would be in Colorado, versus what may or may not come out of the Trump Administration. I think that this concern is vastly overstated.

To the extent that there is any real meaningful conflict that would actually cause confusion for business, it doesn't have to do with
the minimum salary threshold, which is very easy
to apply. It's in the differences in the duties
Colorado law test across and between the wage order

I'm not suggesting a change in Colorado's
duties test. But what I am saying is that Towards
Justice is adamant that, to the extent that there
is any compromise to be made here, it is surrounding
that duties test and not the minimum salary threshold
of 2.5 times the minimum. I'm happy to answer
questions about that.

With respect to the economic impact of
the 2.5 times minimum, I also would urge the agency
to review comments submitted today from Heidi
Shierholz. Heidi Shierholz was the chief economist
at the United States Department of Labor under President
Obama.

She reiterates about many of her findings,
and findings of others in the Obama Administration,
that increasing the salary threshold to around that
40th percentile of earnings figure, that that would
not result in any wage loss, or any job loss, and,
in fact, would increase employment.

Goldman Sachs estimated that with the
Obama salary threshold that, if that had been
implemented, it would create 125,000 across the
country.

Ms. Shierholz applies that same analysis to
the proposal in Colorado. She submitted those comments
via email. I'm not sure if that's the appropriate
method to submit them today. So --

SCOTT MOSS: It is.

DAVID SELIGMAN: -- I'd like to submit them,
if that works. Okay.

SCOTT MOSS: She emailed them today?

DAVID SELIGMAN: She emailed them today.

SCOTT MOSS: They'll be in the record.

DAVID SELIGMAN: Okay. Great.

SCOTT MOSS: Do you know how to spell her

last name?

DAVID SELIGMAN: I believe so. S-h -- let me
make sure I get it right.

SCOTT MOSS: H-e-i-d-i, S-c-h-i-e-r-h-o-l-z.

I just Googled the name.

DAVID SELIGMAN: That's right. That sounds
right to me. I'd also like to talk a little bit
about some coverage issues, but happy to answer any
questions on Section 5 and the minimum salary
threshold.

With respect to coverage issues, a group of
workers we haven't discussed much today -- we've heard
some fantastic comments from farm workers, but a group of workers we haven't heard much about today are herders, who are up on the open range and are exempt from the Fair Labor Standards Act, and therefore exempt from federal minimum wage, and exempt entirely from all protections of Colorado wage and hour law.

They are among the lowest-paid workers in our economy. Until a couple of years ago, they were paid $2 to $3 an hour to work in some cases 24 hours a day. Many of them are from across the world. The ones I've worked with and litigated on behalf of very often don't even know what state they're in, whether -- other than they know that, you know, they're somewhere in the United States.

They are incredibly isolated and underpaid. Other states like California and Oregon have done the analysis and determined that some very basic protections for these workers are absolutely necessary.

It would seem to me to be mandated by Title 8 that this agency consider protections for herders.

I'm happy to answer any questions about them.

I know that the Division received comments from the Hispanic Affairs Project who, unfortunately, couldn't be here to testify today.
And then, finally, I think that I am energized by the outpouring of enthusiasm and really compelling stories from so many workers here to talk about meal and rest breaks.

This is a critical protection that so many of us take for granted, but many of the workers that I represent struggle with day in and day out. And this would really be essential to their health and welfare and basic, you know, very basic workplace standards.

I do think that something we need to consider is, once these protections go into place, is how they would be enforced. And I am encouraged by this agency's interest in enforcement and more -- in doing more direct enforcement, in particular in cases where workers may be fearful of coming forward.

But we also know that there is this looming issue about whether meal and rest breaks are -- whether there is a worker has lost wages when he or she has been denied a 10-minute rest break.

I think that issue is a straightforward one. I think it's one that -- you know, it's one that courts who have looked at the issue have decided in favor of workers and have determined
that a missed 10-minute rest break is what
that effectively means is that that 10-minute rest
break goes onto the end of your day, and you've worked
an extra 10 minutes that you weren't paid for, that's
the correct analysis.

To ensure that there is no more confusion
about that issue, I think that the agency should codify
it in its wage order. I think that step would complement
all of the efforts that the agency will go to to ensure
that rest and meal breaks are extended, as consistent
with the agency's mandated Title 8.

SCOTT MOSS: Thank you. Couple of questions.
You mentioned that, if necessary, you'd submit Heidi
Shierholz's comment, and we are accepting her comment
as emailed, but would Towards Justice join those
comments, are you saying?

DAVID SELIGMAN: Towards Justice would join the
comments, yes.

SCOTT MOSS: And you made reference to the
Hispanic Affairs Project's comments by Andrew Turner.

DAVID SELIGMAN: Yes.

SCOTT MOSS: It sounded like you were saying
you agreed. You'd join those, or -

DAVID SELIGMAN: We'd join in those comments
and happy also to answer any questions on them.

SCOTT MOSS: Sure. And last question about
Towards Justice, does Towards Justice have employees
itself?

DAVID SELIGMAN: Yes.

SCOTT MOSS: And are some of them exempt
employees?

DAVID SELIGMAN: Some are exempt.

SCOTT MOSS: So Towards Justice would
agree to be subjected to the salary basis that
it's proposing?

DAVID SELIGMAN: Absolutely. And, you
know, let me say, we have employees who are
salaried who make less than the proposed salary
threshold, and we treat them as nonexempt.

And, you know, I appreciate that
treating salaried professionals as nonexempt
creates certain challenges for management. It
means you have to work with those employees and --
in a hands-on way to manage work flows and to
understand, you know, how much workload will
likely pile up in a week.

And I understand that that's not
something that many employers are used to doing.
I also just think it makes you a better employer,
right? We gotta be more careful about how we use our employees' time, because we're not in a position where we say, look, this salaried worker can be forced to work however many hours we want without any consequence. That's just not how it works.

And so, you know, we're careful in thinking through, for not for our salaried professionals who are making less than the proposed salary threshold, we're careful in thinking through what their workload will look like in a given week, and in some weeks, that means that we understand that we'll be paying them overtime. But in other weeks, it means that we send them home and maybe reshuffle their work, or in some cases, it also means that we have a more accurate assessment of our need to, for example, hire other lawyers because we can't do all the work with just them.

SCOTT MOSS: Thank you.

DAVID SELIGMAN: Thank you. (End time 5:21 p.m.)

SCOTT MOSS: Who else would like to speak?

Yes, sir.

DOUG CLARK: (Start time 5:21 p.m.) My name is Doug Clark. I run the carpenters
apprenticeship with 4290 Holly Street. I've been a carpenter for, gosh, almost 30 years. Thirty years. And, Caroline, I thought I was the one that built DIA. So maybe we were out there at the same time.

So, again, just on that -- and we do appreciate your time. I want you guys to know that.

A couple of things. I don't know if you know this. Do you know why we call each other brothers and sisters?

SCOTT MOSS: Go ahead.

DOUG CLARK: So why we do that is because what's good for your family's good for our family. And one of the things that would be good for our family is a little microbreak.

Okay? If you go into OSHA -- and we talked about this a little bit -- there's four parts to OSHA that you get hurt by the most. You get struck, you get caught in between, falls, and electrocutions. Right? Those are the big four.

And that little 15-minute break, that little coffee break, or if you're out in the blazing sun all day, and when we were out at DIA, I mean, there's no trees. There's nothing to sit by.
I mean, you're out in that sun all day, and
that little 15 minutes, where you can kind of refresh,
get a Gatorade -- you know, and you look at NFL
players, that's like, Oh, these poor bastards, but
they're playing a game, but they still get a halftime.
We don't get the halftime. We don't
get that break in between.

We're doing eight hours. Or we go
until lunch, and then we go after lunch, however long
that is. And all we're asking is, just give us a
break. That's all we're asking for. So
nothing huge, nothing tough. So . . .
I'm a proud member of Local 555
also. So . . .

SCOTT MOSS: Thank you.

DOUG CLARK: You bet. (End time 5:23 p.m.)

SCOTT MOSS: Who else? Yes, sir.

SAMUEL LOPEZ: Okay.

SCOTT MOSS: By the way, I am typing what you
all are saying. I'm not just checking sports scores or
social media. In case you were wondering.

OTHER SPEAKER: Can you check the score for
tonight and let us know what it is?

SAMUEL LOPEZ: My name is Samuel Lopez,
L-o-p-e-z. And I'm a member of the Local 555. I
started working in the construction industry since I was 17 years old. I'm 34 years old now. I've been on both sides of the aisle, not on the union and on the union.

And I experienced for myself being taken advantage of. And I was taken advantage of, especially at the beginning of my career, that no breaks, long hours, no overtime.

I would like you guys to consider including the construction industry into this because it amazes me that it takes a brotherhood, a union, to watch out for your back and for your best interests than the government, who should be putting in those laws so you can be protected by them. It's amazing. That's why, when I went into the union, it was surprising that they were actually watching out for me, and now that, realizing that even, like, the normal things, that you realize that there is something that it mandates or like this minimum wage or taking breaks, that it was actually something that is not even included on a construction industry, to be included on such a thing like this, that it should be mandated on the construction industry.

You should get paid, especially in this
industry because it's a tough job.

It is a really rough job. And it is not easy. And I remember waking up at 6:00 in the morning when I started on the construction industry and the drywall and getting paid by the day, getting off, was, like, 8:00 p.m. at night. The guys would bring lights, and, you know, getting paid only, like, $80 a day. It was ridiculous. And --

SCOTT MOSS: How much per day?

SAMUEL LOPEZ: What's that?

SCOTT MOSS: How much per day?

SAMUEL LOPEZ: $80 a day. And it was, you know, there was nobody a guy can speak to 'cause I had just started out in the industry, and I was an apprentice. And it's amazing how the union even takes care of their apprentices, and they watch out for all the stuff.

And this should be mandated for in the industry, that we should be included in this type of Minimum Wage Order. That's pretty much what I ask.

SCOTT MOSS: Thanks. What years was it you were paid 80 a day, roughly?

SAMUEL LOPEZ: That, I was 16, 17 years old. I would say it was, like, 2000 -- I don't know. Do the math.
SCOTT MOSS: Early 2000s?
SAMUEL LOPEZ: Yeah.
SCOTT MOSS: And no overtime?
SAMUEL LOPEZ: No overtime.
SCOTT MOSS: And do you know if that was
above or below the minimum at the time?
SAMUEL LOPEZ: I actually didn't even do the
math because, you know, it was times
they let you leave early, and it was not nothing still.
It was, you know, work and cash paid, all that.
   It was, like, you know, I was young. And I
didn't know any better. And it was just, you know,
I needed the work. So it was, you just got
to take whatever they give you. And it was
rough. It was. And I tell you that right now, that
even, how it is, there's a lot of people like that.
SCOTT MOSS: And do you know whether the jobs
you worked, if any of them are covered within the
commercial support services category of the wage order?
SAMUEL LOPEZ: No. I would not know that.
(End time 5:27 p.m.)
SCOTT MOSS: Okay. Show of hands: How many
of you feel like you have a very good sense of whether
the work you've done is covered by the commercial
support services category?
(No hands.)

SCOTT MOSS: Nobody raised their hands.

Thank you.

Who else would like to speak? Come on down, and then, sir, you can go next.

KELLY REEVES: (Start time 5:28 p.m.) Okay.

My name is Kelly Reeves. And I'm here representing myself.

THE REPORTER: Could you spell your name for me, please.


First, I want to say thank you for convening this event and giving us a chance to share our opinions. Much of what I have to say has likely already been said by people smarter than me, so I'll keep it short and sweet.

SCOTT MOSS: Well, there's an old saying, that everything's been said, but not everybody’s said it. So go right ahead.

KELLY REEVES: With the exception of my time in the Peace Corps and now three whole days in law school, I have worked my entire adult life in the nonprofit sector. I have so much love for nonprofits of Colorado and in no way want to discredit or minimize the critical work that they do. Instead, I am here
because I want to see nonprofits thrive.

I worked in refugee resettlement briefly as a salaried employee at $30,000 and then as an hourly employee at about $15 per hour. Like most nonprofit workers, I had several roles within the organization.

At any given moment, I had three to five directors assigning me tasks. As you can imagine, some weeks, the work really piled up.

When the Obama Administration raised the minimum salary, the organization I worked for moved us salaried employees to hourly employees. For the first time, my bosses knew how many hours I worked and could agree that, at times, my workload was absurd.

It also meant -- it also forced the agency to become less siloed and more integrated. We became more efficient and focused. Our team began to view staff time as a critically important resource that should be used in the most sustainable ways.

We began to teach more and do less. We relied on best practices. We focused from all things immigration and refugee to a more critically narrow understanding of our unique positionality to accomplish our goal.

As a sector, nonprofits should recognize that if our business models rely on unpaid labor, they are
not sustainable. Nor are they just. Nonprofits build equity and justice every single day. We need to take the same enthusiasm and love and put it into our industry.

Nonprofit work is not easy. We are often the people our clients call on their absolute worst days. In resettlement, I did things like respond to domestic situation, address issues of discrimination --

THE REPORTER: Please slow down. Thank you.
KELLY REEVES: Sorry. And ensure children felt safe and happy in their new schools. These are not easy situations to navigate, and we have words for what happens when you are surrounded by other people's pain. The first is vicarious trauma. The American Counseling Association defines this as "the emotional residue of exposure that counselors have from working with people as they are hearing their trauma stories and become witnesses to the pain, fear, and terror that trauma survivors have endured."

Whether nonprofit workers are counselors or not, hearing people's trauma impacts us. We take on a small piece of what our clients go through, and that pain becomes ours.

The other term we need to talk about is burnout. This hurts our own well-being. The work we
do, our families, communities, virtually every aspect
of our lives.

Limiting this work to 40 hours gives
nonprofit workers the time and space to recover from
trauma we incur through this work so that we can
proceed and heal.

Our industry builds justice in the world.
Why are we not starting with our own workers? I think
we can all agree that unpaid work is not just. Forcing
workers to live at margins is not just.

When I made $30,000 and worked 60-hour weeks,
I made below minimum wage. I lived paycheck to
paycheck. Small, unanticipated expenses like a doctor,
dentist visit, a small car repair, et cetera, could be
catastrophic events for me. By catastrophic, I mean
that one large unexpected expense could mean becoming
homeless, which sounds dramatic but is reality.

Another outcome of this unsustainable
business model is that it requires a degree of
privilege to work in the industry. Without a spouse,
parent, sibling, child, community to act as a safety
net, there's no way to stay in the industry. That is
part of why I am leaving it.

This means that some of the most qualified
candidates with great community connections and vital
experience will never be able to do the work. The industry is filled with brilliant, passionate people who can make these changes to support workers and strive to build equity in Colorado.

To this end, I recommend implementing a statewide minimum salary of $75,000, or about three times the minimum wage. I also recommend getting rid of the coverage category so that all workers are covered and less specifically exempted.

I also hope that you will exercise extreme caution while make these exemptions. We're really talking about minimum standards, and most workers deserve at least those protections.

Finally, as the daughter of two brilliant high school teachers, it is about time teachers be included in some of these standards. I recognize your limited ability to impact, to protect public school teachers. But we need to start to turn up the volume on that conversation.

I have watched for nearly 30 years as my parents spent 12-plus hours a day in service to their school and students without any hope of additional pay. It's time we stopped using people's desire to make the world better as a reason not to pay them.

Again, thank you for your time and listening
to my thoughts. (End time 5:33 p.m.)

SCOTT MOSS: Thank you. Before the next comment there, I just wanted to ask -- we haven't yet heard anyone argue against the salary basis, or against expanding coverage.

Just to make sure we're giving adequate time, is anybody here to speak against adopting a salary basis as a minimum for overtime exemption, or here to speak expanding coverage? Please raise your hand.

(No hands.)

SCOTT MOSS: Nobody raised their hand. Thank you. Who was next?

LUIS GUigon: (Start time 5:34 p.m.) Good afternoon. My name is Luis Guigon.

SCOTT MOSS: Can you spell that last name, please.

LUIS GUigon: G-u-i-g-o-n. I'm 33 years old. I live in district -- Denver District Number 11. I've got two kids that go to public school, Denver Public Schools. Why am I telling you this? 'Cause I just wanna let you know that I'm an ordinary guy, you know?

My wife works for Denver Public Schools District. But I consider myself blessed. Why blessed? Because nine years ago, when I was looking for a job, I found a company -- a
construction company that's willing to invest in me. That I knew, if a worker gets enough breaks, you know, a company that knows I -- you know, before I start working, I need to stretch, you know? And before I go back to work after lunch, I need to stretch. You know, some of our members, we do stretch, you know, three times. All our members know that, you know, after so many hours, you need to take a break. If you don't, that's when accidents happen and stuff like that.

And right now, I'm in a position that I'm an instructor for the Southwest Trust Fund. So my job is to train the new generation of carpenters and just, you know, teach them all these things that I just told you and more.

You know, a lot of our classes are training, training, training. Our companies believe that, you know, investing in the workers, you know, it's going to, you know, create profit. Unfortunately, there's a lot of companies out there that they don't have the same mentality. It's all about the money. You can ask all the people in here and ask them how many of them had to actually pay for their vest and their hard hat. You know,
our companies are responsible for all
these stuff.

The other companies are not responsible for
anything. You know, all they care is the money, all
they care is how fast can you get the job done. And
that's when the accidents happen.

You know, I've been in this industry for
enough time that I talk to a lot of people that they
get hurt on the projects, and they just have to keep
working, you know, because there's no insurance,
there's nothing.

And a lot of these accidents
happen because they had to work -- you know, the more
they work, or the more material that they get up, you
know, the more money they get. So they need to hurry
up. They start cutting corners. Safety goes down the
window.

And then, like, once again, that's when
accidents happen. That's why I would like to, you
know, let everybody know that the carpenters, we're
part of the community. You know, we live in this
community. We work in this community. And we're the
ones making it -- building all these new projects and
stuff.

Unfortunately, there's a lot of workers out
there that their companies are not
treating them the same way that my company has
treated me for the last couple of years. Thank you.
(End time 5:37 p.m.)

SCOTT MOSS: Thank you. Who else is here to
speak? Any takers? Anyone want to follow up? I'm
going to be here til 7:00 if you have more to say, if
you already spoke. Oh, yes. Come on down.

RICARDO CERECERES: Since you put it that
way.

SCOTT MOSS: Absolutely.

RICARDO CERECERES: (Start time 5:37 p.m.)
Good afternoon. My name is Ricardo Cereceres.

SCOTT MOSS: Can you spell that please,
Ricardo.

RICARDO CERECERES: C-e-r-e-c-e-r-e-s.
Twenty years ago, I started working at construction.
As you can see, my brothers. We grown up guys, you
know. Twenty years ago, when I started working at
construction, I can work four, five hours without
taking a break. That's what they require to us, you
know? We don't take breaks. We got one, 20 minutes
long each time, and keep working.

Right now, we're getting old. We're getting sick.
(Inaudible) whatever, just in case. We can not have the
same production or the same ability as we did when we
were young.

So I think construction workers, they deserve
the same right to have a break, you know? As we’re
getting tired. More tired. And I know there's a lot
of brothers still working without breaks. All brothers
can barely make the day, you know, without -- again,
without taking breaks.

And I don't think that's
fair to them or to us to work this many hours
without have some, you know, rest, you know, drink
water, whatever is the case. Just to make our food to
food truck tables. That's pretty much it.

SCOTT MOSS: Thank you. Let me ask you, how
long were the days when they were no breaks? How many
hours?

RICARDO CERECERES: We used to work 10 hours
a day, 11 hours a day. All depends. I used
to work piecework. They pay me for what I do, you
know. If I don't do production, I don't get that money
to provide food to my table.

SCOTT MOSS: What sort of work was piecework?

RICARDO CERECERES: What's that?

SCOTT MOSS: What sort of work did you do for
piecework?
RICARDO CERECERES: Drywall. I did drywall.

SCOTT MOSS: And what was the piecework? Was it per wall? Per unit? Or what was it?

RICARDO CERECERES: It was per unit. For a piece. For a square foot.

SCOTT MOSS: Per square foot.

RICARDO CERECERES: Yes.

SCOTT MOSS: You remember about what you were paid per?

RICARDO CERECERES: No. I remember by sheet, it was $4.50, $4.

SCOTT MOSS: And do you know if it worked out to be above or below the minimum wage?

RICARDO CERECERES: I don't know. I just want to work and make money, you know? I don't know anything about laws on that.

SCOTT MOSS: And you mentioned that, as you get older, it can be harder to work without the breaks. Is that what you were saying?

RICARDO CERECERES: Yes, essentially, before, when we were young, you can work eight -- you know, four, six hours without a break, you know? But right now, it's not possible. And still a lot of people out there that's my age working these hours without breaks on the construction.
SCOTT MOSS: And since you brought up age, I wouldn't normally ask, but do you mind if I ask how old are you?

RICARDO CERECERES: I'm 45.

SCOTT MOSS: And about what age was it starting to get harder to work without the breaks, with long days?

RICARDO CERECERES: Say 30 years old. 35. You know, getting tired.

SCOTT MOSS: And have you seen folks who'd like to stay working but can't because they work without breaks and long days?

RICARDO CERECERES: Nobody likes to, but we have to. As I say, we need to provide food to our tables. So that's why we do it. So not because we like it. It's we have to.

SCOTT MOSS: Thank you.

RICARDO CERECERES: At that time. Right now, we are in the brotherhood. We've got protection. But, yeah. A lot of people still out there doesn't have the same rights.

SCOTT MOSS: Thank you.

RICARDO CERECERES: Thank you. (End time 5:42 p.m.)

SCOTT MOSS: You being here, it reminds
me of the line from the comedian, which is, if
you're dissatisfied with how you look and how
you feel, good news. Look in the mirror. You'll
never feel this good again.

So I will add that if anybody -- I want to
follow up on Ricardo's comments. If anybody knows
anybody, or had the experience themselves of being,
less able to stay on the job and keep working as you
get older, due to long days or lack of breaks, please
come up.

I want to hear if that's been a problem other
people have seen, that folks who could stay in
construction, have to leave construction as they get
older, doing longer days without breaks. Thank you.

You can go ahead, sir.

MIKE MOBLEY: (Start time 5:43 p.m.) Thank
you. My name is Mike Mobley, M-o-b-l-e-y. I was born
in Denver, Colorado, at Rose Medical Center. I grew up
in Denver. I got married in Denver. I raised four
boys in Denver. Well, in Colorado. Let's not go
Denver. Colorado.

Paid taxes all my life. I have worked union
all my life. Everyone in here has the protections that
we're asking for. What I'm asking you guys is to force
the other nonunion construction companies to abide by
the same rules so that we can make a decent living and
so that our companies can compete against those
companies.

My wife didn't work. I raised four boys on
my salary. I'm very proud of all of them. I own my
home. Not me and the bank. Just me, and I've done
that because of the union. Again, I'm just asking you
to level the playing field so that we can compete
against the other construction companies. Thank you.
(End time 5:44 p.m.)

SCOTT MOSS: Thank you.

RENEE GENOVESE: (Start time 5:44 p.m.)
Hello. My name is Renee Genovese, G-e-n-o-v-e-s-e.
Renee. I agree with everything that all of my brothers
and sisters have said in here.

I've been a carpenter in Denver, Colorado,
for 22 years. And a lot of what we're saying is what
we would like to happen for the industry, for the
people that are nonunion as well, but a little bit
about what we endure through the day.

I do work out in the hot sun. I do carry
heavy materials, that being sheets of plywood, drywall,
bags of concrete, in the hot sun, for hours and hours.
And I've worked side by side with nonunion workers for
years.
What I see them go through, what they tell me, and they look at us, and they're envious of the union workers, and they want to know how to get what we have and how to be treated with respect and dignity like we are.

And some of the weeks that I've worked, the longest week I've ever put in was 101 hours and a half in one week. And the schedules are getting shorter and shorter and tighter and tighter, and we're working more closely with the other trades, like the electricians and the plumbers and the carpenters, everybody on top of each other in the same room to meet the demands of the schedule.

Oftentimes, you know, we're building places and buildings and companies and businesses for workers that are included in this. They get what the construction industry doesn't get. And why are they any better than us, when we're there to provide them with something that they can't do? And that's to build the building from the ground up.

I don't know if you can compare it to, you know, somebody who's not in construction, going out on a hike, and how hot it is and how hard it is to be in the sun, but when you're out there, and there's no shade, and sometimes no breeze, and it's a hundred
degrees, you're trying everything just to -- you know, if you're going from one end of the job to the other, you'll go the long route just to go through shade if you need to, anything to keep the sun off of you.

I myself will wear a Camelback with water in it because you simply don't have the means to carry a bottle of water or have it with you. And it's really hard.

We spend more time with our working brothers and sisters than we do our own families. So I just wanted to say that piece of the hours and the things that we put our bodies through, and it's repetitive motion, and it's over and over and over. And it's not easy. It's not easy at all.

And I don't see how anyone could think that we are less deserving than anyone else. To exclude somebody from this is nothing short of a discrimination and to take advantage of somebody. And it's simply not right.

EVAN GRIME: Quick question, please. You said you worked 101 and a half hours.

RENEE GENOVESE: That was last month.

EVAN GRIMES: Wow. Are you seeing similar hours worked by nonunion employees?

RENEE GENOVESE: Yes. The companies that are
the nonunion on my project, they work at another project all day for eight to ten hours, and then I'm on night shift right now, so they come to our job to work nights. And they tell us that they don't even get overtime at all. At all.

They aren't even considered, in my book, valuable by their employer. I'm very fortunate to work for a responsible contractor. And I feel for these people. It is horrible to watch and hear and listen to. It's not fair. (End time 5:48 p.m.)

EVAN GRIMES: Thank you.
SCOTT MOSS: Thank you.
CAROLINE HENKINS: I'd like to speak one more time. (Start time 5:49 p.m.) I'm Caroline Henkins, again. I just want to reiterate what my sister -- sister Genovese said. The last two years, I've been building the schools in Boulder, rebuilding them. And I worked 103 hours. That's my record for one week.

I was averaging 90 hours a week down there, working side-by-side with nonunion hands. We were getting paid overtime and getting breaks, and they weren't. And I've went side-by-side with them.

I came from a nonunion job, and I lived that for 18 years in Texas until I moved to Colorado. And what I've seen, when I started the trades in 1980, this
is all -- I'm 57 years old. And it's hard to keep the pace.

I'm lucky to have a body where I'm -- physically, I can still do it. But I see it more and more often than I would like to see the older people getting disrespected. And thank God I'm a carpenter foreman working for a responsible contractor now, only because I moved to Colorado.

And it's just so unfair. And it's just heartbreaking what I've seen in my 40-year career.

Thank you.

SCOTT MOSS: Thank you. One follow-up: The 90-hour weeks, you were seeing the nonunion folks working those weeks too?

CAROLINE HENKINS: Oh, yeah. They were side-by-side. All different nonunion contractors. We basically have four months to do a year's worth of work. We have to open the schools.

The kids get out in the summer, and we hit the ground running, boots on the ground. And there's no option for failure down there. Open up the schools no matter what.

So I work side-by-side with my sister, Renee, and my record's 103 hours just last summer. And I just came off of two months without a day off. (End time
EVAN GRIMES: Can I see a show of hands, who in here has worked more than 60 hours in a week? What about 70? 80? 90? We still got -- one, two, three, four, five, six, seven, eight, nine -- nine or ten folks.

And then what about a show of hands --

SCOTT MOSS: So let the record show it was virtually 100 percent for 60 hours, a majority for 70 hours -- and 80?

EVAN GRIMES: I think this is 90, right?

SCOTT MOSS: Let's start again. 60 hours? Almost everybody. 70 hours? At least three-quarters. 80 hours? Majority. 90 hours? About a third, a quarter. 100 hours? About a fifth. Thank you.

Who else would like to speak? This was the old-school form of Survey Monkey that Evan just did here, where we take a poll.

Can anybody speak to -- just to follow up the point -- does anybody know anybody who's had to stop working construction due to age who would have liked to? Yeah. Could you speak again, Caroline? Could you elaborate on that? Do you know folks who've had to stop working construction due to age, even though they wanted to work?
CAROLINE HENKINS: (Start time 5:52 p.m.)

Oh, absolutely.

SCOTT MOSS: And about what age are we talking that folks had to stop working because of age?

CAROLINE HENKINS: 60 and above.

SCOTT MOSS: Okay.

CAROLINE HENKINS: Mostly in the early 60s when everybody -- I mean, I'm 57. And so the industry is pushing harder and harder, and the people that are getting older and older, if you can't keep up with the younger generation -- but thank God, you know, I was trained well, and I know all the tricks, and I'm able to stay up with 'em, but I don't how much longer that's going to last.

And I've got till 65, and I've been doing this since I was 18. I had 40 years this year. Almost 40 years. So, yeah, I'm thinking, how much longer can I keep the pace and keep my job until I can get Social Security, if it's still there.

SCOTT MOSS: You mentioned the 90-hour weeks that you were working, and I know you have not had days off for a two-month stretch. What are the typical hours that folks have to work into their 50s or early 60s?

CAROLINE HENKINS: I'm going to say typical
hours is 60 hours a week for the carpenters because we are a support craft. We have to put the structure up. We'll do a lot more than the electrician unions and the plumbers unions because we're a support craft.

We have to literally get these buildings up down here. I've built many high rises downtown here. And we have to get the structure up so everybody else can get in and get everything done, whether it's a power plant, whether it's a high rise, or plumb all the bridges on the T-Rex (sic).

I built all the bridges for the Light Rail when it first came. So we would be out on them bridges till my hard hat was froze to the back of my head. No breaks. No breaks on the bridges.

There was no breaks for us. And we could go 16 hours a day. I might go eight or nine hours without something to eat, unless I put something in my tool bag. I was literally out there building the bridges.

And it just seems to be getting further and further away from what we need to do in Colorado. I think we're better than this in Denver, Colorado.

SCOTT MOSS: Were you saying something like eight or nine hours without a break?

CAROLINE HENKINS: Yep. And without food to eat.
SCOTT MOSS: And the folks who have had to stop working construction due to age, do you know whether any indicated they might have kept working if the hours were lighter?

CAROLINE HENKINS: Yeah. I mean, of course they would have. If they would have had lighter hours -- I mean, they can't keep the pace with those hours. The average person can't do it at that age.

I'm fortunate 'cause I'm in good physical shape and health, but the average person can't do it. The schedules are too tight. And it's just reality.

And they just make up a reason to lay them off. So all they've done for the 40 or 50 years they worked was to get laid off and just thrown to the side. That's what I've seen.

SCOTT MOSS: Just to follow up. We've heard about catastrophic injuries, even deaths. But are there injuries that either you, or others you've seen as you get older, are common -- injuries you either work through or can't work for a time?

CAROLINE HENKINS: Myself, I've had a knee replacement, a shoulder replacement, and five back surgeries, and I'm still working, still doing the same
physical work that I did. But that's my injuries that I came back from and was lucky to come back from.

Most people, they get surgeries, you're either laid off and you're not hired again because you've had an injury, but it's knee injuries, shoulder injuries, and back because we wear our bodies out.

SCOTT MOSS: And you mentioned the knee surgery, shoulder surgery, and the three back surgeries, was it?

CAROLINE HENKINS: Five back surgeries.

SCOTT MOSS: Five back surgeries. Is that exceptional that you've had these surgeries or unusual, or have you heard of other workers having multiple?

CAROLINE HENKINS: It's not unusual for scaffold builders like myself to be in the power plant. We work seven days a week, 12 hours a day because I'm building scaffolds for the millwrights. I'm support craft.

So seven days a week, 12 hours a day for my first 18 years. That was a typical week for us. And your body just can't hold up to it. You know, your knees wear out. Your shoulders wear out when you're pushed to work that. And then, at least we're getting compensated for the money, but no time with my family. Luckily, I don't have kids because the ones
that do are not even getting to see their children. So it's just a crying shame.

SCOTT MOSS: And if you don't mind a couple more questions. Either before or after any of the surgeries, would the knee or the shoulder or the back feel worse when the day is longer than eight hours, or when you were on your sixth or seventh day in a row?

CAROLINE HENKINS: No, because I had really good teams of doctors and insurance that got me those surgeries so I could get well. But there's a lot of people that have wore out knees that don't have the insurance benefits that the unions have. I was fortunate enough to have good enough insurance to cover my surgeries. And they also paid us while we were off -- not a lot; we got a third of our pay -- so I could recover and go back to work.

So a lot of people can't even have the surgery that I did. So I'm just grateful and lucky to have had the surgeries with the insurance and the benefits that I have with the union.

SCOTT MOSS: And before the surgeries, would it be hard to keep working, or was there more pain at the end of a long day than at the beginning?

CAROLINE HENKINS: My knee was swole up so bad, I couldn't even bend it. So, yeah. And I'm
building forms. I was in structures my whole career.

So I'm out there doing the concrete work, the cones, the elevator cores. I couldn't even bend my knee. And luckily, I had a foreman that took care of me and gave me time.

But, yes. I limped my knee along for three years until I could afford to have surgery over at Porter Hospital. But, like I said, I had the benefits. I had to wait for my union benefits to kick in.

When you get laid off and don't have the work, the union just can't compete with the nonunion companies. So there's many times that we don't have work and that we can't afford to have surgeries or whatever we need.

We have the benefits when we're working, but we have to stay working. So that's what I run into.

SCOTT MOSS: And when you had those problems, either the knee or the shoulder -- I'm sorry you had them -- are there times you'd stumble or fall or drop something due to either the shoulder or the knee or the back?

CAROLINE HENKINS: No. I'm fortunate I never dropped anything on the job. I'm just real experienced. And I have the best training in the world. I had world-class training. I'm lucky to have
not dropped something, of course I am.

   Am I lucky to have not fell off that bridge
with my knee swollen so bad that I couldn't bend it?
Yes, I am. I'm just one of the lucky ones.

   But there's a lot of 'em out there that's
not. They don't have the insurance benefits, and they
can't have the surgeries that I did. I got fixed so I
could go back to work. There's many, many out there,
many more than there are less, that can't even afford
to have the surgeries.

   SCOTT MOSS: And I know you've indicated
you've seen a number of folks getting surgeries and
some can go back to work, and some can't. Are more of
the folks who have to get those surgeries in their,
say, late 40s, 50s, or 60s than in their 20s or 30s?

   CAROLINE HENKINS: I had my surgeries
when I turned 50. 50, 51, and 54. So I was in
my early and mid 50s when I had my surgeries. And I
came back from it.

   But, again, I want to reiterate that I had
the best team of doctors in the state of Colorado.
These doctors did the surgery on doctors. So I had the
best that money could buy 'cause I had the best
insurance and I can afford it.

   SCOTT MOSS: You said you've seen other
workers getting surgeries. Are more of them in their
50s or older, or are more of them in their 20s or 30s?

CAROLINE HENKINS: It's kind of ranging now
from 30s to 40s because, I mean, you can have one bad
day at work and ruin your knee or your shoulder, and
more often than not, the nonunion companies, you're
going to get laid off, and you have no insurance, and
you have no way to even fix your injury. (End time
6:00 p.m.)

SCOTT MOSS: Thank you.

RENEE GENOVESE: (Start time 6:00 p.m.) I
wanted to speak on the amount of hours. And --

SCOTT MOSS: Sorry. What was your name
again?

RENEE GENOVESE: Renee Genovese. So we work
long hours, and at over 40 hour, and in the unions,
it's not mandatory, so when we pull those hundred-hour
weeks, a lot of the workers that are older, you could
see, like, when they're done, they're, like, Listen,
I'm done and I'm tired.

So when we have a crew of 12, some of us will
make that hundred-hour mark. And then we have the
people that only get between, you know, the 50
and 70 hours because they're like, Listen, I'm done for
today; I can't do no more.
And with the people who have been doing it for many years, a lot of the common things are the carpal tunnel, the shoulder, hernias from the heavy lifting.

So I've heard many, many people and their stories of who I work with. I'm fortunate I've never had surgery. I've been trained by the union in ergonomics, to lift properly and use my body properly and use good tools and work smarter, not harder.

But the stories are many. And it's people 30 and up that I see getting the surgery.

SCOTT MOSS: Thanks. And when you say 30 and up, I assume there are the late teens and 20s-something workers just less often needing that?

RENEE GENOVESE: Well, they just started. So when you're just learning, you know, oftentimes an apprentice will follow around a journeyman and be a helper, but once you get to that point where you've got all the training and all the skills, it's, you know, you become a machine.

SCOTT MOSS: And have you seen any folks not able to come back from an injury or surgery?

RENEE GENOVESE: Yes. I have a friend right now in his mid 50s who may not come back to work. I've seen another gentleman in his 60s who did not go back
to work.

And then they've even had to move in with relatives because they just can't make ends meet. I see workers having to work much later. I've worked with guys that are 69 years old.

SCOTT MOSS: And what injuries were those that the friends in the mid 50s and 60s had, if you remember?

RENEE GENOVESE: Neck injury, back injuries.

It's the back.

SCOTT MOSS: Did they get surgery or they just --

RENEE GENOVESE: Surgery -- yes, surgery.

SCOTT MOSS: And even after the surgery, they couldn't go back?

RENEE GENOVESE: No. They couldn't go back.

No, and then once you have that, and the word travels, the employers are like, Whoa. They don't want you. So we talk about it amongst ourselves quietly, but nobody wants to tell the company that they have an injury. They're scared.

SCOTT MOSS: And since you have this experience of seeing these workers, and being in the field for 22 years, have you heard of folks getting a reduced schedule as an accommodation, where there's no
overtime?

RENEE GENOVESE: Pretty much, if the workers can't do the overtime, they tell you. They're like, Listen, I'm sorry, but I gotta go home; I have something to do, or, I have, you know, other obligations. And they leave.

So then when it comes to those long weeks, and you're used to having a 12-person crew, and then you end up with four people carrying the load of 12, and that's hard as well.

SCOTT MOSS: And just to be clear, you're saying that if the worker can't do the overtime, they typically can't stay working?

RENEE GENOVESE: They -- yeah, they go home. They're like, Listen, you know, I gotta go.

SCOTT MOSS: Thank you.

RENEE GENOVESE: And I'm the foreman. So I'm the person they're telling, Hey, I gotta go.

SCOTT MOSS: Thank you.

RENEE GENOVESE: And I tell them, Okay, you know. And then I pick up the slack or the people that are there with me still, they pick up the slack. And we make the schedule no matter what.

SCOTT MOSS: How long have you been a foreman?
RENEE GENOVESE: For about year. (End time 6:04 p.m.)

SCOTT MOSS: Okay. Thank you. Who else would like to speak? If you can give me your name again. I know you --

MARK THOMPSON: (Start time 6:04 p.m.) Mark Thompson. We're going to excuse ourselves. We're going to get out of your hair. I invite some other people to talk. Make some room.

SCOTT MOSS: What was your last name, again?

MARK THOMPSON: Thompson.

SCOTT MOSS: Mark Thompson. That's right.

MARK THOMPSON: I hope we've made it clear, we rely on this industry to provide for our families. My son has followed my footsteps and relies on this industry to provide for his family. And now I have a granddaughter. She relies on this industry.

These are hard-working men and women. It's a very physical, very brutal industry. It will beat you up. It will advance your years very quickly.

Again, I thank you for the opportunity. I thank you that you're looking into this. You know, I look forward to hearing some decisions. Again, thank you for what you've done tonight. And we're going
to step out and get out of your way.
Thank you. (End time 6:05 p.m.)

SCOTT MOSS: Thank you. And really, if
you want to, you're not preventing anyone from
speaking, but I appreciate you all coming. I'll tell
you what I just told some reporters. There's no reason
you should not hear what you'll see in the papers,
which is we're hoping to reach a decision on a proposed
new wage order not too late in the fall, is the way I'm
putting it.

We've had hundreds of comments. We're
actually reading all of them. I'm personally reading
all of them. And others in the division, multiple
people will read every single comment submitted.

This transcript will be read by multiple of
us as well. So this is all being heard. The only cost
of that means that we're not going to have something
written by next week. So --

UNIDENTIFIED SPEAKER: You've got two weeks.
(Discussion off the record.)

SCOTT MOSS: I will say we're doing this as
quickly as we can. We want this in place as soon as we
can in 2020. But obviously, there are time tables in
the law where, once we propose a regulation, there's at
least 90 days where we have to do notice and comment.
But we wanted to hear from everybody before we write anything. And we've actually learned a ton. And I'll say, we're actually really glad for all these comments. I've been saying this isn't like our Facebook or Twitter feeds where, you know, "X really needs you to take her survey." It's not one of those where I doubt anyone's reading that. We are actually reading these, and I've learned things I didn't know before, so we appreciate that.

MARK THOMPSON: We're grateful for your efforts. Thank you.

THE REPORTER: Can I take a break, please?

SCOTT MOSS: We'll all take a break. That would be wrong if we didn't. So we'll reconvene at 6:15.

JIM GLEASON: (Start time 6:19 p.m.) I really appreciate the comments. My name is James Gleason, G-l-e-a-s-o-n. I guess I'll go back on the record. In clarifying, we've heard a lot of stories about the amount of hours worked. All right? As union employees, they have breaks, and they have dinner
breaks after ten hours. You can't go four hours without a break.

So they're entitled to breaks, and they got them, which makes them more productive. When you go to Colorado, you're talking about a 10 percent market share union penetration. So you're talking about 90 percent of the people that are working in the industry today are nonunion. They don't have the same rights that a collective bargaining agreement gets.

SCOTT MOSS: And just to clarify, you're saying only roughly 10 percent of construction workers in Colorado are union?

JIM GLEASON: Market share. Okay? Is union workers. It's a little -- it's lower than the national average, which is about 12-point-something currently.

But if you heard the story of the people that come in to work night shift that work during the day, they're drywall hangers working nonunion. My experience with that section is it's not uncommon.

And I've talked to people myself personally that are told, when you go on overtime, we're going to let you work Saturday and Sunday, but we're going to pay you under a different company, and we're going to
give you a check. So they think that's normal procedure in the United States of America.

They have no understanding of the breaks, how they are, or that they're entitled to premium overtime pay.

SCOTT MOSS: So they're using a different company for Saturday, Sunday to avoid overtime?

JIM GLEASON: Correct.

SCOTT MOSS: Is that mostly in the nonunion sector?

JIM GLEASON: Generally, that's always in the nonunion sector. And it's their requirement is that if they're going to work, they're going to work under somebody else because the company itself does not want to.

I mean, we've had people that come in to join the union that say, Hey, we don't need overtime because the company I worked for before doesn't pay overtime. And you ask them a question, Well, they don't pay overtime or they don't work it? They'll say, No, we work it all the time. Just that we don't get paid for our overtime.

And the 70 hours for the drywall guys is not uncommon. I mean, you're looking at people that just work different jobs. They work the same job for
different companies just to cover themselves, as far as
not paying the overtime.

And as far as U.S., the questions about an
aging workforce, you know, the sad part is
that when you are 50, 55 years old, you tend to stick
with the union employer a lot longer because you don't
want to go out and be subjected to working the hours or
you can't work the hours.

As far as on-the-job injuries for older
people, a lot of that is caused by them being pushed so
hard. They have to compete. Okay? So you're working
10 hours a day. You don't get a break. Maybe you get
a lunch break, but you get no other breaks.

You're being pushed all the time to produce
more, and you're compared to your younger counterparts.
I mean, I know when I was a young man, I could work 10,
12, 14 hours a day, no problem. I couldn't go out and
do the same thing now and not injure myself.

And it's the production
trying to produce, when you haven't had the ability to
rest, or grab a Gatorade, somebody mentioned, or grab a
protein bar, just to nourish yourself. So you're being
pushed all the time.

And it's hard to compete. I've seen people
die because of the same thing, old people that, they've
gone to a job with the expectation that they're going
to work ten hours a day. Okay? They work ten hours a
day, and the next thing you know, a hole in the floor,
walk by, picks up a piece of plywood, steps right into
the hole, falls 10 feet and cracks the back of his
head.

But, hey, as a union representative, I would
feel guilty about that because that individual never
said a word to us and didn't feel comfortable saying a
word. But that's a union environment. When you're in
a nonunion environment, it's totally different. You
are what you are.

I mean, we talked about the Skyhouse project.
People there were told, If you get injured, go home and
come back when you feel better. Or, We're working
seven days a week. If you don't work overtime, don't
bother coming in on Monday. So it's those kinds of
things that happen.

And I'm going to
reiterate the point, is that, under union contract, you
have some of these breaks. You have the lunch break.
You have the overtime premium pay, which is a little
easier.

But when you get into a nonunion environment,
most of the time, in this state of Colorado, that's not
afforded. I mean, they'll find a way not to pay you
that time and a half premium time, or you're told, If
you want breaks, go to work somewhere else.

So there's a little bit of this market share.

I mean, a lot of those members share a lot of those
stories about those hours. And granted, they do it.

But I'll point to Renee Genovese,
what she said is that she works the night shift. In
the Boulder School District right now, they're
remodeling the schools. They're working the night
shift, and that most of the people who are hanging
drywall on that job come there after they've worked a
full 8-, 10-hour day, they show up there to work the
night shift.

And they're not compensated for time and a
half. And nobody asked them if they took a dinner
break or had any kind of breaks afforded them.

So . . . Answer any questions?

SCOTT MOSS: Yeah. Thanks. You mentioned
workers being told, “If you don't work overtime,
don't bother coming in on Monday.” Is that a common
thing in your experience of working in the industry
for years, and then talking to numerous workers
in your union, is that a common message for workers
to get?
JIM GLEASON: Yup. In a nonunion environment, yeah. We have people all the time that join the union, when we interview them, that's a lot of the concerns they have, why they're coming to us is because, Hey, I'm working seven days a week. I don't get any overtime pay. I gotta get a better job.

So they end up in a place where they have some benefits, that they have some rights to not work all that overtime without getting compensated or having breaks. Just simple things.

SCOTT MOSS: And have you heard of older workers who can't work as many hours get kept on the job by being allowed not to work overtime at all?

JIMMY GLEASON: Some, depending on your status. If you're a 30-year employee or a 25-year employee, yeah, they'll bring some of that status.

That's why you want a lot of the people, when they hit the 35-, 40-year age, they're looking for the management side of it. They want to be foreman, superintendent.

SCOTT MOSS: So the way to keep them on with overtime is moving them to foreman or management?

JIM GLEASON: Yeah.

SCOTT MOSS: But it sounds like -- is
it uncommon to be allowed to stay doing the actual
construction without overtime?

JIM GLEASON: Could be, depending on your
status. But construction's a highly competitive
business. So if you got ten people on a crew that are
working ten hours a day, seven days a week, you don't
want to be that one person that says, I'll only work
eight hours, and I'll only work 40 hours a week. It's
peer pressure. And it's also the productivity of the
job.

I mean, I've had employers tell me the same
ing: Don't send anybody that doesn't want to work
the overtime because that's the way it's going to work.
I mean, that's what we are requiring on the job.

Specifically, in some of these shutdowns, or
like with the schools. They're pushing it. They'll
require somebody to work that overtime.

SCOTT MOSS: And how long have you
been in construction?

JIM GLEASON: For 42 -- 43 years this year.

SCOTT MOSS: So that's been through a couple
of recessions?

JIM GLEASON: Yup. I went through the '87,

SCOTT MOSS: That's all the downturns in
those times. Yes. Have you seen any difference
in recessions, of employers demanding different
hours when there are a lot of folks unemployed?

JIM GLEASON: No. You know, nowadays,
they're demanding a lot of hours. But the
original concept behind overtime was to create
opportunities for other people. In other words,
that time and a half is not a penalty because I'm
working all this time. It's not a penalty to the
employer.

It's saying to that employer, Hey, you know
what? If you need to have 20 people rather than work
10 people twice as many times, the concept is, so if
you have to pay premium time, you'll hire somebody else
to do that.

That's changed over the years now. And it's
become more a requirement, Hey, I know these ten people
I can count on, so I'm going to make sure they work
those 10, 12 hours a day.

SCOTT MOSS: And so - it sounds like you’re
saying the heavy demands for hours, have become
consistent, whether it's a good economy or a recession?

JIM GLEASON: Yup.

SCOTT MOSS: And one last question. Given
your role with the union, do unions still have to
negotiate for overtime premium pay and breaks that
state law doesn't require, or is it now just assumed
so it's permanently part of industry without having
to negotiate it?

JIM GLEASON: It is negotiated. Like, you
got a holiday week next week, right? Our contract says
eight hours a day, and anything after that is overtime,
and Saturday work is paid at the time and a half for
your work on Saturday, assuming you haven't met the 40
hours.

Now, a lot of contractors will ask
permission to have to negotiate the fact that they can
work four tens next week -- Tuesday, Wednesday,
Thursday, Friday -- so people can get their 40 hours.

But generally, we're talking about time and a
half on Saturdays also. So it precludes them from
working (inaudible).

SCOTT MOSS: And you said you've worked
actual construction for decades. But for the record,
could you tell us your role with the Carpenters now?

JIM GLEASON: As a representative for the
international union. I travel different states,
negotiate collective bargaining agreements. Handle
some grievances, negotiate PLAs, different things. I
do some organizing also.
SCOTT MOSS: Do you know about how many workers are under the jurisdiction you cover?

JIM GLEASON: 65- to 70,000.

SCOTT MOSS: And do you perceive any differences in hours, overtime, and breaks between Colorado and other states you cover?

JIM GLEASON: No. Generally, the type of work you're doing, if it's like the school situation, that's going to require overtime. If you're out in Seattle working on the Sound Transit Project, because they're on a deadline, you're going to have the same amount of stuff.

I've seen people roll into a second shift, just to alleviate the fact that they're getting fatigued. Rather than work people 14, 16 hours a day, it's a roll into a second shift so that you cover that in that way. I think that's what Renee was alluding to. She's on a job with two shifts, but they're working around the clock.

SCOTT MOSS: And Renee works for an employer that's part of the union you cover?

JIM GLEASON: She works for Turner Construction, which is a union employer.

SCOTT MOSS: And you've heard the comments from a large number of members of the carpenters'
union. To the extent that you remember them, did all
of them comport with your experience in the field?

JIM GLEASON: Yeah. Yeah. The injuries,
-- I've got two bum knee. I've got a bad shoulder
I've had numerous surgeries on both knees. I've
had back issues before. But, you know, I've been
fortunate.

SCOTT MOSS: And have you heard of folks who
can't work in the field due to age, due to the long
hours?

JIM GLEASON: Yeah. I've seen
people that had to quit, leave because
they've gotten cancer or something and never came back
or never able to go out.

I mean, I could tell you stories about a guy
who went to work in a hospital as a maintenance guy.
Very good friend of mine, mechanic. And he just said,
Hey -- at 52 years old, he had a bout with prostate
cancer, came back in one day, and he said, Hey, I have
to go someplace where I'm not being demanded
productivity that I have as a construction worker.

So he went in -- as a maintenance job. And
that's the way he's twilited his career.

SCOTT MOSS: And was he working lighter hours
in maintenance?
JIM GLEASON: Yeah. And then it's not as heavy. It's not as production-oriented.

SCOTT MOSS: Did it pay similarly, if you know?

JIM GLEASON: Paid a lot less.

SCOTT MOSS: And do you know common jobs for folks to go into if, as of their 50s or a little earlier or later, they can't work in construction anymore?

JIM GLEASON: Go to Home Depot.

SCOTT MOSS: And that's to work hourly at Home Depot?

JIM GLEASON: Retail sales.

SCOTT MOSS: Yeah. Do you know what those sorts of retail jobs pay, about?

JIM GLEASON: I would imagine Home Depot, you're probably getting 15 to 18 bucks an hour.

SCOTT MOSS: And how does that compare to most construction jobs?

JIM GLEASON: Probably half, including the benefits and other things. You know, with a Home Depot, you're ended up paying that benefit out of your check, whereas people that work on a union employer, that's above and beyond -- your pension and your health care is above and beyond. But it's a negotiated rate
also.

SCOTT MOSS: And do you know -- you mentioned going to hospital maintenance or Home Depot. Just anecdotally, do you know of other jobs that folks who need to leave construction in their 50s or so would take after working construction?

JIM GLEASON: Drive a school bus.

SCOTT MOSS: Do you have any sense of the pay on that?

JIM GLEASON: A lot less. It's probably less than 15 bucks an hour. It's substantially less than what they would be making in the field. But when the body's worn, the body's worn. Beats getting up in the morning.

I know my wife, when I used to work with the tools, she'd always tell me she used to worry about me 'cause I'd get up in the morning at 4:30, and I'd get dressed and go to work. I'd be home at 5:30 at night 'cause the commute times. And that's the thing she always said, I wonder how long you'd be able to last doing that for all those years.

And it's reality for people. You push it early. I think that gentleman said that when he was a young man, 17, 18 years old, he didn't mind working 10, 12 hours day. At his age right now, it's
virtually impossible.

SCOTT MOSS: And you don't have to get into it, if you don't want to, but did you have any injuries while you were doing construction?

JIM GLEASON: Twisted my knees up. I've put gouges in my head from rebar falling. It's dangerous.

SCOTT MOSS: And were those spread out all over your career evenly, or were more of them when you were older?

JIM GLEASON: Ah, evenly. It's not -- a lot of times age. Sometimes age is a benefit because you're a little smarter about how you attack work. You're not throwing any -- I can remember as a -- hanging drywall, I tore up my shoulder. That was because of -- everything was blowing.

As a young guy, you want to stand up as many sheets as you could in a day, and that's what your boss counted on. But older guys, I've seen guys 62 years old that could handle that work, no problem. But then I've seen guys 35, 40 years old that physically break down.

SCOTT MOSS: Did you end up having to have any surgeries, like I believe Caroline said?

SCOTT MOSS: And when were those that you had, the knee surgeries?

JIM GLEASON: I've had 'em since I was, I believe, 27 years old. I've had four over the course of my career.

SCOTT MOSS: And when was the most recent one? About how old were you?

JIM GLEASON: Two years ago.

SCOTT MOSS: Uh-huh. And do you mind giving your age? You don't have to.

JIM GLEASON: I'm 64 -- 63 years old.

SCOTT MOSS: So you've had knee surgeries up to age 61?

JIM GLEASON: Yeah.

SCOTT MOSS: Okay. And how much time, if you remember, did you need off from the surgeries?

JIM GLEASON: First time, probably four to six weeks. That was prior to the technology they have today for the --

SCOTT MOSS: Sure.

JIMMY GLEASON: And then the last time, I didn't miss hardly any time. You're up and going and therapy and other things.

SCOTT MOSS: And you say you've seen workers
who couldn't come back from needing surgeries?

JIM GLEASON: Yeah.

SCOTT MOSS: And is that more older workers?

Younger workers?

JIM GLEASON: Generally, anywhere after 40. I mean, if you hit -- say you're shooting a track into structural steel up here, that gun kicks, you bang your elbow, you may never come back from that because you shattered an elbow. You're probably never gonna do it.

Backs, very common. I mean, fusing backs and other things are not generally successful. And the older you get, the less likely you're going to be to go back to work from an on-the-job injury.

SCOTT MOSS: And last question about --

Well, that's all I have. Thanks.

JIM GLEASON: Okay. (End time 6:38 p.m.)


BOB NORRIS: (Start time 6:39 p.m.) That would be me.

SCOTT MOSS: What's your name, sir?

BOB NORRIS: Bob Norris. And you can probably spell Bob easily enough. Norris is N-o-r-r-i-s. From Longmont.
I became interested in wage and labor issues when I was board president of a nonprofit in Longmont called (speaking Spanish) Longmont.

THE REPORTER: What was it called?

BOB NORRIS: El comité de (phonetic) Longmont. Latino assistant agency. We had a lot of clients come in that weren't paid at all sometimes. Were underpaid. Most of the time didn't understand about break time and overtime and lunch and stuff.

So there's a problem there. What we observed is a lot of immigrants that are afraid to complain to the boss when they're not documented or undocumented. They're afraid to lose the job.

Stan Garnett, who was the Assistant District Attorney in Boulder for a while, he prosecuted a number of cases where the employer threatened to turn somebody in to ICE. And, as you know, that's actually a no-no in the law.

So as we became frustrated, we actually went to Stan Garnett and said, Hey, there needs to be some kind of a law to help these people. So Jan Walsh that worked for him at the time wrote a bill that was submitted by Deb Gardner, who's now a county commissioner, eventually run by Jonathan Singer, who's a state representative.
And that bill had some criminal penalties in it. Failed on party lines. You can use your own imagination how that was. But what that did is it brought a whole bunch of people together.

So in the next two years, we have a large group introducing bills. First year, we got a lot of pushback from some of the business groups. The second year, we talked enough to the business groups to get support from all the business groups in Denver, except for the Restaurant Association that told us there's no wage theft in the restaurants.

And that was right after U.S. DOL talked about 70 percent of the restaurants in Aspen made a violation of wage laws.

So we still continue to have this problem within the state. And as you can imagine, a lot of immigrants, particularly undocumented immigrants and new immigrants, don't get paid very well. So missing some money from their paycheck could mean they lose their car. It could mean they get kicked out of their rental property. It's much more devastating than a lot of other people.

And it suddenly got much worse. I don't know if you pay much attention to the news. The Trump Administration is trying to change the rules of public
charge. And there's lots.

There's tens of thousands of immigrants not
taking advantage of food stamps and other things that
they need to support their family because they're
afraid they can lose if they're found to be in
violation of a public charge, and even with a Green
Card could lose their opportunity to become a citizen
if that's put in effect.

So we worry about that a whole lot more right
now than we have in the past. And, as you know, most
immigrants now, even documented immigrants, don't show
up a lot of places because they're afraid.

Now, they're a little worried about their
job. They're worried about what are they gonna do to
put food on the table for their family. And then they
lose their car payments.

So I hope in looking at this that some
consideration and attention can be paid to people that
cannot defend themselves. So thank you. Do you have
any questions? I'd be glad to answer.

SCOTT MOSS: No, that's helpful. Thank you.

BOB NORRIS: Okay.

SCOTT MOSS: Oh, yes. I do. You mentioned
the Department of Labor study about restaurants and
violations. Can you tell me more about that one, if
BOB NORRIS: I'm trying to think. It was probably four, five years ago. I don't know a lot of the details. But they were looking for violations. And, you know, the U.S. Department of Labor usually only focuses on violations exceeding $7,000. So how that -- didn't seem -- maybe most restaurant workers aren't owed $7,000, but maybe they were looking at the restaurants as a whole.

So they had to pick some place to check it. And Aspen, you would think people in Aspen could afford to pay their employees.

SCOTT MOSS: So I ask that it -- just -- that's informative to know. If you can dig up more than that, I'd love to be sent a lead on that study. I don't know if you have a way to ask around on that, since you've heard of it.

BOB NORRIS: I still know a few people. You know, we used to have our meetings when we had this wage group, planning on how to get the law passed and everything. We always had our meetings at the U.S. Department of Labor. So . . .

SCOTT MOSS: If you ever heard of anyone who might know about that, have them get in touch with me.

BOB NORRIS: Yeah. I do. I can find them.
BOB NORRIS: Okay. Thank you for having us.

(End time 6:44 p.m.)

SCOTT MOSS: I think John Perkins was going to speak. Yes, sir.

JOHN PERKINS: Hi. Yeah. My name is John Perkins. I'm a letter carrier. I'm a member of the National Association of Letter Carriers, Branch 5996. I'll try to keep it short and sweet today.

I'm here today in support of the expansion of protections of the wage order. From personal experience, under our union contract, -- so how it works is we have a national agreement and local memorandum of understanding. So those two in combination provide us with a 10-minute office break in Aurora, a 10-minute street break, 30-minute lunch break, and comfort breaks as needed.

We also are able to earn premium overtime pay at both time and a half and double pay rates. And we have an hour limit provision in our contract as well.

So from personal experience, with all the time pressure at the postal service, you know, most post offices, there's an environment where letter carriers are rushed to complete their duties.

With that in mind, a mandate for those
breaks, overtime, and hour limits is needed. The employer's not going to do those things on their own.

Also, in my personal experience, these contractural provisions are less hard and fast rules than guidelines, that if management violates, they can kind of pay an extra monetary remedy to, you know, people involved in the violation as kind of cost of doing business.

But that is preferable, in my opinion, to no protections whatsoever. So in my opinion, nonunion workers need the same kind of protection. That's why I'm here today. I think we need to level the playing field because employers should not compete on depriving workers of breaks, overtime pay, et cetera, but on product and service quality. And that's all I have. So thank you.

SCOTT MOSS: Great. A quick follow-up.

JOHN PERKINS: Yeah.

SCOTT MOSS: So can you clarify what you're saying about contractural provisions being, I think you said, just guidelines.

JOHN PERKINS: Well, just from the perspective that, oftentimes, postal management will kind of flagrantly disregard them, with the understanding that they're going to have to pay some
letter carriers some money to compensate.

SCOTT MOSS: And so you're implying that,
when you say "some people, some money," are you
implying that they end up not paying the full amount of
the wages that they should have paid?

JOHN PERKINS: No. So, for example, we
have a process for how overtime is assigned. So, you
know, first, you have to use the city carrier
assistance and the people on the overtime desired list.

So if those people are skipped over and just
overtime is given just to anyone, that person still
does receive the overtime pay rates that are
applicable.

But since they should not have been awarded
overtime in the first place, in most cases, you know,
when the union does its job and files a grievance, that
person will get paid, you know, typically an extra
50 percent of the straight time rate.

SCOTT MOSS: And with that, you're saying
there might be a delay before they get their money, so
they get it in a later pay period than they should have
gotten it in?

JOHN PERKINS: So they'll get the overtime
pay in that paycheck, but in terms of the extra
monetary remedy, that's just a function of, you know,
how much the union stays on top of it, how
timely management is in providing those payments.
So . . .

SCOTT MOSS: So that if they go through a
grievance or go through the union, that means they'll
get the money, but a delay?

JOHN PERKINS: Yeah.

SCOTT MOSS: And, you know, can that be weeks
or months, or how long?

JOHN PERKINS: Yes. Typically, weeks.

Sometimes months. It really depends. But, yeah.

SCOTT MOSS: Thank you.

JOHN PERKINS: You're welcome.

SCOTT MOSS: John, one more question. You
mentioned nonunion workers. Can you tell me what sorts
of nonunion workers you're talking about?

JOHN PERKINS: I mean, well, one that jumps
to mind for me are FedEx workers. I'm not sure if
they're classified as independent contractors. But
definitely, those kind of workers.

I know there was a lot of carpenters and
construction workers here today, and they're
probably some of the workers most in need. But, yeah,
any kind of nonunion workers.

SCOTT MOSS: Thank you.
JOHN PERKINS: Sure. (End time 6:48 p.m.)

SCOTT MOSS: Anyone else here to speak?

KAREN SHORT: Hi. My name is Karen Short.

SCOTT MOSS: Okay. Can you spell those.

KAREN SHORT: K-a-r-e-n, S-h-o-r-t.

SCOTT MOSS: Okay.

KAREN SHORT: I moved to Colorado in 2013 -- in 2013 for a disaster project for the big flood.

Thompson Canyon.

THE REPORTER: For what? You need to speak louder, please.

KAREN SHORT: For the Big Thompson Canyon.

That's what brought me to Colorado.

SCOTT MOSS: Doing work related to that?

KAREN SHORT: Yes.

SCOTT MOSS: What sort of work?

KAREN SHORT: Just recovery and cleanup.

SCOTT MOSS: Okay. So construction or cleanup or both?

KAREN SHORT: Just -- basically, we helped citizens with any kind of needs that they needed to submit their FEMA documentation. And we provided the trucking to haul away all of the debris that was underneath the bridges and all the way down the lines (inaudible).
I secured employment to stay with Gollett's Transportation out of Lafayette, Colorado, and I secured employment. In 2016, they'd given me appropriate raises each year but denied me vacation. I never took a lunch break, never once, that I was working.

Used my own vehicle. That's neither here nor there. But in 2016, they turned me over to being salaried. They denied me overtime except for in emergency situations.

Up until 2016, they converted me over to $42,000 a year, and I was required to work 70 hours a week, which reduced my pay to $8.60, just above minimum wage.

My husband was then diagnosed with cancer. That's the reason I even stayed in Colorado. I met my husband. And he denied me FMLA. He then forced me to work and told me he would fire me, take my insurance, and he would die sooner.

SCOTT MOSS: Told you you'd be fired if what?

If you didn't --

KAREN SHORT: If I didn't work remotely and work whatever he wanted me to do, he would fire me, and my husband would die. So in the meantime, I lost my mother. I lost my best friend of 34 years and my
brother-in-law and my husband. My employer then fired me for absenteeism after they had all passed. In the meantime, I slept maybe at most eight hours a week, doing the logistics of cancer and doing the logistics of the job.

I generated him $6.8 million a day while my husband had Stage IV cancer. And I was denied unemployment based on a post employment email.

I had just -- and there's not been one area that has not failed me in the system. I pleaded for help from every division that there is, and no one would help.

The reason I didn't get another job is because my family's well-being was leveraged. And that was why I couldn't do anything about it. But the threshold, that's $23,000, nobody can live on that. It's Colorado.

And work 70 hours a week for $23,000? You're not even making -- what are you making, $5 an hour? You can't live in a cheap motel for that. And he paid me $42,000 a year, and he reduced me down to $0.30 above minimum wage for the hours he demanded of me, with my family as leverage.

The problem is, it wasn't I was over the threshold, but I was a nonsupervisor. I made no
decisions. I didn't supervise. I made no independent judgment calls.

But every division that I pleaded to help just ignored it and said, You're over the threshold. So the wound, it needs to be exposed. The Band-Aid is the threshold. The wound is the fact that no one is doing anything about them illegally making us salaried and doing this to us.

And that's what I'm asking you to do is look at, focus on what the wound is. I mean, the man destroyed my life. He then turned around and beat me up to where I couldn't even get a job, and all I did was love my family.

So I just need somebody to enforce the law. Not a portion of it, but all of it. That's why I came here today to ask you to do that.

SCOTT MOSS: Thank you for sharing that.

When in 2016 were you fired?

KAREN SHORT: I was fired in 2018, April of 2018. Right following my mother's passing.

SCOTT MOSS: And what were your duties when you were in the salary job, and what was your title too?

KAREN SHORT: When he hired me, I was office help. When he made me salaried, I became office
manager. But I didn't supervise anyone. They took my
time away from me with my family. And I need somebody
to enforce the law so they can't do that to people
anymore.

SCOTT MOSS: Did you file a complaint at all?
KAREN SHORT: Yes.

SCOTT MOSS: About wages?
KAREN SHORT: Yes. I filed wages and just my
after-hours phone calls for three months.

SCOTT MOSS: And what were you told in
response to the wage complaint?
KAREN SHORT: I mean, they're just now
getting to me.

SCOTT MOSS: Okay.
KAREN SHORT: They haven't because of the
backlog.

SCOTT MOSS: Is that with this division?
KAREN SHORT: That is with the wage and hour
division, yes. They just now are getting to me.

SCOTT MOSS: And did --
KAREN SHORT: The USDOL investigated. And
they were delayed in investigating
because of the -- what was it? -- the shutdown, the
government shutdown.

So then I lost money because of that delay.
But they went to his office, actually, and investigated in person instead of doing all this email stuff and realized that he was lying the whole time in my employment hearing and everything and that I was not an exempt employee. And I only got a fraction of the money.

SCOTT MOSS: And did the employer say anything about you being exempt, either under a Colorado coverage category or supervisor?

KAREN SHORT: If he did, the USDOL has only told me the Freedom of Information Act number and not given me any other information.

SCOTT MOSS: And it sounds like you looked at some of the rules. Did you look at the Colorado Minimum Wage Order?

KAREN SHORT: I did.

SCOTT MOSS: And could you tell whether you're covered under any of the four coverage categories, such as commercial support, or the others?

KAREN SHORT: I am not covered. I'm a nonexempt employee.

SCOTT MOSS: Because of the executive or supervisor category?

KAREN SHORT: All of them.

SCOTT MOSS: And in addition to that, there
are the four coverage categories. You have to be
commercial support or health or food, et cetera. Did
you look at those categories, and can you tell if they
applied?

KAREN SHORT: Right. I did data entry. I
did his invoicing. I was his cash flow. That was all
I did, and none of my duties ever changed from
the first day to the last day.

SCOTT MOSS: Thank you.

KAREN SHORT: You're welcome. (End time 6:56
p.m.)

SCOTT MOSS: Anyone else here to speak? I'll
ask you to make it quickly because we are in the
witching hour.

ISABEL CRUZ: I'll be quick. Anyway, hi. My
name's Isabel Cruz.

SCOTT MOSS: Can you spell that.

ISABEL CRUZ: I-s-a-b-e-l, and then C-r-u-z.

I wrote a comment on the website, but I
also just wanted to show up in support of both of the
proposed changes, both the change to who minimum wage
applies to, but also to change the overtime
protections, the change to who it applies to, just, for
me, feels like common sense.

But the overtime, when I was first hearing
about this initiative, it really struck a chord with me. I've worked in the nonprofit sector for a very long time, as much as you can as a young person, in a variety of states.

And Colorado is the first state where my salary was not at a point in which I was overtime -- I was not when I was -- not exempt, or other exempt.

Yes.

SCOTT MOSS: So Colorado was the only state where your salary was enough to be exempt?

ISABEL CRUZ: Yes. So it's my first time -- any nonprofit work, I think, when you start it, you're not there to get paid a huge amount; you're expected to work a lot. But it was the first time when I -- like, it was very flagrant disrespect of my hours.

SCOTT MOSS: What states did you work in?

ISABEL CRUZ: In Connecticut and New York.

And so it was really interesting. When I got started, my employer said that they couldn't afford to pay us overtime but would try to provide other benefits that would make up for not having overtime if we were to work over.

But it was in such a way that I could only use it if I worked overtime, and then somehow in the schedule of, like, teaching, to be able to take it.
So I accrued, like, 60 hours of what they called, like, comp time at that point. And I was working consistently 50- to 60-hour weeks and it wasn't a problem, and they didn't have to do anything about it because I was exempt.

And, obviously, according to policy, it wasn't what they wanted, but they didn't have to do anything. And so I don't think that leaving it up to employers to try to give benefits to their employees is working very well.

Also, I think, for me, as a young person just supporting myself, I was struggling even at my salary, but there were some of my coworkers, including my own manager, who were considered exempt and not making more than $45,000 a year and having to support families.

So one of my coworkers, because our hours were really variable, we were working with youth, we would have to work on the weekends, it was unclear if somebody's parents didn't come, we would have to stay.

And so it's not like she could get another job to help support her family as a single mother. So she ended up getting contracted by our same organization as a janitor to raise her wage.
And so she would have to bring her daughter and clean our organization because her salary wasn't enough, and they weren't paying her for the overtime that she was working, so she couldn't afford to find -- she couldn't find other employment.

SCOTT MOSS: And what were this person's duties?

ISABEL CRUZ: So we were community educators. So we were educating youth.

SCOTT MOSS: Okay. And did most folks work those 50, 60 hours?

ISABEL CRUZ: I would say very consistently, yes, especially the managers.

SCOTT MOSS: And how many people were employed at this nonprofit?

ISABEL CRUZ: Thirty people.

SCOTT MOSS: Thank you.

ISABEL CRUZ: Yeah. Thank you. (End time 6:59 p.m.)

SCOTT MOSS: Anyone else here to speak?

(No response.)

SCOTT MOSS: This is actually perfect because it's the witching hour, and we actually just got through everybody. So thank you all for coming. I appreciate it.
(The proceedings were concluded at 7:00 p.m. on Wednesday, August 28, 2019.)
REPORTER'S CERTIFICATE

I, Wendy McCaffrey, Registered Professional Reporter and Notary Public in and for the State of Colorado, do hereby certify that said proceedings were taken in shorthand by me at the time and place hereinafore set forth and were thereafter reduced to typewritten form under my supervision, as per the foregoing transcript; that the same is a complete, true, and correct transcription of my shorthand notes then and there taken.

I further certify that I am not related to, employed by, nor of counsel for any of the parties or attorneys herein, nor otherwise interested in the event of the within action.

My commission expires January 31, 2020; and I have hereunto set my hand this September 9, 2019.

___________________________________
Professional Court Reporter

and

Notary Public