

Transcript Prepared by Clerk of the Legislature Transcribers Office  
Business and Labor Committee August 06, 2020

**M. HANSEN:** All right. Good afternoon and welcome, all, to the Business and Labor Committee. My name is Senator Matt Hansen and I represent the 26th Legislative District in northeast Lincoln, and I serve as Chair of this committee. We're gonna have senators and committee staff do self-introductions. And we'll start this time on our left with Senator Crawford.

**CRAWFORD:** Good afternoon. Senator Sue Crawford from District 45, which is eastern Bellevue, eastern Sarpy County.

**TOM GREEN:** Tom Green, legal counsel.

**LATHROP:** Steve Lathrop, District 12, which is Ralston and parts of southwest Omaha.

**HALLORAN:** Steve Halloran, District 33, which is Adams County and parts of Polk County.

**SLAMA:** Julie Slama, District 1, Otoe, Johnson, Nemaha, Pawnee and Richardson Counties.

**COURTNEY LYONS:** Courtney Lyons, I am subbing in as clerk today.

**M. HANSEN:** Thank you. And I'll also note we have two committee pages assisting us today, Kennedy and Hallett. And I will let Senator Ben Hansen introduce himself.

**B. HANSEN:** Senator Ben Hansen, District 16, which is Washington, Burt and Cuming Counties.

**M. HANSEN:** All right. Thank you all very much for joining us here today. This afternoon, we're hearing AM3238 to LB667 by Senator Vargas. On the-- and I guess I'll explain this now and later. We're doing this in batches, so we'll probably need to read these instructions for this group of testifiers. And then when we're through this group of testifiers, we will clear the room, bring in the next group, and I'll probably rerun through these instructions so we're all on the same page. On the back of the tables in the room and in the hallways, you'll find the pink testifier sheets. If you're planning to testify today, please fill one out and place it in the box near Courtney or-- when you come up. This will help us keep an accurate record of the hearing. Please note that if you wish to have your position listed on the committee statement for a particular bill, you must testify during that position during the hearing. And I would ask as a courtesy, if everybody in this room be intending to testify. And

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if you're not intending to testify, please take the time to give your limited seat to somebody else and maybe be able to watch us streaming or online. If you would like to record your position on the bill and not testify, we do have options to fill out white sheets to record your position. I would like to note the Legislature's policy for all letters that they must-- for the record, must be received by the day before, by 5:00 p.m. the day before. Any handouts submitted by testifiers will be included as part of the record as exhibits. I would ask if you do have any handouts that you bring an additional nine copies and give them to our pages when you come up. If you are short on copies of the handouts, we can help you make more with the pages. Testimony will begin with the introducer's opening statement. As I said before, because of the social distancing requirements, we'll take 20-- testimony from the 20 individuals that are currently in the room in the order of support, opposition, neutral. And then we will cycle through the next 20 individuals in that same order as we need. Then at the end of all this we'll allow the introducer of the amendment be given the opportunity to make closing statements if they wish. We do ask for the record that you begin by giving us your first and last name, as well as spelling them for the record. That is for the transcriber purposes. We're using a four-minute light system today. The light is on the table in front of you. We ask that when you begin your testimony, the light will turn green. The yellow light will be a one-minute warning and the red light comes on as you wrap up your final thoughts. I'd like to remind everyone, including senators, to please turn off your cell phones or put them on vibrate. And with that, we'll invite Senator Vargas up to open on the amendment.

**VARGAS:** Thank you very much. And good afternoon, colleagues. I appreciate you being here. My name is Tony Vargas, T-o-n-y V-a-r-g-a-s, I have the honor of representing District 7 in the communities of downtown and south Omaha here in the Legislature. I want to start out by thanking Chairman Hansen for recognizing the critical importance of the content of this amendment, and for his leadership in scheduling this hearing and allowing us to hear from both employees, employers about their experiences in our meatpacking plants. I'd also like to thank the committee members for your attention and consideration of this issue. I know we have-- this has been a very difficult session for many people, and we, we've had a long week. So I'm particularly thankful to you. Now, over the last several months, I've been working closely with workers at meatpacking plants across the state, their families and grassroots advocacy organizations that represent the interests of these workers. Now, what I've heard about what is happening in the plants, the treatment of workers, the lack of follow-through on implementing safety and health

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measures, the misinformation spread across our state that everything is fine, then the failure of my motion to introduce a new bill that would address all of this is what brings us here today, brings us here for this hearing. Now, this is not the first action that I've taken to address this issue. Two months ago, two months ago, I hosted a call with meatpacking plant workers and about a dozen senators so that you can hear from them directly about what workers were experiencing and what they were experiencing in their work. And then six weeks ago, 23 of the 49 of my colleagues joined me in co-signing a letter to the Governor, asking him to take action on these issues, specifically asking him to implement a policy that will protect workers. But nothing happened. Now, I renewed our call to action before we resume legislative session. But still, nothing happened. This is not the first action that meatpacking plant workers, their families and other advocates have taken to address this issue. I'm sure many of you have heard from them over the past several months. I know they've communicated with the Governor and with employers about these concerns and issues. But their concerns and cries for help have gone unacknowledged and unaddressed. This hearing will be the first time that any body of policymakers has heard directly from meatpacking plant workers and their employees in a public forum. My hope is that this is an opportunity for us to fully understand what is happening in these meatpacking plants so we can determine how we should move forward. Now, here's the context that I'm viewing this all through. This context matters. This should be, and is, based on data. It's based on what I've heard from countless meatpacking plant workers across the state. Now, now, here, here's the data. Currently, nearly 5,000 packing plant employees have over, over this time tested positive for COVID-19, about 5,000. That is 5,000 of the more than 27,000 cases in Nebraska. It's approximately 20 percent. And these numbers aren't even updated yet. We still need-- we still have outstanding data that we're still looking for. Two-- what we know is 223 of these individuals have been hospitalized. They've been put in a hospital because they could not get better without the help and support that is provided from our hospital system. Twenty-one of these individuals have died. And if you look at the county breakdown of COVID-19 cases in the state of Nebraska, every county with a meatpacking plant in it is at the top of the list. The vast majority of meatpacking plant workers are also not white. That's just the facts. Most are Latino. Many are from South Sudan or Bhutan or Karen. And 11 percent of the population of Nebraska is Latino. I remember saying this on the mike, I'm saying it here again. But when you look at our COVID-19 cases, Latinos represent 60 percent of our COVID-19 cases across the state of Nebraska. Sixty percent, colleagues. They represent more than 25 percent of our deaths. Asian-Americans are 4

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percent of our population, but represents 12 percent of our COVID-19 cases. I'm saying that because I want you to think about it. I actually want you to think about it and think, if this was any other demographic that maybe identified with you, how much more urgent it would feel to you. The impacts that COVID-19 and meatpacking plants has had, not just on those workers, but in all of our communities has spread out from those plants. Think about the people who have died. And not just those workers, but others who have contracted COVID-19 after catching it. And keep in mind, that 5,000 number is not anything else that has happened in a community, that's just 5,000 meatpacking plant workers. And I want you to think about what those deaths mean to the families' financial stability and the financial stability of a community. So you know this issue is important to me and, and it's personal to me. There are a lot of times where we get up on the mike and talk about things that are very personal to us, whether it be small businesses or whether it be property tax reform or whether it be education and, you know, and personal rights. This one feels particularly more of a personal issue because I'm the son of Peruvian immigrants. It's not just because I'm the only Latino senator. I am, but it's not only because of that. And it's not just because I represent a district that represents the largest Latino-serving district in the state of Nebraska. It's not just because I have more people of color in my district than I have of white people. And it's not just because I have more people in poverty than in the middle class or more people that are renters than are actually homeowners or more people that are without insurance than those that have insurance. It's also because the stories of the workers and their families relate so closely to mine. My parents immigrated here in the 70s and they worked in factories. I said that on-- but that's part of the reason this is so important to me. My parents worked tooth and nail to try to provide a better life for me and my brothers. I'm literally standing here in front of you because of that sacrifice. Unfortunately, this pandemic is detrimentally, disproportionately affecting one group of individuals and those that are the highest risk in high-risk jobs. Now, I know that hard work and the work that's under these relatively normal conditions, let alone these COVID-19 pandemics, are extremely difficult. And I know because I saw my parents go through them. Now, knowing that, I cannot imagine what it would be like now to be a child of a factory worker in the middle of a global pandemic, wondering whether or not your mother or your father, your aunt or your uncle or anybody in your family is testing positive and is potentially bringing it back and the pain that that has on your entire family tree. To know that your mom and dad leave for work every day to a place where the virus is spreading, to watch as they go to work and contract the virus and are sick and in the hospital and can't work. To wait months for

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someone to do something to help your parents and for that help never to come. Now, as you know, and I-- there are very few of you, a few of you I've talked about this personally, you've heard me talking on the mike. I've lost my father to this. And I, I put up a really good face about this because I think the public expects us to be both vulnerable and strong in periods like this. But nobody has lost anybody to this that's sitting in front of me. Most of our body have not. The only person is Senator Moser, and I continue to look at him and I continue to just have this ray of hope and I'm glad that he's OK. But I never wanted him or he should not have had to go through that. My father was literally taken from me. And after being hospitalized in an ICU in critical condition for 29 days, wires all over him, so many ups and downs that I cannot even begin to describe what it felt like for my family and what it felt like for my entire family tree and what it felt like for me seeing him go through that, nobody deserves to have that happen to them. Nobody. And I'm in a unique scenario because I'm a lawmaker. But this doesn't hit personally for everybody. This virus is disproportionately affecting people of color. And it's just a fact. And it's affecting people that look like my dad. And we-- whether you believe it or not, we have an obligation. And those in the seats can and should do something about it. We talk about introducing bills in this body. We introduce bills because a constituent contacts us and we have a problem. Happens all the time. We have 60 percent of the population that are COVID-19 that are Latino and 20 percent of the people that are meatpacking plant workers, and the people that are showing up today is evidence of the fact that they are looking and demanding and asking for something to be done. And at a minimum, that you question whether or not-- why is this happening? Because this situation is urgent. And whether or not you feel like it's urgent, I hope when you go home, you feel like it's urgent because it shouldn't take somebody getting a virus or somebody a loved one being in a hospital or dying for this to feel like it's a problem. Now, before I end on my opening on my amendment, I just want to take a moment to recognize the people, well, one, the employees, the family members of employees, and those that are here to testify today. They are risking a lot to be here, and I seriously, I am forever thankful. Because I want you to know that I understand and I appreciate you, and I'm thankful for the courage it takes to be here and share your experiences with us in a public setting. And with you, I'm also thankful that you are all here because you listening and I'm really hoping taking this to heart also changes what you believe is possible and where responsibility really lies. The last thing I'm going to say about this is, as lawmakers we're put in this seat to do a lot of different things. One of those things, I believe, is to ensure that we are doing everything we can to make a more prosperous Nebraska. And if

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you can't see that a whole population of individuals that all have some shared identity of being Latino or being people of color are being disproportionately exposed to a virus and don't have a choice, they have to keep working, and you don't see that as something that needs to be addressed, I have some serious concerns about how we can act and respond to things during a pandemic. Because the Legislature, which I love and I respect every single one of you, only operates if we can then be able to learn and find and identify the urgency with the issues that may not immediately connect to us. And the work that we did this last week is evidence of that. And so that's what I'm asking of you, because some of what I heard on the mike for those that we're defending simply identifies one side to this issue. And the hearing process is to learn more and identify what is really happening, because we can not hide behind the fact that this is affecting people that may not be able to leave their work or feel retaliation, and that are afraid to talk out outright because it could mean their livelihood. Luckily, we don't have that on our-- we don't have those shackles on us. But they do. And so I thank you for taking this time and giving us the grace to have this conversation, and actually asking the questions that need to be asked so that you just don't blindly, on either way, accept that this is just how it is. Because we're the only body, because the Executive Branch hasn't done anything, we are the only body that can do something about this. Thank you.

**M. HANSEN:** Thank you, Senator Vargas, for your opening. Any questions from committee members for the senator. Seeing none, thank you, Senator Vargas. We will move to testimony. As I said earlier, we are going to cycle through everybody in this room in the order of proponent, do all the proponents, all the opponents, any neutral. And then we'll go. Just as a housekeeping matter, after you testify you're welcome to return back to your seat and watch for this period, or you're welcome to exit. But if you do exit, we will not let you back in the hearing room. You'll have to watch online. So with that, we'll invite up our first testifier. And if you have handouts, we'll have a page come. And as you come up, there's a box, as we said earlier, for Courtney. If you don't have handouts, please just set your pink sheet in the box. With that, welcome. And please start by saying and spelling your name.

**MAGGIE BALLARD:** Thank you. My name is Maggie Ballard, M-a-g-g-i-e, last name B-a-l-l-a-r-d. And I want to first thank those of you that are wearing masks for doing so today. I work at Heartland Family Service, which is not to be confused with the Heartland Workers Center, although they also do great work. Most of you, I think, have

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probably heard at one point or another what we do at Heartland Family Service. We serve over 50,000 individuals and families. We have 20 locations and 50 different programs. And one of those programs is refugee advocacy. Many of our refugee families work in the meatpacking industry. And I've been told that senators are interested in hearing from people that work in this industry. And of course, while I understand wanting to hear from constituents that can attest to the conditions of where they work or the personal desire to things that are proposed in this amendment, it is important to keep in mind why it is me and not one of them sitting in front of you today to share these experiences. Aside from the fact that they cannot afford to take off of work to come here, many of them are afraid of the backlash that they will get from their employer if it is discovered that they are speaking out against their work conditions. Some of them assume that their employer is already taking the necessary precautions to keep them safe. You might remember back to what happened with the Yale Park apartment complex in Omaha a couple of years ago, and their living conditions were completely unacceptable and they didn't know that there was really anything that could be done about it. Hopefully, it sounds like Senator Vargas has done a lot to change that, to bring some awareness to them, though. Again, most of them are focused on keeping food on the table, paying their bills instead of changing the system that employs them. But I want you to hear what we hear from them, from our clients. And that is: I'm scared. We hear things like: I have to go to work where I might get COVID, where I might get sick and then make my family sick and I might die or they might die. But I don't have a choice. Where else will I find work when I have-- I speak limited English and have a limited education? They are in the position where they must choose between having a job and making money and their health. Keep in mind that as refugees, they have already experienced trauma that most people can hardly fathom. The southeast Asian refugees are facing horrible racism on top of that because they're being blamed for bringing the virus here. Many of them live in multigenerational households where, if they get sick, they will be exposing children, parents and grandparents to the virus. Perhaps this is why one funeral home in Omaha noted that they have had a Karen funeral every single weekend. What the Karen community does is they financially contribute to the Karen Society of Nebraska. They put this pool of money on an-- sorry, I was instructed by the light. They put this pool of money together so that if someone in the Karen community dies, it helps pay for their funeral. And currently, those funds are dried up. They have-- there have been more funerals than what the community can pay for. This bill isn't asking you to pay for their funerals. This bill is asking you to prevent them. Last year, Governor Ricketts made Nebraska a state that welcomes refugees. Heartland

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Family Service was in strong support of that decision, given that refugees enrich our culture, they're 33 percent more likely to participate in the workforce than nonrefugees. But how are we welcoming them into our state? Happy to see them saturating the work in the meatpacking industry, reaping the benefits of their hard labor, receiving their tax dollars, and yet unwilling to protect them. I'm hoping to implore you to give these workers the same conditions that I ask for when I'm at the store. Some of you here in this room are friends of me on Facebook, and you can attest to how annoyed and frustrated I get when I see someone that is not wearing a mask. And I see my time is done.

**M. HANSEN:** Thank you for your testimony, Ms. Ballard. Any questions from committee members? All right, seeing none, we do have your written testimony. So thank you for sharing that. With that, we'll invite up the next proponent. And I will note for the record Senator Chambers has joined us. Senator Chambers, would you like to introduce yourself?

**CRAWFORD:** Would you like to introduce yourself?

**CHAMBERS:** Well, he said who I am. I'm Ernie Chambers.

**M. HANSEN:** Thank you, Senator. I guess I haven't said this for the record, but in between testifiers, the pages are going to sanitize the testifier stand. So just give them a moment. Welcome. When you're ready.

**TERRENCE O'DONNELL:** Good afternoon. My name is Terrence O'Donnell, that's T-e-r-r-e-n-c-e O-'-D-o-n-n-e-l-l, and I live in Omaha, Nebraska. I am a government and civics teacher at Omaha Bryan senior High School, and my job affords me the awesome responsibility to help motivate the students rise to new heights on the shoulders of the generation before them, who are willing to work as hard as they possibly can and sacrifice all that is necessary for their children, for my students, to have the opportunity to achieve their American dream. It is simultaneously beautiful and horrific. It is a daily reminder of the sacrifices my great grandparents made when they came here from Sicily and Ireland. History indeed repeats itself. This time, a Hispanic remix to a song sang for centuries here. Bryan High School student body is 69 percent Hispanic and 83 percent free and reduced lunch. It is as working class as working class gets, and many of my students are immigrants and/or the children of immigrants who are America's ghostwriters. They live in the shadows with their heads down and noses to the grindstone of our economy. They prop up our agricultural and service industries and hotels, restaurants,

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construction crews, fields, and yes, the packing plants. From Hamilton and Lafayette to today's Juans, Pablos, Marias and Esperanzas, America's lifeblood has always been immigrant industriousness. Immigrants get the job done. Ironically, immigrants go not only unappreciated, they are often the most taken advantage of members of our society, who are hesitant to make their voices heard due to the distrust and fear conditioned by their place in our caste system. This is exactly why I'm here today. Several of my students have submitted not-- anonymous letters, but they and their families are too scared to come and speak in person. So I'm here on their behalf, and I cannot tell you what an honor that is. As our state's COVID-19 cases continue to be, to be cause for tremendous concern, at least one in five cases have been meatpacking plant workers. These are our people and they are living in fear that they may lose their jobs if they get sick and can't go to work. They're already working in one of the most dangerous industries in our nation. They work long hours on their feet, shoulder to shoulder with their coworkers with extremely dangerous equipment where injuries are all too common. The exposure of the families of meatpacking plant workers and-- puts added pressure on our state. It's not a domino effect, it's a forest fire. Brian High School, for example, has an enrollment of 1,900 in a building that is designed to serve around 1,300. Plant workers live in neighborhoods with the highest population densities. And all of my students work. I see them all over the city in Menards, at Kohl's, at Wal-Mart, you name it. The regulations and measures contained in this bill are essential to slow the spread and flatten the curve of this virus. I'd like to close by saying that I'm fortunate to be a well-traveled man and I have friends all over the world. Most of them come to visit me. When their neighbors in France or Israel or South Africa or Colombia ask them, if you're going to America, why in the world are you going to Nebraska? They all answer unequivocally the same: the people. And this makes me tremendously proud. But if Nebraska is the "good life," then it has to be the good life for everybody. We must be on the right side of history when the coronavirus chapter is written into our history books, like those who supported Cesar Chavez and the farm workers, not the growers who flew crop dusters and dropped pesticides on fields while men, women and children were working like slaves to produce the food we put on our tables every night. If this bill does not pass, it will be for one reason and one reason only, that our legislative body will have allowed the corporations of this industry to put their profits ahead of our people. This is not the Nebraska way, and this is not acceptable. Estamos unidos y juntos vamos a subir. So I urge this committee to support the amendment to LB667. I thank the Business and Labor Committee for allowing me the time to speak.

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**M. HANSEN:** Thank you, Mr. O'Donnell. Any questions from the committee? Seeing none, thank you for your testimony. And I will say for future testifiers, it is kind of a policy of the Legislature for there not to be crowd reactions of any kind. I know this is a strong issue, but that's out of courtesy for the senators, the testifiers, and our transcribers trying to preserve the record. Welcome.

**JOE SWANSON:** Thank you. My name is Joe Swanson, that's S-w-a-n-s-o-n. I live in Lincoln. I'm a member of the Sheet Metal, Air, Rail Transportation-- Transportation Division, Alumni Association, Local 1732. I'm not representing that organization, but I am representing an organization called the Socialist Workers Party, which I'm a member. I want to thank the senators and the committee as a whole to hold this hearing. Labor needs more public hearings on the working and safety conditions and all the industrial workplaces and holding this hearing is a, is a start. I'm now semi-retired. But I was an industrial worker all my life, my working life, and I had been a union member for 60 years. For the better part of a decade, I worked as a meat cutter on the kill floor, hog and cattle slaughter and processing operations in Nebraska, California and Iowa. As I see it, and I know firsthand and I stay in contact with fellow members of the United Food and Commercial Workers and those were meatpackers that I've got to know over the years, the employers thirst for higher speed. But that can do. Last year, the employers worked to get the government to eliminate caps on line speed to give them more so-called flexibility, in their words. In fact, it has emboldened the employers to push each worker to cut more pieces per hour, adding to repetitive motion injuries such as carpal tunnel syndrome, to say nothing of the exhaustion. Employers looked to squeeze already stretched utility workers who provide bathroom breaks or give you a few seconds break to fix your knife. They will look to continue imposing last-minute forced overtime and unpredictable schedules. And the social crisis of the pandemic has just exacerbated these conditions. Packing plants are already atop the list of work sites with the highest utility rates by official statistics, alongside the postal system, Wal-Mart and U.P.S., the government admits there are two amputations every week in the packing plants from fingers to entire limbs. Thousands of these injuries go unreported because workers fear retaliation by the employers, and the employers use that fear more against immigrant workers. Twenty years ago, come next month, I marched with native born and mostly Latino workers in Omaha. We chanted: What do we want? A union. When do we want it? Now. Along with si se puede, he echoed across the streets as nearly 300 meatpacking workers and supporters marched through downtown Omaha and held a highly spirited rally in front of the Conagra's corporate headquarters. Union officials and Nebraska politicians had put in

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place the so-called Nebraska Meatpacking Industry Workers Bill of Rights, that was supposed to improve conditions at its meatpacking plants. Supposedly guaranteed workers the right to organize and join together for collective bargaining purposes, the right to safe workplace, and by establishing manufacture-- or management and employee safety committees, these were so-called. More adequate restroom and, and respirate facilities and adequate equipment without fear of harassment or reprisals. In fact, the measure was toothless and only reinforced anti-union so-called open shop legislation and deepened the collaboration between union officials and the employers, as I wrote in an article news weekly that I helped distribute. So whatever comes out of this hearing, I urge all Nebraska workers, including workers in the meat, kill, cut and packing-- packaging plants to take their destiny into their own hands. Use your union. If you do not have one, build one. I look at this question, if there is a group of workers in the same workplace that want to organize and fight to make a workplace safer by having control over their working conditions and to or-- organize for union-scale wages, that's a union.

**M. HANSEN:** Mr. Swanson, your red light is on.

**JOE SWANSON:** I know. I'm just got two more paragraphs that I want to finish.

**M. HANSEN:** No, I'm sorry, sir. If you'd like to make a copy of your testimony, we can pass it out. But out of courtesy to everyone, we're asking people to respect the light system.

**JOE SWANSON:** You get the idea.

**M. HANSEN:** Thank you. With that, we'll invite up our next proponent. Welcome.

**ANDREA SKOLKIN:** Thank you. Good afternoon, Chairman Hansen and members of the committee. My name is Andrea Skolkin, A-n-d-r-e-a S-k-o-l-k-i-n, and I am the CEO of OneWorld Community Health Centers, and today here on behalf of the Health Center Association of Nebraska and Nebraska's seven community health centers. The health centers serve over 115,000 Nebraskans every year, 90 percent of them live at or below 200 percent of poverty and nearly 70 percent are ethnic minorities or racial minorities. Fifty percent lack health insurance. We are the safety net in Nebraska, providing medical, dental, behavioral health and affordable medications to all people that walk through our doors in a culturally respectful manner. As you might imagine, over the last several months we have served on the front lines of the COVID virus, rapidly adjusting how we provide health care

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to protect the patients and our employees. The rapid response came with the same compassion, mission and commitment-- commitment to provide the highest-quality care that we can provide for our patients. It also came with the anguish that our patients are being disproportionately impacted by the virus. The crisis has magnified the racial and economic disparities that hinder access to health care. Individuals falling ill are disproportionately minority and lower income and face greater barriers to health literacy and affordable health care. Minority and lower-income individuals, as you've heard, are more likely to be deemed essential workers and are less likely to have the resources to properly distance. At OneWorld, we have seen this more than firsthand, and seeing people and employees from the packing plants, but not just the packing plants, service industries, manufacturing and other businesses. From March to present day, we have tested thousands of individuals and experienced a 25 percent to 50 percent positivity rate. Many of those are packinghouse workers. As you might imagine, with our home in south Omaha, we are in the heart of the packing industry, and those hard-working laborers, laborers come to us for help. There have been so many ambulances coming to the health center because the condition that the people are coming to us is so severe. I remember more than one event that has happened, one being a nine-month pregnant woman. And her husband, we learned, was at home, very ill, respiratory in bed, not feeling well. In the interim of getting that individual to the health center, he passed away and he did have COVID. We see the immense fear in the faces of the packinghouse workers and worried that they'll lose their income, but wanting so much to protect their families. Likewise, in Grand Island, many of the Heartland Health Center's patients are employed by the JBS plant. At the outset of the arc-- outbreak, Heartland's staff filled in, filled in hundreds of calls from patients who were afraid to go to work but felt they had no choice. Our patients do not have the luxury of staying at home to work. They need to support their families and go to work. And oftentimes it takes multiple house-- people in the household living together to pay that rent. Many care for their parents at home, and thus they're living in close quarters and that leads to spread. AM3238 places vital state safety standards-- I can see I'm on red-- for essential workers and in turn their families and our communities. I'd like to express the deepest gratitude to Senator Vargas for his tireless advocacy and thank the committee for holding this important hearing.

**M. HANSEN:** Thank you very much, Ms. Skolkin. Any questions from committee members? Senator Lathrop.

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**LATHROP:** I just want to say this, and it's not-- and I'm not going to do this every time somebody comes up to testify. But I really want to express my appreciation for all OneWorld has done through this crisis. Your service to the community generally is just phenomenal. But through this COVID has been really remarkable, and I just want to express my appreciation for that.

**ANDREA SKOLKIN:** Thank you very much, Senator.

**M. HANSEN:** Thank you, Senator. Any other questions? Seeing none, thank you for your testimony. We'll invite up the next proponent. And I will note for committee members, Mr. Spindola has offered to serve as a translator for [INAUDIBLE].

**LAZARO SPINDOLA:** I'm Lazaro Spindola, I'm from the Latino American Commission, and I will be your interpreter.

**WILLIAM MATAMOROS [THROUGH INTERPRETER]:** Good afternoon. My name is William Matamoros. For the record, that is spelled W-i-l-l-i-a-m Matamoros, M-a-t-a-m-o-r-o-s. I live in Hastings and I work at JBS in Grand Island, where I was fired because I could not breathe well through my face mask. When I was working, I lowered my mask under my nose so I could take air in and breathe, because I work eight straight hours walking around the plant. A supervisor approached me and told me to cover my nose again. And I tried to explain to him what was going on, that I had tachycardia that I was being [INAUDIBLE]. But since I do not speak English very well, he did not understand me. So he alleged that I was insubordinating against his instructions.

**LAZARO SPINDOLA:** And they wrote a slip of paper that he was being suspended for three days.

**WILLIAM MATAMOROS [THROUGH INTERPRETER]:** They told me to, if I had a medical problem, to go to a doctor and got a medical certificate. And I got that three days later. And then I introduced the paper in the company, and on the fourth day, when I called trying to see when I should get back to work, I was informed that I was being terminated. OK, so-- oh, I tried to go to human resources and explain what was going on. But since they took my ID away, I could not even get inside the plant and approach the office. And today I'm in a difficult situation because my wife is not working. She lost her job due to the pandemic. I am the only one working-- not right now. Looking after my mom, who is 73 years old, I have three children. And now I am a very difficult situation and in so due to the fact that I could not breathe properly with the way the mask-- I was wearing the mask. And they wouldn't even let me explain. And now I'm trying to keep my family--

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and I understand the need to be well-protected. I'm using personal protective equipment, but perhaps the reason we use a different and more adequate type of protective personal equipment for the job that we have to do. And it's really hard to be working for eight straight hours, walking around all the time with your mask wet and soiled with blood.

**M. HANSEN:** All right. Thank you for your testimony. Any questions from committee members? Seeing none, thank you.

**RAYKO GARCIA [THROUGH INTERPRETER]:** Good afternoon. My name is R-a-y-k-o Garcia. Garcia, G-a-r-c-i-a. I started working on May 16 at the JBS company in Grand Island.

**LAZARO SPINDOLA:** He was working for a month and 10 days without any type of supervision or training.

**RAYKO GARCIA [THROUGH INTERPRETER]:** I never had any type of problem during that day-- during that time, until I suffered the injury that I have on June 24th. From that moment on, a lot of work problems came up. I was being intimidated, I was under observation. Very often I was denied being represented by the union representative. All this started happening from the moment that I suffered that injury. And all this harassment culminated in the point where I was physically attacked. On the 13th of July I was sent home. Two days later, I was called and informed that I was fired. Since that day I have been home, I have no work. I go to therapy. OK, I have trouble paying my bills. I have trouble keeping up with my payments. But all they decided to do was send me home and [INAUDIBLE].

**LAZARO SPINDOLA:** OK. Originally he said he was attacked verbally by his supervisor and then his supervisor touch him or push him on the shoulder that was injured. That will be all.

**M. HANSEN:** That will be all. All right, thank you for your testimony. Any questions from committee members? Senator Slama.

**SLAMA:** Gracias, Senor Garcia, por testificar hoy. Lamento escuchar tu experiencia. Estaba-- estaba protegido de COVID-19 y en trabajo le dierion un en mascara or-- otro en su trabajo un en mascara?

**LAZARO SPINDOLA:** Senator Slama has asked whether Mr. Garcia had any type of personal protective equipment at his site, at his working site. Was there any mask provided to him, any type of [INAUDIBLE]?

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**RAYKO GARCIA [THROUGH INTERPRETER]:** When you go in in the morning, you get a mask. OK. By 10:00 a.m. the mask has been sliding down and then you need to touch it in order to bring it up. Just like you and I do. And your mask-- your gloves are full of water and blood. And that becomes to-- begins to bead on the mask. [INAUDIBLE].

**LAZARO SPINDOLA:** Some people have the face shield, the transparent plastic face shield, but some didn't. And in his case, he didn't get that.

**M. HANSEN:** Thank you.

**SLAMA:** Thank you. Gracias.

**M. HANSEN:** Any other questions from committee members? Seeing none, thank you. Gracias.

**LAZARO SPINDOLA:** Senator Slama, your Spanish is perfect. I needed to let everyone know what is being said.

**SLAMA:** I just wanted to ask him personally. By the way, thank you so much for taking the time to translate today.

**ARASAY MORENO [THROUGH INTERPRETER]:** Good afternoon, my name is Arasay Moreno, A-r-a-s-a-y M-o-r-e-n-o. I come from Grand Island, Nebraska. I worked for a couple weeks for JBS. I didn't get the medical attention that I needed. Two weeks after working there, I had burns on my chest and abdomen due to the iron-- it was like net protector made with metal.

**LAZARO SPINDOLA:** She went to the nursing office with her supervisor and the nurse told her that it wasn't her decision to make, that you need to speak with her supervisor to decide whether she could keep working or if she was sent home. The supervisor said that under those conclusions it wasn't logical for her to continue working, so she suggested that she go home to her house.

**ARASAY MORENO [THROUGH INTERPRETER]:** The problem is that the company has a policy where you cannot go to a private doctor, paying out of pocket. You need to wait for the company to assign a doctor to you. From June 6 to June 14th, I was at home waiting for somebody to call me, giving me a medical appointment.

**LAZARO SPINDOLA:** Nobody called her to-- regarding the medical appointment. In fact, they called her from Human Resources asking her if she was ready to go back to work.

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**ARASAY MORENO [THROUGH INTERPRETER]:** I told them I did, that I was willing to go back to work, but I needed to be moved to a different work site where I would not meet the mail, chain mail, that I had protection. The lady, Gabby [PHONETIC] from human resources said that she would call me back to, to--

**LAZARO SPINDOLA:** That she would try to move her to a different workstation. But she never got a call.

**ARASAY MORENO [THROUGH INTERPRETER]:** On June 22nd, I went to the human resources office to ask to go back to work.

**LAZARO SPINDOLA:** And the answer was that they took her ID away from her and she was fired.

**ARASAY MORENO [THROUGH INTERPRETER]:** We have no conditions to work under this current COVID-19 pandemic because we are all bundled together. There is not enough hand sanitizer. They are not put in the appropriate places. Nobody comes to replace the face mask, because by 10:00 in the morning the face mask is all wet and covered in blood. OK, in the staircases, in the stairs, when it's time to go up or down, it's-- there is a bunch of people tucked together in the stairs, just like in the dressing rooms where everyone goes at the same time to change clothing. We have no information on what's going on in the company with COVID-19. We don't know who is sick, who has been let go to work home on sick leave or who has died. OK.

**M. HANSEN:** Thank you. Thank you for your testimony, Ms. Moreno. Questions from committee members? I would have a question. Both you and the previous testifier said 10:00 a.m. was when your masks got wet. What time does the shift start and where is 10:00 a.m. in there?

**ARASAY MORENO [THROUGH INTERPRETER]:** At 5:30 in the morning. And we leave at about 2:00, 2:30. And it's the same mask always.

**M. HANSEN:** Thank you. Gracias.

**ARASAY MORENO:** You're welcome.

**M. HANSEN:** All right.

**ARASAY MORENO:** Excuse me.

**M. HANSEN:** With that, we'll invite up our next testifier.

**GRACIELA BILLINGTON [THROUGH INTERPRETER]:** Good afternoon, my name is Graciela, G-r-a-c-i-e-l-a--

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**GRACIELA BILLINGTON:** Billington.

**LAZARO SPINDOLA:** Billington? B-i-l-l-i-n--

**GRACIELA BILLINGTON:** B-i-l-l-i-n-g-t-o-n. OK, I'm from Panama, Panama Republic. I'm going to need his help in some words, because I'm kind of mix Spanish and English, Spanglish. So I am from Panama Republic and I work at JBS for a year and a half. I work on the line, so I know how it is. I also work for the people. I am their voice and their eyes and their ears right now. Even though before I started working for them, when I say I started working for them, it's because I am the walking steward in JBS Grand Island. So right now I don't have enough time to tell you guys how the people are suffering, because I already went through that. I have family there, that work there, and I see them struggling with the safety, with-- I don't even know how to put this. But there is a lot of things that happen at JBS. For example, the other day, as the walking steward, I went with the OSHA, and the JBS took the OSHA people in their part where it's really clean. I was really disappointed with them because they're supposed to take the OSHA everywhere so they can see how much they take care of people, how much they care for their workers. So right now, I'm thankful that I'm here so I can speak, so I can talk for the whole people who work in JBS. For everyone, people with the union and people with no union, for all, because we're all human. So right now, I have in my phone-- I'm sorry, I'm gonna have to open it, so I can say some-- three short story. An employee asked to go to the bathroom, and the supervisor reply, replied, do you have to go number one or number two? I don't think that's their business. And by OSHA, you have the right to go to the bathroom as you need it. Another one. Due to being short of employees, JBS in Grand Island increased the base hourly rate. However, workers are being asked to do the job for two people, like you would do their job for two people. One lady was struggling to keep up and told the supervisor the job required two people. The supervisor replied, that why-- that's why you got increase for hours. Do you have to work harder now? You have to work harder now. That's not safety, ergonomic. So due to it being short of worker, there-- there are less trainers because they're fired people. They're using the-- how do you say, is nomination? I think I have it right here. Retaliation, something like that.

**LAZARO SPINDOLA:** Retaliation?

**GRACIELA BILLINGTON:** Yeah. Against people when they get hurt, when they have to go to the nurse. Also that we don't have nurses, we don't have no one who can treat the people when they're injured. So I didn't

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bring my glasses, so I can't say much with this. You think you can read it for me?

**LAZARO SPINDOLA:** One lady asked her female supervisor to go to the bathroom. She was having women issues. The supervisor went and grabbed some blood off the line and held it and humiliated her by announcing to the rest of the workers on the line. The supervisor told the workers in his line there will be no bathroom.

**GRACIELA BILLINGTON:** So with this being said, I hope the best for all, for all the people who work in every plant or everywhere. Due to the COVID, there is a lot of people struggling. Even our kids at home, they're struggling because they have to wear their mask when they go out. But that's for our own safety. JBS, when we start at 5:30 or 5:45, depends a few hours, there's not safety. The lockers for the women, everybody's smashed, like they're all together. I seen it today. Sorry, but please take that into consideration.

**M. HANSEN:** Thank you.

**GRACIELA BILLINGTON:** Thank you.

**M. HANSEN:** Thank you very much for your testimony. Any questions from committee members? Seeing none, thank you, again.

**LAZARO SPINDOLA:** Seeing none, thank you for receiving me today.

**M. HANSEN:** Thank you. All right, take another proponent. I think I'm keeping good track, but just raise your hand if you haven't testified yet and you are still planning on it. All right, thank you. Welcome.

**ERIC REEDER:** My name is Eric Reeder, E-r-i-c R-e-e-d-e-r. Thank you, Chairman Hansen and the members of the Business and Labor Committee for the opportunity to testify on this issue. I'm the president of the United Food and Commercial Workers Local 293. Local 293 represents nearly 7,000 workers in the meatpacking and food processing industry. As you know, the workers in our plants have been disproport-- proportionately affected by the COVID-19 outbreak. According to my best calculations, there have been at least 729 cases and 8 deaths in my local, and I imagine that number could be doubled with accurate reporting. I'd like to highlight a few issues that affect the workers during the COVID outbreak in the plants. Workers that are reporting work-related injuries are being terminated, harassed, written up. Usually when they reported injuries due to lines running too fast because they're too shorthanded of people. Workers are being timed and disciplined for going to the bathroom. All of this is taking place

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with the COVID virus because there's not enough people on the line to keep up. The lines are being run at 100 percent, even though they're short, three, four or five people on the line. Many of the workers are being asked to do the job of two or three people, they can't keep up. They're being disciplined for refusing to do the job at 100 percent. If workers ask questions about the safety of the workplace due to COVID, they're being told they're arguing and insubordinate and being written off. Recently, a worker came to work after a positive diagnosis with COVID, was asked why he came to work. He said he couldn't afford to stay home because the company wouldn't pay if he was sick or quarantined. Some of the plants erecting tents outside but provided no way to deal with the heat or extra time it takes to go to breaks. One worker's mask was soaked through after 30 minutes on the gut table. When he asked for a replacement mask, he was told OK, he would get it, but didn't receive it for another four hours. These are just a few of the cases of incidents that are happening in the plants. I'm actually going to veer away from what I've written down here. The truth of matter is, is that the employee-- the employers are telling you that they're giving plenty of masks. And they are issuing masks, but they're not replacing them as needed. The distancing is nonexistent on the lines. The dividers that you guys have up that they have on the lines don't do enough to protect the people. The ventilation is poor. Locker rooms, many of the ventilation systems have to be replaced for years. One plant in particular that I have, the ventilation systems are-- have been the same since they've had since 1976 when the plant opened. The locker room temperatures frequently reach 110 degrees. If you're sick in those locker rooms, it's just going to hang in the air. I guess what I'd like to say at the-- to wrap this up is that what you have in front of you, the bill is a first step in helping [INAUDIBLE]. It's not an answer, but it definitely would help move things in the right direction. The employers, as long as they're not mandated to do something, aren't going to do it. Thank you.

**M. HANSEN:** Thank you, Mr. Reeder. Questions from committee members? Seeing none, thank you for your testimony. Welcome.

**DENISE BOWYER:** Thank you. My name is Denise Bowyer, D-e-n-i-s-e B-o-w-y-e-r, and I live in Omaha. I'm an active participant in solidarity with packing plant workers and I'm here to express my support for the amendment, AM3238. Thank you for listening to the many people whose lives are impacted by this amendment. Those who are directly affected in their day-to-day lives, who you just heard from, who toil at breakneck speeds, who are not allowed to socially distance as we are in this workplace, and who do not have the necessary safety

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protections to ensure their health, that of their coworkers, their family and our larger community. It is my understanding as a recent retiree back to Nebraska that the Meat Packers Bill of Rights tells workers that they have the right to report safety issues. From what you've heard, do they? These workers are the bravest of all of us who are here. Those who have submitted written testimony by name or anonymously or were brave enough to come and speak on their own behalf. These are the workers whose livelihoods hang in the balance of hard work and daring to tell the truth. Telling the truth of what is not happening to keep them safe, sharing the realities of the lack of protections, protections that are recommended by both the CDC and are consistent with OSHA guidelines. Family members who have chosen to speak out on the conditions, the illnesses, the hardships, the mistreatment of their parents, aunts and uncles as was submitted by the teacher earlier. They're being sent back to work while they're sick. They're not being notified of coworkers who are sick. This speaks directly to the lack of transparency in reporting going on that this amendment would fix. These family members are motivated to speak in the midst of fear of real retaliations for their loved ones. A consistent theme that we hear today. I have heard over and over from workers and family members. There are so many stories to be told, but people are afraid to tell them. Yes, they have fear of intimidation, ridicule and the veiled threat of losing a much-needed livelihood. For those who have filed safety and OSHA complaints. The inertia on inspections and investigations has failed workers at every level. This has created a deadly silence. Should trust continue to be given to this failing system? We are all impacted. Teachers who see the sacrifices made by the parents and the plants and share the aspirational dreams for a better life for their beloved children. Faith community leaders who counsel and hope. Medical providers who treat not only the disease of COVID-19, but the daily injuries occurring from fast, and in some cases, increased line speeds, fog shields, broken ventilation system and the hazards of working shoulder to shoulder with sharp instruments. Then there's me, and others like me, who are neighbors and friends, people who understand that commonsense solutions for basic protections should not simply be about dollars and cents. Some plants have taken more aggressive actions to implement safety protections and protocols. But there is a crisis of safety both in the plants and in the safe spaces for people to tell their stories. The sheer numbers of COVID cases, hospitalizations and death show the reality, but not the whole story. For the rest of the story, continue to listen to the people. We are all connected. Thank you.

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**M. HANSEN:** Thank you, Ms. Bowyer. Any questions from committee? Seeing none, thank you. We'll invite up the next proponent. Welcome.

**CAROL WINDRUM:** Good afternoon. I'm Carol Windrum, C-a-r-o-l W-i-n-d-r-u-m, I reside at 3735 North 39th Street, Omaha. Today I come to you representing Mothers and Others: Justice and Mercy for Immigrants. Part of our mission is to be a public voice on the plight, treatment and condition of immigrants. Watching you all work these last few days, during this time of COVID, I have been very grateful to see all the precautions taken to keep you all safe. The large plexiglass screens between you, plenty of masks, social distancing. Each person is being protected, as you should be when you show up for work. And now we are in this space and we're all ushered out periodically so we can disinfect and be safe for the next group. And this is as it should be. In contrast, the images and stories that you've been hearing all afternoon that we're getting from our fellow Nebraskans in packing plants, many of them immigrants, reveal continued suffering and deaths from workers who must show up for their jobs with too little protections in place. Improvements have been made, but some companies are not doing what they can and should do. It's time for you, our legislators, to play your part. It's time for you to do what OSHA is not doing. It is time to remind ourselves that we indeed are connected. And this reality goes both ways. When one worker becomes ill, she or he takes it out into the entire community. But the other reality is profound as well. We are connected to see every woman and man as our siblings, connected to assume as much responsibility as we can to make sure that all members of our human family are cared for. I'm from the Christian tradition, but all major religions have a similar core value: Do unto others what you would have them do unto you. Many of you are peop-- people of faith. Many of you are parents, grandparents, you're all neighbors. I cannot imagine if someone close to you was working on the lines in the plants that you wouldn't want to do more to protect them. I urge you to support AM3238, to use your power to enact enforceable protections for packing plant workers. As you work in this very clean and safe environment and you have ample masks and you have adequate ventilation and space to be distanced, do unto others what is being done for you. It's time. Thank you.

**M. HANSEN:** Thank you, Reverend. Seeing no questions. All right, we'll invite up our-- thank you, we'll invite up our next proponent. Any others we can-- wishing to speak in favor?

**HANNAH WYBLE:** Hello, everyone. My name is Hannah Wyble, H-a-n-n-a-h W-y-b-l-e, and I am the founder and executive director of Restoring

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Dignity. We are a nonprofit that serves refugees who live in Omaha. And a lot of what I wanted to talk about has already been addressed, so I'm just going to go to the main points. Number one, one of the biggest things we're seeing is that families are reaching out because they're not getting two weeks of paid sick leave when they get COVID-19. The way that the federal law is set up right now is that employers only have to pay two weeks of sick leave if they have 500 or less employees. And many of these meatpacking plants employ thousands of people. And so just a few weeks ago, we had a family reach out desperate over Facebook saying, my husband hasn't gotten his paycheck because he's been sick. He got sick at work. He's been sick for two weeks with COVID-19, meatpacking plant isn't paying any of his sick leave. We have run out of diapers for our baby. We have nothing left. And so we made an emergency run, brought them diapers. This should not be happening. These families are literally putting their lives on the line, and to not receive any sick leave and run out of diapers for your baby. It's unacceptable. And the other thing is, this is so personal to me because half of my staff have had family members pass away because of COVID-19. And the only reason that they passed away is because they had family members who worked in meatpacking who brought the virus home. Half of my staff, it has been devastating. Like, I don't even know how to process this. So I just want to leave you guys with some questions that maybe you can think about and answer, hopefully with this amendment to this bill. First question, when was the last time you went to work and genuinely feared for your life the entire day? Number two, when was the last time that you lost half-- when half of your colleagues lost a family member within the same two weeks because of this virus? Number three, when was the last time you didn't receive a paycheck after getting sick at your place of employment? Number four, if thousands of Nebraska doctors and nurses all got sick with COVID because of their work environment, what would the response be like here in Nebraska? Would it look different than how our response has been with our meatpacking workers? And my last question, and this is the one that just blows my mind, why are livestock producers receiving \$100 million in COVID-19 aid, but our meatpacking workers who cut their meat are not receiving one single dollar for hazard pay? Why? That's all I have to say. Thank you.

**M. HANSEN:** Thank you, Ms. Wyble. Seeing no questions, we'll invite up our next proponent. And, sir, before you get started, I see you're bringing up a photo. We typically don't allow props or--

**CHRISTIAN MUNOZ:** I'll sit it right here in this chair.

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**M. HANSEN:** All right. Thank you. Just for the record, that's kind of for the record, so when people look at the transcript of the hearing, they know what documents or things are, are here. So I see it's a photo, I presume a family member. So if you wanted to describe it, you're welcome to.

**CHRISTIAN MUNOZ:** OK.

**M. HANSEN:** Go ahead.

**CHRISTIAN MUNOZ:** Hello. My name is Christian Munoz, C-h-r-i-s-t-i-a-n M-u-n-o-z, and I'm a for-- a former employee of Tyson Foods in Dakota City. I'm here to tell you my story of how I acquired COVID-19 at the plant and how the lack of immediate action to protect meatpacking workers led to my father's death. My father was Rogelio Munoz, he worked at Tyson Foods for 27 years. He was a father, grandfather, community volunteer who donated his singing abilities at, at many community events since the 90s. He even went to record an album and was on his way to recording yet another. He had recently become a United States citizen and was proud to be an American. He was committed, loyal and a proud worker, who very seldom missed work. He was responsible for his employee-- employer and with his family. My father and I used to work very closely each other in the production line. When the outbreak hit back in April, he was infected with COVID-19 at the plant at the same time as his coworkers began to disappear from work. How do I know he got infected at the plant? Because he lived alone and he spent most of his day at the plant, just like the rest of us, working overtime to make ends meet. And although we never got direct confirmation from staff or leadership, we knew people were disappearing because of COVID-19. Whenever other workers or I asked many questions, the staff would ignore our concerns by either not answering our questions or blaming workers directly. One supervisor even went to say people got sick, go sick-- that got the virus at Wal-Mart. At the same time, another referred to the Somali apartment complex as one reason why so many people were getting sick. A superintendent advised one of his supervisors to report to work. And another, more troubling account, even if he had a, even if he had a fever. Most believe there was nothing they could do to prevent people from getting sick. Plastic protective barriers and social distancing were installed and put into place after hundreds of people already reported sick. These protections came too late for my father. My father got ill in mid-April, by the time more than half of the people who worked around us were already missing and suspected of being sick. Shortly after my father was confirmed positive, I tested positive. My father was a healthy man. He had no underlying health conditions, was

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52 years old and turned 53 while he was in the hospital bed. My father was hospitalized for a month and passed away five days before my son was born. My son would have been his first grandson. An entire community mourned his death the day he passed on May 23rd. Friends and community members attended his funeral and many more tuned into Facebook Live to say their final goodbyes. His music was played on the radio that weekend as the community mourned his sudden and tragic death. After the funeral and my son's birth, I decided to go to work, and I only lasted three days. I quit because it was too painful to look past my shoulder and not to see my father on the production line next to mine. My father would sing while working on the line and entertain the people nearby. Many of his coworkers remember him by these actions. I'm here to honor my father because the company never did. Our family never received any condolences, even though earlier in April we were repeatedly told to be proud because we were feeding America and we were essential workers. There are times where I think my father would have still been alive if proper precautions were taken early on. Maybe he would have survived this pandemic until a vaccine became available. My father's name was Rogelio Munoz. He was only 53 years old. He didn't drink, he didn't smoke, and he was a loyal Tyson worker since 1993. Thank you.

**M. HANSEN:** Thank you for your testimony, Mr. Munoz. Any questions from committee members? Senator Lathop.

**LATHROP:** Just to say I'm sorry for your loss and thanks for coming down here today.

**CHRISTIAN MUNOZ:** Thank you.

**M. HANSEN:** Absolutely. Thank you for your testimony. We'll invite up the next proponent. Welcome.

**JOSE FRANCISCO GARCIA:** Buenos dias. I'm Jose Francisco Garcia, I live at 816 North 34th Street, 68131, Omaha, Nebraska. And I'm here as a grandson. I'm here remembering stories that my papa grande told me. He was a packinghouse worker with Swift in the 1940s. And one day he came to visit us with a sack of corn. And I asked him, Panchito-- that's what I called him-- why are your fingers so gnarly? So, so twisted? And he said with tears in his eyes, I couldn't believe that, well, I used to be working for a packing house. And I worked in the refrigeration room for about three years. And then I couldn't work anymore because my hands froze up, so they put me to work with livestock and then they threw me away. So he spent the rest of his life growing corn on the UP right of way, just about two miles from my Westside home in Kansas City, Missouri. I'm here as a consumer. I

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still get \$3.98 cents a pound pot roast. How in the world does that happen in this day and age? Well, I know what's-- what happens. There are people that have put themselves increasingly in harm's way to provide me with that \$3.98 piece of roast. And it is very concerning. I am an advocate who recognizes the pull Nebraska has had on immigrants. It started in the 1860s, many people call it the Homestead Act. Many of us call it something different, but we won't get into that. And then the railroads came, and here's where my people came, Mexican Americans, Mexicanos that were recruited by agents and brought to begin taking care of railroad lines throughout Nebraska, north, south, east and west. The UP first, and then Burlington Northern Railroad. I am an advocate because I saw the effect that this kind of work had on Mexican-American people as an example. And when I came to Nebraska in 1976, I started traveling through these small towns and started finding families whose generations went all the way back to the 1910s. And this was very surprising to me because I am a Kansas Citien, I didn't come to Nebraska until 1976. I wasn't expecting this. In today's Nebraska, I saw these same people make it possible for the packinghouse industry to make an empire in primarily south Omaha, and it was a-- almost the world's biggest industrial process that was here in Nebraska. And it was because of immigrants, the Germans, the Irish, the Lithuanians, the English, Russians in the beginning. And then came the Mexicans after many of the immigrant people began having lives and became, became plumbers and became dentists and doctors. Well, here came the Mexicans. And then the industry went to pot in the 1970s. But guess what? You couldn't tell that by today, primarily because of packinghouse industry, of which there are five major corporate entities, two of which are foreign-owned, owned. Realize that in Nebraska--

**M. HANSEN:** Sir--

**JOSE FRANCISCO GARCIA:** --there was one of the best working-class people anywhere in the nation.

**M. HANSEN:** Sir, I'm gonna have to ask you to wrap up, cause your light is on.

**JOSE FRANCISCO GARCIA:** Pardon me?

**M. HANSEN:** Your red light is on. Your time's up. If you'll just wrap up.

**JOSE FRANCISCO GARCIA:** Oh, is it, time's up already?

**M. HANSEN:** Yes.

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**JOSE FRANCISCO GARCIA:** Wow. I'm just saying the six-foot limit needs to be in place and you need to find a way of helping that happen. Thank you, Mr. Vargas.

**M. HANSEN:** And before you walk away, can you just spell your name for the record? Don't think we caught that at the beginning.

**JOSE FRANCISCO GARCIA:** Yes. J-o-s-e, don't forget the accent on the E, F as in Frank, Francisco, Garcia, G-a-r-c-i-, don't forget the accent on the I, a.

**M. HANSEN:** Thank you.

**JOSE FRANCISCO GARCIA:** Thank you very much.

**M. HANSEN:** No, I understand.

**JOSE FRANCISCO GARCIA:** That time went by so fast.

**M. HANSEN:** All right, with that, we'll invite up the next proponent.

**JACQUELINE GOMEZ:** Good afternoon.

**M. HANSEN:** Welcome.

**JACQUELINE GOMEZ:** My name is Jacqueline Gomez, J-a-c-q-u-e-l-i-n-e G-o-m-e-z. I am from the 11th District and I am standing for this bill. I am not only here as a daughter or a family relative of somebody who works in the meatpacking plant, but I'm also here as a friend, a community member, and someone who can be a voice for people who could not afford to be here today. Given our current situation, and by that I mean rising cases of COVID-19 due to the fact of poor action by some of our elected leaders, I think it should be recognized that this is not whether one believes some of the serious implications of the virus, this is about people's lives. I come from a working-class family, like most of your constituents, and a lot of my friends and family who have worked or currently work in these facilities, you know that it's, it's a-- it's quite the experience. It should be known that in these facilities it is heavy and it requires a lot of strength that can be physically and emotionally exhausting. These facilities like GBS, Greater Omaha, Nebraska Beef have a lot of minorities as workers. Even though the pay varies on different job areas, these workers are the sole income provider for their families. The problem is, although these workers are told by many that they're essential workers, they are treated as expendable, regardless of how many hours we put the safety precautions put in place or the fact

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knowing that they have peers who have COVID-19 or have died, they still work. I, for example, have a father and I have many uncles who work. My mother tested positive. Luckily, she, she survived it, but I know that's not the case for many people. I have friends who their grandparents have been on the ICU for weeks struggling to survive. And I know some have lost their grandparents. I believe it is crucial to take appropriate action right now before more tragedies occur. Thank you for time.

**M. HANSEN:** Thank you for your testimony, Ms. Gomez. Questions from committee members? Seeing none, thank you. Hi. Welcome.

**ALEJANDRINA LANUZA:** Hello. Good afternoon, everyone. My name is Alejandrina, A-l-e-j-a-n-d-r-i-n-a, Lanuza, L-a-n-u-z-a. I live at-- I currently live in Schuyler, Nebraska, 68661, and I'm here to express my support to the AM3238 to LB667, introduced by Senator Vargas. I am an organizer for the Heartland Workers Center in the Schuyler office, and in this position I have a close and working and personal relationship with many meatpacking plant workers at Cargill and surrounding plants. I want to talk about the precautions that Cargill, which is the largest employer in the Colfax County, implement at their meatpacking plant facility. In Schuyler, COVID cases have started to increase in mid-April, just a few days behind the state trend. Stories of how the pandemic was spreading like wildfire amongst meatpacking plant employees were heard across the nation. There were many reasons that these employees were at high risk: lack of social distancing due to the nature of the lines, long shift, and car poolings. Asymptomatic employees were spreading the virus either to their coworkers or bringing it to their loved ones at the multigenerational or multi-family homes. When numbers started to, to increase, Cargill decided to close down for a couple of weeks. They were aware that there was a short window of opportunity to do something to stop the spread. Hard decisions were made knowing that the nation's food supply and local cattle farms will surely be impacted. During the closure, Cargill was a Test Nebraska site, encouraging their employees and their families to get tested. Many changed upon reopening, encouraging employees to-- who were ill to stay home with paid sick leave and without repercussion, repercussions, requiring employees to wear masks, staggering starting-- start times, temp checking, installation of plexiglass in accordance throughout different areas, and slowing down the lines and moving workstation, just to name a few. I'm not saying that everything is or was perfect, but it surely helped and the curve started to flat-- the curve started to flatten after the closure and implementation of all these safety measures. This truly made the difference in our community. But then they started speeding back the

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lines up quickly and we hear about faster line speeds in other plans like the poultry plant in Fremont, and other plants around us, that they didn't have the same safety measures. While true numbers of how many Cargill employees were ill may not be known, in May, Colfax County became one of the highest counties in the U.S. of positive cases per capita. The CDC estimates that the number of people infected by COVID-19 is likely 10 times higher than the number of cases reported. Just to put in perspective, according to the Nebraska DHHS tracking, Colfax County has had 696 positive cases. That means that is an estimated of 6,960 people have been infected in Colfax County. According to the U.S. Census Bureau, in 2013, Colfax County had a population of 10,881. We were very fortunate that our death toll was not higher. However, each life lost was one too many. I urge the committee to support AM3238 to LB667 to continue implementing safe work conditions in meatpacking plants across the state of Nebraska, anticipating the second wave of COVID-19 later this year. I thank the Business and Labor Committee for your time and consideration.

**M. HANSEN:** Thank you, Ms. Lanuza. Any questions from committee members? Seeing none, thank you for your testimony.

**ALEJANDRINA LANUZA:** Thank you.

**M. HANSEN:** Welcome.

**GABRIELA PEDROZA:** Hello. My name is Gabriela Pedroza, that's G-a-b-r-i-e-l-a P-e-d-r-o-z-a, I live at 13116 Southdale Circle, Omaha, Nebraska, 68137. I'm your constituent. I am here today to express my support to A3238 to LB667. I am also here as a community organizer for the organization Heartland Workers Center, but I am also here as a former meatpacking plant employee. I first want to start by saying that I really appreciate my time working at JBS. I got up at 4:00 a.m. every morning to go to my job and do it right. Yes, it is a very hard job, physically and emotionally exhausting, but everyone there goes there to do their job, to do their part right. And a lot depends on the employee getting the cut of the meat right. But I'm very appreciative because it helped support my family and myself through many years. But I am also here for those who are still working there, family and friends of mine still working very hard every day to give their best. As of lately, my conversations with them have changed from, how's that going or when are we having another cookout, to: I'm scared for my kids. I don't want to get sick or die. What will happen to my family if I get sick? Or who's going to pay the bills and put food on our table? It has gone from smiling and laughing when we see each other to tears of fear, fear of getting sick, missing work, and fear of speaking up to request safety. Sorry. It is no secret that a

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lot of people have gotten sick and one too many unfortunately passed away. They are essential workers, but most importantly, every human in there is essential to their families and to our communities. There has been a lot of people that have had to stop working and even with a decrease to the amount of workers, the lines still go faster. The product expected to go out that day still gets done. It is a lot of orders to fill semis, and a lot of semis. As an employee, a former employee of a meatpacking plant, this amendment and this bill says, hey, I know you work hard every day, and even when you're not feeling your best, you still come in and do your best. I know you have my back and we will get-- and will get all the product out. So I have your back and I will look out for your safety and your family's safety so that tomorrow you come in healthy and ready to work, because we are a team. So I also urge the committee to support this amendment and bill to continue implementing safe work conditions in meatpacking plants across the state of Nebraska. Thank you for your time. Sorry.

**M. HANSEN:** No, you're absolutely OK. Thank you for your testimony, Ms. Pedroza. Questions from the committee? Thank you again for coming down. OK, we're getting towards the end. Any other proponents?

**ALEXIS STEELE:** Thank you. My name is Alexis Steele, A-l-e-x-i-s S-t-e-e-l-e, and I am the policy staff attorney at the Immigrant Legal Center, an affiliate of the Justice for Our Neighbors network, where I advocate for immigrant community, victims of crimes, and other vulnerable peoples in need of legal services. Sixty-six percent of meat and poultry processing facility workers in Nebraska are immigrants, and infections at meat and poultry processing facilities disproportionately impact minority workers. Our community is suffering, but they're suffering at the traumatic rates that we are seeing is unnecessary and tragic. I'm here today to speak out for immigrants in our community who are rightfully afraid of retaliation if they speak out themselves. And on behalf of the Immigrant Legal Center to express support for LB667, AM3238. This bill calls for reasonable expert and federal government-recommended safety measures to lower rates of infection for meat and poultry plant workers at those facilities. Specifically, LB667 includes requirements through December of 2021 that meatpacking employers greater than 100 employees will maintain a six-foot distancing in production areas, provide free facemasks to all workers as needed, conduct reporting regarding infection, and because of the limited time, I will leave those, the rest of those details for you there as noted. Each of the measures either directly or lowers-- directly lowers the spread of infection or facilitates people's compliance with infection-lowering measures. Each of these measures is so abundantly reasonable that many meat and

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poultry processing employers have taken steps to implement some of these themselves. But some employers taking some of these important steps is not enough. It is not enough for workers and their families who will undoubtedly get sick due to the fact that only some of these steps were taken and implemented appropriately. Not to mention those who are already sick. For these measures to be fully effective, they must consistently be applied in a way that only a law can assure. Presently, we know that not all meat and poultry processing employers are taking these basic steps to create reasonably safe work environments because of a UNMC study conducted for safety measures at processing plants. The results of their survey reported only 87.3 percent of employers conducted temperature checks. Only 82.8 percent required masks. And perhaps most appallingly, only 56.5 percent of employers conducted more frequent cleaning of facilities than they did before the outbreak. With more than 3,900-plus meat and poultry workers testing positive for the virus in Nebraska, 5,000 is the most updated number, I believe, making up nearly a quarter of the state's confirmed cases, it is clear that existing informally taken measures are not enough. This is why Nebraska needs this bill. It needs this law. At the beginning of the pandemic, meat and poultry workers were declared essential by President Trump's executive order, and that order recognized that meat and poultry plants could close when unsafe infections so warranted and required their continued operations. And this bill brings those measures that would be in compliance within-- are in line with CDC and OSHA guidelines. Please support this across-the-aisle, science-based bill to protect Nebraskan meat and poultry processing workers. They depend on the health and the work of meat and poultry sing-- poultry plant workers for our communities and economies to thrive. The bill is not controversial, it is common sense. But please cast your vote. If any of the bill's measures appeal to you as unreasonable, I ask that you imagine meat and poultry plant workers as your family. Consider them individually waking up in the morning either afraid for their health and lives or assured by our laws of their loved ones and their own safety. These workers are mothers, fathers, grandfathers, grandmothers, sons and daughters. And they deserve to breathe without terror and they deserve to work in a clean working environment. Workplace safety-- and I see that I have my time here, and I'll wrap it up with this last sentence. And I thank you. Workplace safety should not be a gift in Nebraska, but an expectation. So please advance this bill so that workplace safety for meat and poultry plant workers is a reality and not merely a pretense than unsubstantial assurance of, I care, carries without a real vote. Thank you very much.

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**M. HANSEN:** Thank you, Ms. Steele. Questions from committee members? Seeing none, thank you for your testimony. Still on proponents. Any last proponents?

**JOHN HANSEN:** Good afternoon. For the record, my name is John Hansen, J-o-h-n, Hansen, H-a-n-s-e-n. I am the president of Nebraska Farmers Union and I also am their lobbyist. I suspect that I'm probably the only farm organization representative to weigh in on this today. But I would tell you that I have gone from weekly meetings with the Nebraska Department of Ag and all of the other ag organizations as we dealt with what was clearly a crisis. And the crisis was that the COVID-19 had created enough sickness and enough shutdowns in the meatpacking industry that we were contemplating the, the logistics of how it is that we euthanize and bury and destroy millions of animals. And so to give you an idea, a 30 percent reduction, a slowdown in pork processing in a week generates about 700,000 hogs. So these are massive numbers. So we, the farm community, everyone involved, public officials all said we need to find a way to try to get workers back to plants. We need to get the wheels rolling again. And we all said, and we want them to return to a safe workplace. We all said that. And I think we all meant it. So I think a bargain has been struck. And the bargain was, that a few guys put your lives on the line and you guys go back to those plants and you incur those risks then, by golly, we're going to be with you. And we're going to find a way to make sure that your workplace is safe. So the University of Nebraska Medical Center and others looked at what was going on in plants. They came out with a set of recommendations. And so we are at the place where we think there is a gap between what OSHA regulations are and what the additional procedures and measures that were needed are. And so while OSHA inspects that which is or has been, they do not expect these additional measures. So how is it then that we get to the place where we as a state step up and take care of the safe workplace requirements needed to protect our workers? So we are the second-largest meat-producing state in the country. We're the largest meat-processing state in the country. We have a massive operation in our state. It behooves our state for both economic and moral reasons to find a way to do this additional inspection, which is necessary. It is not useful for folks to point the finger and say it's somebody else's job. I've been disappointed in our Governor. I thought he could have stepped up and done that. If he did, this bill wouldn't be necessary. This amendment, this effort wouldn't be necessary. But since it's not getting done, I've been on these weekly conference calls with the folks that you've already heard from today for two months. And I am convinced that the deployment of safety measures is at best inadequate and irregular. Some are doing more than others, but there are

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obviously some that are not doing much. And my experience in the packing industry in my lifetime is that the meatpackers will do as much as is necessary and as little as possible to protect their workers. And the fact that they are willing to treat their workers in the fashion they do does not surprise me, because my folks that I represent have been on the receiving end of the meatpackers using this pandemic as an opportunity to price gouge and take excessive profits while my guys are losing money. And so they're making 359 bucks and our guys are losing 254 in the data I've already given you. Thank you very much. And thank you, Senator Vargas, for bringing this bill.

**M. HANSEN:** Thank you, Mr. Hansen. Questions? Senator Crawford.

**CRAWFORD:** Thank you, Chairman Hansen. And thank you, Mr. Hansen, for being here. Could you just explain what these percents are and what you handed out to us today?

**JOHN HANSEN:** Well, this is an addition to what I already sent yesterday. But this is the amount of market concentration by species or, or by, by market activity. So we have four corporations. In 1977, they controlled 25 percent of beef slaughter and now that's 83 percent. Pork went from 33 to 66. Poultry, 35 to 51; of course, seed corn and soybeans. And the pictures that I gave you, I just couldn't pass up. These are the pictures that I remember as a little boy when I went with my dad to Omaha, and we went four hours in the truck. And then when we got to Omaha, I used to be able to walk on these boards that were on the top of the pens. And it was pretty darn exciting thing for a kid who was, you know, eight years old. But also the Farmer's Union office was headquartered in the Livestock Exchange Building for over 50 years. So we not only hauled our livestock there, sold it through the Farmers Union Commission Company, but then I got to go play in the yards while when my dad went to the office and kibitzed. Thank you.

**CRAWFORD:** Thank you.

**M. HANSEN:** Thank you. Any other questions? Seeing none, thank you for your testimony.

**JOHN HANSEN:** Thank you very much.

**M. HANSEN:** All right. And was that our last testifier? Guess I'll cut to the chase. All right, that seems like our last testifier for our first batch. We'll stand at ease for a few minutes to let the next testifiers in and clear out and sanitize the room.

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**CRAWFORD:** Stand up for a minute.

**M. HANSEN:** So, Courtney, if you will take us off-line. We'll bring everybody back when we're ready.

[BREAK]

**M. HANSEN:** We're back. All right. So thank you, everyone. And thank you, everyone who had the patience to wait to testify till now. Just trying to find my instructions. So first of all, thank you. And just to kind of catch everybody up because of the social distancing requirements, we split our testifiers into groups of 20. As of this moment, there's nobody else waiting in the hallway. So I believe this will be our last group of testifiers. As is kind of traditional with hearings, Senator Vargas had the opportunity to open on his amendment earlier. He's not going to redo his opening. But I am going to walk through kind of some of the instructions just for the new testifiers in the room, since I know you didn't get the opportunity to see them earlier. There should have been in the hallway pink sheets. Please fill those out and make sure you turn them into our committee clerk, Courtney, when you come up. There's a box next to her so you can hand them in. Additionally, if you have handouts, please bring them up and our two pages, Kennedy and Hallett, will take them from you. We're gonna go walk through testifiers in order of proponent, opponent and neutral from this group. So please come forward. In between each testifier, we're going to let the pages sanitize and clean the microphone and chair. I presume everybody here is intending to testify. If you are here and don't wish to testify, we do have the opportunity for you to sign in at the sheets in the back of the room and record your position. We're going to ask that everybody give their testimony, begin their testimony by saying their first and last name and spelling them for the record. That's for our transcriber purposes. Additionally, just for transcriber purposes and the conservancy of the senators and staff and testifier, we ask that the audience doesn't react or make noise or clap, just to kind of have a straightforward process and accurate transcript. We're using a four-minute light system today. So at the testifier stand there are three lights. Green will start when you start. Yellow give you a one-minute warning. And then red will be your time. We ask when the red light comes up you just wrap up your thoughts at that point. And I will need to jump, jump in if you appear to be going over or don't notice the red light. With that, just a final reminder that if anybody has cell phones, including senators and staff, to put them on vibrate. And with that, we will go straight to testimony. So with that, we'll invite up the

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first proponent from this group who would like to testify on Senator Vargas' amendment. Just come on up. Hi, welcome.

**RUBEN CANO:** Hello. Hi. Thank you for having us all here today. My name is Ruben, R-u-b-e-n, Cano, C-a-n-o, I reside at 724 North 155th Avenue in Omaha, Nebraska. So I happen to be an educator, and certainly this week and even going back to last week all over this country, schools and students and teachers have been preparing for their return to school. I happen to serve as an administrator, and so I welcome my teachers back this week on Tuesday. But prior to their arrival, I was in a flurry with my leadership team, making sure that everything was ready so that when my staff returned, they were returning to an environment where they could at least feel safe and feel comfortable in returning to work. Even as I look around the Capitol and I see the, you know, the things that have been put in place to keep you safe and keep visitors to the Capitol safe, we've done a lot of the same in our school. We have plexiglass covers up, we're requiring anybody go visit our our building, whether it's staff, student or visitor, to wear a mask. I handed out about 100 of these industrial-sized sanit-- sanit-- hand sanitizers, pardon me. And a lot of these steps were done so that when my staff returned on Tuesday and when my students returned this coming Tuesday, they're returning to a building where at least they can take some solace and have some, some peace of mind that they're being as protected as I can make them, as we can make them with as a school district when they return. As I've talked to my staff, a lot of them have concerns with in regard to their own health and their own safety. So we've taken these steps, like I said, in hopes of making them feel a little bit more comfortable. When you or I go to a lot of the chain stores that we like to frequent as consumers, we will see that a lot of those practices have been put in place to keep people safe. People who work in meatpacking plants are no different and they deserve the same peace of mind. I represent the south Omaha community, I said as the principal of the largest high school in the state of Nebraska. And on Tuesday and to next week, because of the 3-2 family motto that we have going on, welcome back, by the end of the week, over 3,000 students. Many of my students have families that work in the meatpacking industry, in the meatpacking plant. Again, like I stated earlier, we've taken steps to make sure that our students feel comfortable, along with our staff when they return. Part of that also extends to feelings of stress and anxiety. My students, just like all of us, deserve the right to return to school and focus on a math test, focus on what is coming up in their next English class. They shouldn't have to be burdened with the stress of whether or not their family member who is working at a packing plant is going to work in a safe environment. When they come to school, they shouldn't have to be

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burdened with the idea of are they possibly exposing their teachers or other staff or other students to COVID-19. So I truly appreciate your time today. And I hope with all sincerity that you will consider this amendment so that we can create and continue to create a safe Nebraska for all of us. Thank you.

**M. HANSEN:** Thank you for your testimony. Questions from committee? Seeing none, thank you.

**SUSAN MARTIN:** Good afternoon, Chair Hansen and members of the Business and Labor Committee. My name is Susan Martin, S-u-s-a-n M-a-r-t-i-n, and today I'm testifying on behalf of the Nebraska State AFL-CIO and also as a citizen of the state of Nebraska supporting LB667 and AM3238 introduced by Senator Vargas. There are over 20,000 workers employed by over 12 meatpacking plants in Nebraska. These workers are critical to the food supply chain. And it is incumbent upon the state to make sure they are protected and healthy during this crisis. We look nationally to OSHA, who has produced guidelines for these companies to follow. But unless complaints are filed by employees, nothing is done about the enforcement. Our national leaders have failed to pass an emergency OSHA standards specifically dealing with the pandemic. So we are urging something to be done by our state leaders. Nationally, as of July 21st, there have been 7,943 coronavirus-related complaints filed with OSHA and only 4 citations issued. This legislation is just asking for basic protections and enforcement to ensure that these workers are safe. If companies are already following the recommended guidelines, they should be the last ones opposing this legislation. Many opponent testifiers today will be or are from industry owners or their lobbyists, maybe, who will testify that they have complied with OSHA, CDC and Nebraska Medical Center guidelines. I appreciate those businesses who are doing the right thing. I appreciate their willingness to comply with guidelines. But what I don't appreciate is big-money approach to increase their profits by treating the human beings who produce their product as disposable. How many of these facilities have asked their employees to sign voluntary waivers to give up all their rights, claims and causes of action before the company will provide them with medical care? How many are fired for failure to sign? How many are being threatened about speaking out about conditions in their plant? Governor Ricketts has refused to interfere in following through on implementing any meaningful guidance, guidance and enforcement to protect these workers. Why? Put yourself in a worker's shoes. Many of these workers are immigrant workers, may have a language barrier, do not understand what is happening, have a strong work ethic and are scared about retaliation. Listen to their stories. Our senators who have these food processing

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plants and packing plants in their district should be having conversations with them rather than just listening to the companies. As advocates of these workers, we are doing nothing different than the corporations when it comes to recognizing that these workers are working every day to provide food to the nation. We are just raising up the issue of protections and ensuring that companies provide them. We have a crisis. We need our state legislators' support to keep ourselves and our families safe during this crisis. Nebraska needs to take matters into their own hands and pass meaningful legislation to protect our workers in the meatpacking industry. And by protecting these workers, we stop the spread of COVID-19 or any other future disease. I thank Senator Vargas for taking a stand, for finding a way for these voices to be heard, and his relentless effort and advocacy on behalf of these workers. So I thank you for your time today. And I would urge you to pass this amendment out of committee.

**M. HANSEN:** Thank you, Ms. Martin. Any questions from committee members? Seeing none, thank you. And we'll invite up the next proponent. And while she's coming up and getting ready, I forgot to mention this. After you're done testifying, you're welcome to stay in the room or you can choose to leave. But if you do leave, we will ask that you not come in. Instead, you'll need to watch it on streaming or elsewhere.

**RENAE NINNEMAN:** Hello, my name is Renae Ninneman, that's R-e-n-a-e N-i-n-n-e-m-a-n, I'm here to talk about my support of this bill and why I think it's important, especially in regards to protecting refugee and immigrant Nebraskans. As an American, my immigration story starts when my great grandparents came to the United States from the Netherlands and then early 1900s. My grandma was born here and spoke Dutch until she was eight years old and her parents decided they should probably put her in school. She was an ELL student. My grandmother's family farmed celery. After college, I went to South Korea for one year and I taught English to kids. I learned what it was like to be a foreigner in another country. When I came back, more than anything, I wanted to be a person who welcomed foreigners into my country. I wanted to know-- I wanted them to know they belong here in the United States of America, where huddled masses can breathe free. I immediately signed up to volunteer for the refugee ministry at the church I attended at the time. I've been working here volunteering with refugees for the better part of the past 15 years. From them, I learned a new definition of patriotism that I had never known before. They understand the value of freedom and raising a family in a country that is safe. Most intensive time that I spent working with refugees was in Omaha as a resettlement caseworker. I live in Lincoln now. I

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had the privilege of picking families up from the airport as they first set foot in the United States. During those years that I worked closely with refugee families, I remember seeing men from various refugee populations hop into cars to drive hours from the new home to get to a meatpacking plant. They would have their lunch pails with them and neighbors would ride together. For some of them, their entire day would be spent in meatpacking plants or driving. This was a job as an uneducated refugee that you could get and hold. I know this issue, public safety in meatpacking plants is an important issue to thousands of hardworking refugees and immigrant families who cannot be here today, do not know how to raise their voice to advocate for their own health and their community's health, or they're afraid of engaging in government. I know many families thrive off of income from these factories and other factories in Nebraska. It's often their first job in America and they are paid a decent wage for their extremely hard and extremely dirty work. And I see myself in these families are just a few generations behind my family's immigration story. I'm afraid that factories that hire immigrants and refugees are not able to listen to their fears and concerns through language and cultural barriers. I'm afraid that many of these people are coming to work constantly afraid of their supervisors and their company leaders, and also terrified of what disease they may bring home. Many of them are voiceless and they just, they can't speak out. But we can see by statistics that our meatpacking plants are hot spots and are leading to outbreaks in our state. A company that values their employees will try to keep them healthy, will try to protect them and value their life. The stories that I hear from people who are currently working in this plants, like we have heard today, indicate that they are not protected. And as I've listened to them, it sounds like the money is more important than the employees. I want these refugees and immigrants to have jobs. They deserve protection and support. If these companies can't contain the spread of the virus in the factories, they need oversight. And I want them to prove that they contained-- they can contain this spread by sharing the case counts. I want to know. As a res-- resident of Lincoln, I worry about outbreaks into Lincoln, I worry about an outbreak in a poorly managed factory reaching our schools. We are all connected. Since this pandemic is new to all of us, I don't see who it can hurt to give these meatpacking factories a little more pressure to keep their employees and the greater community safer. And the amendment includes reasonable safety precautions that the rest of us are falling-- following. We need to produce meat in Nebraska, but not at the expense of our valuable meatpacking workers, no matter where they were born. Thank you.

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**M. HANSEN:** Thank you for your testimony. Seeing no questions from committee. No, I think you're good. Thank you. Seeing no questions from the committee, we'll invite up the next testifier.

**ALANA SCHRIVER:** Good afternoon and thank you for your time today. My name is Alana Schriver, A-l-a-n-a S-c-h-r-i-v-e-r, and I am speaking in support of LB677 [SIC]. I have a master's degree in global health with an emphasis on disaster mitigation for Tulane University School of Public Health and Tropical Medicine, one of the top universities in the field. I've worked with refugees in Nebraska for over a decade. My current role is on the senior leadership team at Refugee Empowerment Center, one of three refugee resettlement agencies in the state of Nebraska. I'm here today speaking on behalf of the Refugee Empowerment Center, but I'm also sharing my own experiences of what I've seen on this issue because I hope it's helpful as you make important decisions. We are not against meatpacking. We're all on the same team. Our work goes hand-in-hand. I happen to be a farm kid myself. One-room country school, K through eighth grade, the works. I was born and raised on a farm outside of Albion in Boone County. And if you Google my last name in conjunction with the words farming or agriculture, you'll find many articles written by or about my Uncle Don, my Uncle Jim, or my late grandfather Henry Haley, all Agriculture Hall of Famers. That's a thing. My grandpa actually was in the Ohio State Legislature, so I, I've gotten a lot of stories about what it's like to be on your side of the table as well. My own father, Bill Schriver, raised corn, beets, kids and cattle here in Nebraska my whole life. He's 76 now, but he's retired as farmers ever pretend to be. But my cousins are still full-time cattle farmers in Boone County, Tom Briese's district. Tom probably knows my dad personally. I get home as often as I can and I usually get put right back to work, feeding, moving, even pulling cattle. I know the full cycle of meat production from start to finish. I understand Nebraska's economy depends upon it. My family depends upon it. Meatpacking workers and their families depend upon it. Meatpacking itself is not a villain or an enemy of my fellow testifiers today. In fact, it's why many refugees and immigrants choose to make Nebraska their home. We don't want meat packing plants to shut down or enact costly policies that won't make noticeable differences. For most refugees when they arrive, their first job is in meatpacking. These employers are our partners. In fact, when we sent an email last week explaining that we were coming here to advocate for worker protections, one of the HR managers at an Omaha plant responded. They have voluntarily implemented almost all of the protections this bill is asking for. Regarding paid sick leave, she emailed: Our plant has voluntarily paid its workers not only when they were positive for COVID, but also when they needed to be

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quarantined, were in the testing phase, and when they were exposed to another person who was positive. We realize we weren't mandated to do so, but we did not want any worker to worry about their job or fear-- sorry, or of losing their job because they were sick. Regarding PPE, we provide PPE to all workers free of cost and mandate the use of masks at all times in our facilities. Regarding social distancing, she described, we have changed our process in the entry and exit of the plant, as well as social distancing in common areas. She went on to say that we realized without our refugee and immigrant population, we would not be able to produce meat for the rest of the country. And we're very thankful for them. This issue is urgent and cannot wait. Perhaps many of you have not been inside a meatpacking plant, but I have. I've witnessed shift changes of over 2,000 workers going in and out of the same doors within a 30-minute period. That's twice the population of my hometown being bottlenecked at clock in and clock out three times per day, every day of the week. I've seen how closely workers stand on production lines in cool recycled air for eight to 10 hours per shift. It's a difficult environment during a pandemic. You've heard how one meatpacking plant has voluntarily stepped up to protect, to protect workers and it is working. This plant does not have a single active case of COVID-19 right now. It's in the plant's best interests and in the workers' best interests to enact these protections. And it's in all of our best interests since those workers won't spread the virus in our community when they go to the grocery store or send their kids to school. I hope you're so lucky as to not know anyone personally who's died from this virus. But I know 21, and all of those deaths tie back to meatpacking. I'm giving you pictures for one of those peoples here. Please act quickly. This cannot wait until 2021. Thank you.

**M. HANSEN:** Thank you for your testimony. Yes, any questions from committee members? Seeing none, thank you again for your testimony and for your advocacy. We'll take our next proponent. People in support of the bill.

**MAHAMED JIMALE:** Good afternoon.

**M. HANSEN:** Welcome.

**MAHAMED JIMALE:** My name is Mahamed Jimale, M-a-h-a-m-e-d, last name J-i-m-a-l-e. I am president of the East African Development Association of Nebraska. I live in Nebraska, Omaha. I was a refugee when I came to the United States. My first job was meat company. I was getting hired Nebraska university. And I know it was the issue of people feeling, people are scaring to express for their [INAUDIBLE]. I was sick one time, [INAUDIBLE] for my shoulder. I hide it because I

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didn't tell my supervisor, because I would get fired from my job. I know the problem people are feeling in that stage. I know a lot of people who report to our office that they say that if they just report to a supervisor or manager, they might get fired because they are taking Ibuprofen. So they hide it for checking when they go inside. If you [INAUDIBLE] hundred something, you could go home. So many people taking Ibuprofen that reduce for temperature because they're scared they could get fired because they know they don't have any experience to get a job in United States because you're immigrant. You don't have a good language, by language. So you might not get a job is for other big cities like Omaha or Lincoln. So they stay small cities mostly. So my community, I come from is Somalia. Many people [INAUDIBLE] our office saying when they get a positive COVID-19, they not get, get pay for sick time like two weeks. They stay home even if they get sick, positive COVID-19. So I'm kindly requesting legislation to see this situation to improve for suggestion of , of Senator Vargas, because he just proposed it for AM3238, LB667. If you approve this bill, many people would get-- many people get protected for their job and they get far more protected. And also I'm a member of the Refugee Empowerment Center, [INAUDIBLE] member. I have the refugee because I was a refugee when I came to the United States. I became a U.S. citizen, so I know how people are feeling for their [INAUDIBLE] the negative. I know the [INAUDIBLE]. But some people are scaring for their being a refugee or being an immigrant. So if your support for this bill, many people would get more rights so they can continue their job. So I'm just requesting us today, I had a lot of experience of being a refugee. I worked for two years for a meat company. I know what's going on in the meat companies. Some of them, they don't listen to people. The management, the supervisor, if they feel you are a good guy who talk a lot, they might fire you. So you lose a job, so you might suffer outside while you're not family here. Some refugees are, their family are-- waiting home, they need some support. While they're here they need some also support. So they're scared and they hide it, everything they know. So I'm expressing today in front of-- these are big aversion for me, as an immigrant person who came to the United States, became a U.S. citizen so I can express them. Their thoughts, their feelings, what they think about for being-- working in meat companies. So please, I'm just requesting if you can support, that will be supporting many refugees. Thank you so much.

**M. HANSEN:** Thank you, sir.

**MAHAMED JIMALE:** Any questions?

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**M. HANSEN:** Yes. Any questions from committee members? Seeing none, thank you for your testimony.

**YOLANDA NUNCIO:** May I take my mask off while I speak?

**M. HANSEN:** If you need to.

**YOLANDA CHAVEZ NUNCIO:** OK. Good afternoon, my name is Yolanda Chavez Nuncio, and I live at 4362 Manchester Road in Grand Island. It's spelled Y-o-l-a-n-d-a C-h-a-v-e-z N-u-n-c-i-o. I am a member here of the Solidarity With Packing Plant Workers organization, and I am a retired elementary school principal and an educator. I am speaking to you today to express my support to AM3238 to LB667. I was born, grew up in Grand Island, have raised my family there. I know what an impact the meatpacking plants have always had and continue to have on my community. They have usually always been the largest employer in Grand Island. Therefore, because of sheer numbers, their employees have had an impact on Grand Island, our residents, and our community. During the last very difficult five months, many workers in the plant have come down with the COVID-19 virus. The virus has caused much fear, concern and death in our community. Since the beginning of the pandemic, rumors and then truths were shared throughout Grand Island about the number of employees that came down with the virus. Unfortunately, many conversations began with placing the blame of the spread of the pandemic on the different refugee and immigrant communities that live in Grand Island and the surrounding areas. Many times we have heard comments about the cultural and social traditions and values within these two communities. In fact, carpooling, family, religious traditions and living arrangements were referenced by members of, of the legislative body, excuse me, in a hearing just last week. These inappropriate, hurtful, and sometimes racist comments have caused much worry and have led to stigma within the community towards and within-- with the refugee, immigrant and Latino communities. I sincerely believe that the community spread of the virus was instigated at the plant. I also believe that measures and efforts to prevent the spread of the virus at the plant were delayed and became too little, too late. I acknowledge that the plant has made efforts to control the spread. The employees at the plant have been designated as essential employees. Therefore, they have had to work, excuse me, have had to go to work in fear of losing their jobs. Often they were unaware that workers in their areas had the virus, so they were being exposed to it without their knowledge. I have been in the plants and I have seen the working conditions of the employees. They are shoulder to shoulder and they work very fast. I have heard from several workers who have shared that, yes, there may have been some distancing, but it

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wasn't enough; that their breaks were staggered to keep workers apart, but then the lines weren't allowed to slow down and they had to maintain the same speed as when all the workers were there. These are just a couple of examples. The protections requested in this-- in the, in AM2-- excuse me, AM3238, will provide greater protections to the employees. Throughout this crisis, we have encouraged people to use distancing as a protection and to wear a mask, to have available hand sanitizer to them, and that these protections should have no charge. We know that these measures will help prevent the spread and those-- these need to be followed in their work environments. Knowing that your coworkers are sick allows them the opportunity to protect themselves and their families while continuing to protect the privacy of the affected employees. All of the recommendations in the amendment need to be consistently followed by all because-- meatpacking plants. I have known many people in my community that have been sick from the virus. I have spoken with the same people who are living in fear of taking the virus home to their families, to their children, to their parents and their grandparents, and yet going to work praying they don't get sick because they fear losing their jobs. I know many people-- many children of workers who are worried about their parents. My friend, Elizabeth, lost both of her parents, her mom and her dad to the virus. I am a member of St. Mary's Cathedral in Grand Island, and a large number of our parishioners are immigrants and many of them work at JBS. We have had many of our parishioners sick and we have had about 12 deaths among our parishioners. I also have a letter here from Father Jim Gorka, who is our parish priest, our parish priest, priest. He wasn't able to come, but if I could just share a few sentences from that, please.

**M. HANSEN:** If you'd like, we can make copies and distribute that to the committee.

**YOLANDA CHAVEZ NUNCIO:** I'm sorry?

**M. HANSEN:** If you'd like, we can have the pages make copies and distribute that.

**YOLANDA CHAVEZ NUNCIO:** I gave you copies.

**M. HANSEN:** Oh, perfect. Then in that case, if that's all right, you're at your four minutes. You're at your light, you've used up your four minutes.

**YOLANDA CHAVEZ NUNCIO:** All right. All right. Thank you very much. And appreciate your support on this.

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**M. HANSEN:** Absolutely. Thank you, ma'am. Any questions from the committee? Seeing none, thank you for your testimony. And we do have copies of letter. So thank you. We'll invite up the next proponent. When you're ready.

**SCHUYLER GEERY-ZINK:** Good afternoon, Chairman Hansen, committee members. My name is Schuyler Geery-Zink, S-c-h-u-y-l-e-r G-e-e-r-y-Z-i-n-k, and I'm a staff attorney for Nebraska Appleseed's Immigrants and Communities Program. We have more than 20 years experience with meat and poultry worker safety. During the pandemic, we have reached out to workers in more than 15 plants across the state for regular updates on conditions. Unfortunately, we continue to hear reports of slow and insufficient action by meat and poultry plants to proactively institute COVID-19 safety protections. We can't afford six more months without clear and enforceable protections. Nebraskans working in plants across the state continue to report lack of six-foot distancing throughout the plants, crowding in locker rooms and other areas, inconsistent fever screening, soiled facemasks, and retaliation in the workplace. From one handout that I gave you, there is a quotation from a worker where they were encouraged to go into the meatpacking plant even when they were positive for COVID-19. Many workers can't be here to testify during work hours or for fear of testifying publicly, so I'd like to share a story from a worker. Working at Smithfield in Crete, I caught COVID-19 and infected my entire family. The company is only concerned with maximizing production and is not concerned with the health of the workers. In this time of the pandemic, some have worked up to 12 hours per day because most of the workers became infected with COVID-9, so the few who did not catch it had to do the production. Workmates have passed away. And since we are still working shoulder to shoulder, I'm afraid of catching it again. The distancing works in the dining room, but there is no distancing on the line. We already experienced major outbreaks and meatpacking plant closures across our state. This is a workplace environment that is at high risk for coronavirus transmission. With cold, dry air and hundreds and thousands of employees working elbow to elbow, clear, temporary protections that keep workers safe and prevent plant closures would also prevent severe disruption in the food supply chain and negative impacts on farmers, consumers and communities. The pandemic is not over. Health experts anticipate at least one more wave in the coming fall. The resulting cases and deaths could rival or exceed the first wave of the pandemic. If we don't have standards in place with meatpacking plants, we could see even larger outbreaks, plant closures, and food shortages. According to the UNMC report, 93 percent of Nebraskans in meatpacking plants worried most about catching the virus at work and bringing it

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home to their families more than they worried about their own health. Nebraska's essential meat and poultry workers need immediate, critical, temporary protections now to keep plants open and workers healthy, protecting Nebraskans working in meatpacking plants and their families by supporting this amendment, AM3238. Thank you for taking the time to listen to the testimony of workers. And thank you to Senator Vargas, too, for introducing us. I'll take any questions at this time.

**M. HANSEN:** Of course, thank you. Are there any questions? Seeing none, thank you. Welcome.

**ABDI MOHAMED:** Good afternoon. My name is Abdi Mohamed, that is spelled A-b-d-i, first name, last name is Mohamed, M-o-h-a-m-e-d. I'm from Omaha, Nebraska. To begin with, actually, and I'm supporting this. I'm supporting this legislation today. And originally I'm from Africa, I was a refugee who came from Africa, especially in Kenya. I was born in Somalia. And currently, I'm a graduate from UNO, I study biology and chemistry. And actually I believe science and I understand a lot of science, basically. And what I'm hearing right now in the meatpacking plant in Nebraska, totally what I see is-- I can't believe. Because, and I'm hearing all the coworkers are working shoulder to shoulder during this pandemic crisis. So and we understand the economic of, of the, of the state depends on the-- mostly in the meatpacking plants. So and we had a question to get an, an-- we had a question to get, you know, in a six-foot distance. Or a guidance, in order to save the employee or community, you know? So and basically in, during this crisis, if the people get sick, you know, and bring the virus from the big plant companies, you know, and the whole community may get affected. So and we have to have at least some guidance, which will defend the spread of this coronavirus during this pandemic time. Also, for example, I have seen several people in the community who get exposed to the coronavirus, you know, and do a total quarantine at home, stay at, home and they didn't get paid, and they will not be eligible to get unemployment benefits. So for the, for, for, for some of those case, you know, and the company needs to provide some timed leave-- some, some, I mean, the sick time payments, you know, you know, when, when they're sick. You know, they have to get paid, stay at home, you know? And also in not only six feet distance, they need to have what you call an protection because, you know, and protection and support of the community is very important. Because if most of the people are walking in the middle-- for example, and I have seen majority of the immigrants of the refugee people who doesn't have, you know, in high school level, you know, go for other jobs. They always go and work in the meat plants. Because, you know, and they're

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uneducated, they cannot support themselves or for somebody else. So they have to work in the meat plants. That's why they always get it stuck, you know, in the meat company. If they get sick, they become sick. So and today, I have the chance to come over here, and I'm very glad to inform you what's going on in the community that I live with. They have a very, very, very big problem. And this is the right time, you guys, to come up with a decision to do something, you know. And the question is to do something so that our community will remain safe. And I also work [INAUDIBLE] with East African Development of Nebraska [SIC]. So I always help the community, always a member of an advocate of the community. So this is a very bad time where are people getting sick. Thank you.

**M. HANSEN:** Thank you for your testimony. Any questions from committee members? Seeing none, thank you again.

**KATHLEEN GRANT:** Good afternoon. My name is Kathleen Grant, K-a-t-h-l-e-e-n G-r-a-n-t, I live in Omaha. I am a member of St. John's Catholic Church and a leader in Omaha Together One Community or OTOC. I'm a physician and was raised in the Panhandle of Nebraska. I remain an owner of our family farm. One of my brothers has a cow-calf operation and the other has a feedlot where he finishes 400 to 600 head of cattle a year. I'm well aware of the pressures that Nebraska's livestock producers face. Our OTOC immigration and refugee action team became alarmed when rates of COVID-19 infections in meat processing plants rose significantly. We met with workers from one of Nebraska's processing plants and learned that they were given one mask per day and a plastic shield to cover their face. Parts of their plant reach 110 degrees during the workday. Many of their coworkers were absent from work because they were ill, but the line speed remained unchanged. The single mask they received was drenched in blood and sweat before noon. As the line moves past them, they grab the meat with their left hand and use a long blade with their right hand to slice it. Due to the condensation on the plastic face shields, the workers wielding those long blades often cannot see the meat they are slicing, placing them at risk of amputating their own fingers. While there are plastic dividers separating the workers on the line, when they move to and from the restrooms and the lunchroom, they walk shoulder to shoulder and eat in a crowded dining area. Workers were required to attend COVID-19 training. Many are from Asia. All the plant workers were required to sign a document that they had attended the training, but these signature forms and they printed information disseminated during the training was only available in English and Spanish. Many workers had no idea what was said or what they were signing. Meat processing plant workers deserve consistent, uniform,

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and enforceable protections, including six-foot distancing, like you and I have, testing, contact tracing, effective quarantine practices, transparency and paid sick leave. I ask that you support AM3238, because these measures will help to protect workers, our communities and Nebraska's livestock industry. It's also the right thing to do. Any questions?

**M. HANSEN:** Is there any questions from committee members? Seeing none, thank you for your testimony. We'll take our next proponent. Welcome.

**ELIANA RAMIREZ:** Good afternoon. My name is Eliana Ramirez, E-l-i-a-n-a R-a-m-i-r-e-z, and I am here today to testify on behalf of my father, family and friends who have been negatively impacted by COVID-19. As a respiratory therapist, I am at the front line. I've worked in the COVID intensive care unit, and it is heartbreaking seeing how ill these patients are struggling to breathe. I wish people could see what we see, so they could take this pandemic more seriously. It's very frustrating to see how the government has not handled the pandemic well at all. Cases are still surging with no end in sight. I've always worried my dad would get infected, since he is also a high-risk worker. My worst nightmare happened. My father was on a ventilator for 10 days in the ICU at the old hospital I worked at that was overloaded with many Tyson workers during the outbreak. My family and I bawled heavily single day, not knowing if my father was strong enough to overcome this virus. It was an intense struggle to not break down at work, but I had to remain strong for my patients, coworkers and family. He was in the hospital for a total of 20 days. The hardest part of this was not being able to see him in the hospital due to the no-visitor policy for the pandemic. When he finally got discharged home, he was so frail, thin and depressed. His brother is also a Tyson worker and notified him three of his coworkers were fighting for their lives in the same ICU. They all died due to COVID-19. My dad was one of the lucky few to walk out of that hospital is what hospital staff told them. My mother and 17-year-old sister were infected by my father due to his work exposure at Tyson in Dakota City, Nebraska. My aunt that works there was also infected and struggled for weeks with the virus. Two of my friends had to go to the ER because of respiratory distress due to COVID-19. My coworker's mother was in the same ICU with the virus at the time my dad was. She unfortunately died a few days later. My father mentioned how precautions were not taken soon enough. I believe that is what led to the outbreak in many meatpacking plants. Profit mattered most to Tyson over the health and well-being of their workers. These essential workers are putting food on Americans' tables and should have safe working conditions, especially during a pandemic. These essential workers were having work exposures

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to COVID due to lack of social distancing, and were also infecting their loved ones. I don't want anyone to go through what my father and family had to go through during the darkest time in our lives. Too many sons, daughters, mothers and fathers lost their loved ones to this horrible virus because of lack of precautions. My father and our whole family, like many more, have been traumatized from this experience. Not to mention the long-term effects COVID-19 can have on the body. We strongly support this amendment, LB667. Meatpacking plant safety requirements can arguably make a difference. We need change to happen now. This is personal. Thank you for your time.

**M. HANSEN:** Thank you, Ms. Ramirez. Questions from committee members? Senator Crawford.

**CRAWFORD:** Thank you, Chairman Hansen. And thank you so much for being here today. I just want to thank you for your work in the healthcare industry, working with people who are facing this. And thank you for sharing those personal stories today. Thank you.

**CRAWFORD:** Thank you. It's an honor.

**M. HANSEN:** Senator Lathrop.

**LATHROP:** Can I ask a few questions, if you don't mind? And if you don't know, you can tell me you don't know. But this bill proposes to have people stand six feet apart. And so I'm curious, since your family is in the industry, if you can help me out with this. Do we run these plants at one eight-hour shift a day currently? Is that the, is that the typical?

**ELIANA RAMIREZ:** I feel like it is. Yes. That's what my dad works, eight-hour shifts.

**LATHROP:** And if we moved-- if we required, as this amendment would, that people be stationed six feet apart at their workstations, and I'm gonna ignore the, like the lunch room problems and that sort of thing for a moment, but if we had them stand six feet apart, would that, would that involve taking one workstation out in between workers or two? Do you know how close they're standing right now?

**ELIANA RAMIREZ:** From what my dad told me, is that they were elbow to elbow. I believe they might be taking more precautions now, but they should continue to do so and be reminded and enforced.

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**LATHROP:** Sure, sure. So would we be down to a third as many workers on the floor if we went to six feet, social distancing, I guess, is the question I have.

**ELIANA RAMIREZ:** I would say so. That would be the safest with this airborne virus.

**LATHROP:** OK. OK, yeah. Thank you for answering those questions.

**ELIANA RAMIREZ:** You're welcome.

**M. HANSEN:** Thank you, Senator Lathrop. And thank you for your testimony. Take up our next proponent.

**MONICA MONDRAGON:** Hello. Dear senators, my name is Monica Mondragon, M-o-n-i-c-a, Mondragon, M-o-n-d-r-a-g-o-n. I've submitted my testimonial and I respectfully also request that the additional testimonies I've included with my own be included in as part of this record, record public hearing. I am a mental health provider, mental health therapist, to be more specific. I'm also a family member and I have witnessed firsthand how much of a roller coaster ride the impact of COVID-19 has been emotionally and mentally, not only for my family, but for the families of my closest friends, communities and also our nation. My family's story is no different than those who have experienced a death related to poor working conditions. The weekend of April 18th, 2020 was frightening for my family and I, how our loved one had died at home alone. He was the first death in the Woodbury County. We were heartbroken. And our loved one was a good, hardworking man who dedicated years of his life to his workplace, Tyson Foods, in Dakota City, Nebraska. The same weekend he passed away, both my God sister and her aunt were hospitalized. My God sister was intubated and had recently lost her only parent all at once. She continues to experience long-lasting side effects from this illness. She has lost months of work, her aunt was hospitalized twice. This nightmare began at Tyson Foods in Dakota City, Nebraska. Had the proper protective gear and proper policies been implemented at the beginning of this pandemic, lives would not have been lost. We were unable to say our goodbyes with a proper funeral service. As family-- I'm sorry, we were unable to say our goodbyes as a family due to social distancing. But it has also been difficult hearing that many others who I know work at Tyson have passed away and they're fighting for their lives and/or recovering while experiencing side effects. Shortly after our tragedy, my friend's father, who you just heard from, was hospitalized and intubated. My best friend's mother was infected while working at Tyson. She then also exposed her own mother, which is my best friend's grandmother. My aunt was also infected while working at Tyson. How

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many more lives does it take losing for our state to take action and help represent those who are hardworking and able to feed their families? I ask that you help reduce exposure at meat, meat packaging plants, as our family members deserve a safe working place. I'm asking you to consider passing this bill that will help Tyson workers and other meat packaging plant workers carry out their work while protecting their health. As long as no real safety measures are implemented, the threat continues to continue threatening our families and communities as well. I don't want to lose anyone else and we can't afford to lose any more loved, loved ones to meat packaging plants that are unsafe. I ask you to make some change happen and to help us community members believe that the Senate and the people sitting in front of us can make change happen. I appreciate your time and open for any questions.

**M. HANSEN:** Thank you for your testimony. Senator Lathrop.

**LATHROP:** I do have a question.

**MONICA MONDRAGON:** Yes.

**LATHROP:** So, and I have to confess what I know about this. I did participate in the Zoom call and-- but mostly what I know about is what I've seen in the paper, so I appreciate you coming here today. A question I have, I understood that the University of Nebraska Medical Center had some people that went out to these meatpacking facilities and kind of did a-- made suggestions, and these suggestions have been implemented. Has your family, if you know, seen any improvement in the conditions? First of all, do you agree that that happened?

**MONICA MONDRAGON:** Thank you for the question. So based off of what I know personally, and I know many people that work at Tyson and meat packaging plants, I have heard that they have tried to implement safer precautions in place at the moment. However, there's also people within the Tyson or other meat packaging plants that are also utilizing social media or other measures to be able to record seconds of how their crowdedness is within their locker rooms, within their lunchrooms. And I have been able to see these videos. Snippets. I mean, these are snippets compared to what they have to go through daily for hours upon hours. But I think that we're in the right direction, we're implementing. And the more that we vocalize what we need in place and the help from all of you and our senators and government, I think that we will be able to provide healthier choices and methods so that our families can continue working safely. And no more lives continue being lost.

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**LATHROP:** I got a couple more questions for you.

**MONICA MONDRAGON:** Yeah, go ahead.

**LATHROP:** So when you talk to family, after the folks from the university were out there, first of all, did they implement the changes that were suggested by, by UNMC?

**MONICA MONDRAGON:** I don't know everything that was suggested by UNMC, but I do know that after the media portrayed that UNMC had conducted surveys or been able to investigate deeper in these working conditions, I do know that some change did happen. Contain--

**LATHROP:** Do you know, are your family members or people you know in the business, are they satisfied with those changes as it relates to actually working on the line?

**MONICA MONDRAGON:** No.

**LATHROP:** OK. What continues to be the problem? Just their proximity to one another?

**MONICA MONDRAGON:** Yes, the proximity to one another, the lack of face masks, changeable face masks. My mother works in a packaging plant as well, and she has been satisfied with some of the protective gear that they provided her. But it is very difficult to work in conditions that require you to be very focused and very aware of what you're cutting into or are doing in order, you know, with foggy masks or foggy shields, any of those things. So what can we do to help them, you know? And I do believe and maybe others have already spoken on this, but unfortunately, our minority communities are suffering so much from this pandemic and this COVID, and we're losing so many of them. Again, I'm only 29 years young, and I've lost so many people that I know.

**LATHROP:** That's, it's impressive. I mean, the, the number of people that you--

**MONICA MONDRAGON:** Yes.

**LATHROP:** -- just described that you know,

**MONICA MONDRAGON:** And continuously everyday just recently, you know, it keeps getting closer and closer and closer to home. So I do ask that this is taken into consideration. My story is just one story, but unfortunately, I know too many stories that are not, I mean, time here would be-- I could be here forever. So I appreciate your time with this as well.

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**LATHROP:** Yeah. Thank you for answering those questions.

**MONICA MONDRAGON:** Thank you.

**M. HANSEN:** Thank you. Seeing no other questions-- all right, seeing no other questions, thank you for your testimony. And show of hands. I think two, three left. Three? Could we maybe have the Sergeant at Arms confirm if there's anybody else in the hallway? Thank you. Hi. Go ahead.

**CINDY MAXWELL-OSTDIEK:** Hi. [INAUDIBLE]. My name is Cindy Maxwell-Ostdiek, C-i-n-d-y M-a-x-w-e-l-l-O-s-t-d-i-e-k, and I live in Omaha, Nebraska. And I wanted to first read a letter from my husband, his cousin. My husband is Fred Ostdiek, and his cousin is Jim Golka. And Yolanda had recently just spoke, and she did not have time to read his letter. I wanted to do that before I read mine. Senator Vargas, thank you for taking the time to listen to concerns about the conditions of workers in our meatpacking plants. I serve as the pastor and rector of St. Mary's Cathedral in Grand Island, Nebraska. We are a Roman Catholic parish serving over 2,000 families. Over 1,000 of these families are Hispanic and African. Many of them work in our local JBS Swift plant. During the spike months of April to May, I was in communication with over 100 of our parishers-- excuse me, parishioners, who had tested positive. During one four-week period, I presided at 12 funerals of people who died while having tested positive for COVID-19. During that time, I spoke personally with many parishioners who worked at JBS, who are quite certain they contracted the illness from work and then carried it home to their children and elders who live with them in multigenerational homes. This brought them sadness and fear. I also spoke with healthy parishioners who work at JBS who expressed fear, anxiety and panic attack at the prospect of entering the building and working under less-than-safe conditions. This panic accompanied the pressure of knowing that they needed to continue working in order to support their families. More than one worker came to the church while on their way to work in order to ask for a blessing for protection. I could feel their worry and sadness. I wished I could do something more to help them. Recently, workers told me that some changes have been made on the part of JBS to possibly improve safety conditions. These same workers tell me that they continue to fear that JBS does not follow CDC guidelines for safety. In many cases, there are not six-foot distances between workers. The line of production is supposed to slow down, but in many cases, the line is running faster than before, with the pressure to process the quota of meat set by the plant. The workers simply ask for better protection while they work. JBS is an important employer here in Grand

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Island. I hope that they can continue to grow and provide employment and quality beef products for our state. I hope that our workers can feel safe and proud to work for this important company. I appreciate the state taking time to listen to our concerns. Please help our people who are scared and hurting. Respectfully, Reverend James R. Golka, pastor and rector of St. Mary's Cathedral in Grand Island. I realize I'm out of time. I will just tell you that I am a mom and I'm a Nebraskan, and I am ashamed that we have not helped our neighbors here in Nebraska to keep them safe. Here in our Legislature, I know there have been exposures and certain protections put in place. I would think that as Nebraskans, it should not make a difference if you work on the floor of the Legislature, if you work in a company, in an office, at a school, or if you work in a packing plant. Everyone deserves to work in a safe environment. Thank you.

**M. HANSEN:** Thank you for your testimony. Any questions from the committee?

**CINDY MAXWELL-OSTDIEK:** Thanks.

**M. HANSEN:** Thank you. All right, we'll invite up our next proponent. And it seems we have gotten through all of our testifiers, the last few testifiers we have in the room will be our last few testifiers on the bill. Welcome.

**JANET PABLO:** Hello. My name is Janet Pablo, J-a-n-e-t P-a-b-l-o, and I'm here to speak on behalf of many people who I personally know, such as my own relatives and parents of dear friends. These individuals and more have been impacted by COVID-19 during this pandemic who are still recovering from the aftermath. Many of these individuals are considered to be essential, but aren't being taking care of as such. Especially those who deserve proper safety to perform their everyday duties instead are given very little protection for themselves and their families. These individuals have real lives and should not be treated as less than a human being. They have families, and for some, this is the American dream and the only job that they know. They have dedicated, dedicated their entire lives to one purpose, and that one purpose is to feed their families, provide safety, and an overall better opportunities. In return, they have received very little support from their employers, many of whom have worked or-- at or continue to work at Tyson in Dakota City, Nebraska, Smithfield in Sioux Falls, which are some places where my relatives and friends' parents work during this pandemic. For some, some places that they have returned after recovering from COVID-19 with some of the breathing complications that comes from the recovery process. If they had been given the proper personal protective equipment, along with

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proper distance seen from the beginning, perhaps there wouldn't be so many deaths. Let's not forget that they have families. Do the companies care for these individuals' safety or do they want them to get sick once more? From the beginning of the pandemic, these individuals were not provided with proper personal protective equipment and social distancing wasn't implemented until later after. As a result, many of these individuals have been affected with mild symptoms of COVID-19 and others have unfortunately passed away. And lastly, I leave you all today to think about the families, the children who live with these hardworking individuals who have dedicated their lives to serve you all with the wonderful steaks and more. Instead, they have received the backlash from the people for, for the immigrant community, even though they have been the backbone of our meat supply throughout this pandemic and deserve dignity and respect for all their hard work they have done and will continue to do so. They deserve protection, proper time off, and should be offered all the services that can be provided for them. I ask that today and every day you remember them as such, and thank you for taking the time to listen to what I have to say for so many who aren't able to. Not one more.

**M. HANSEN:** Thank you. You do have another minute, if you weren't done. OK, thank you. Thank you, Ms. Pablo. Any questions from the committee? Seeing none, thank you for your testimony. Welcome.

**MICHELLE DEVITT:** Good, good afternoon, Senator Hansen and members of the committee. My name is M-i-c-h-e-l-l-e D-e-v-i-t-t, and I am the legal and policy coordinator for the nonprofit, nonpartisan Heartland Workers Center. I'm also a labor and employment attorney of 12 years. So you'll pardon me for geeking out a little bit in contrast to what you've been hearing so far. We're here because this conversation can't wait until the Unicameral reconvenes in January. We've seen shutdowns and an unacceptable toll of illness and death from COVID in our meatpacking plants since March. Most models predict second wave of infections will be even bigger, so we need the protections now. To see what's going wrong in the meatpacking plants, and I've given you a cute little chart that helps to understand the hierarchy of controls, which is a tool occupational safety experts used to understand what is the most effective protection. At the top, you'll see elimination of the threat followed by engineering controls administered-- administrative controls and PPE. What's interesting about this chart, I find, is that the things that are the most effective are the top, the things that are the most expensive are the top, the things that are at the bottom are what we see companies doing the most often. AM23-- or AM3238, I'm sorry, is crafted with the most effective

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controls in mind and prioritized. Elimination of COVID isn't possible because it's not contained in the population. So AM3238 focuses on engineering controls like ventilation, air filtration, physical changes to the work and common spaces for six-foot distancing. These include slower line speed, moving workstations, erecting physical barriers. It also then attacks some of those administrative controls that are so important, like shift staggering, cohorting, testing, quarantine, health screening, increased sanitation and masking. You'll notice I said masking in administrative controls. We'll get back to that. Critically, it also reply-- requires improved reporting and communication with workers about COVID transmission and cases in their work areas. PPE. So you'll notice I said AM3238 does not require PPE, which is by far the least effective control anyway. Importantly, the CDC actually only considers something to be PPE if it is medical grade N95 mask or respirator. Masks and gloves are important for controlling viral load in the environment, but they actually are not PPE unless they protect the wearer from actually getting the virus. Anything short of an N95 is not PPE. So masks are important, but they can't substitute for administrative and engineering controls, those structural controls. But even if workers had N95 respirators, if they take them off in a crowded, unventilated space like a locker room or to eat lunch, those places just become contamination zones. That's why the structures are so important. So a recent outbreak of a-- in a very large packing plant in Germany illustrates this very beautifully. So research-- researchers found there that the spread was going as far as 24 feet or 8 meters. Some people have cynically used this to argue that this preposterous, admittedly preposterous distance is unrealistic. But we reached out to the coauthors of the study about this and they reassured us that, in fact, really what was going on there was that there were, there was inadequate ventilation and there was inadequate distancing. So if you aren't distancing properly, you infect more people per meter. And that's an issue, too. So air was just circulating down the line and infecting everyone. So we have to get back to the structural changes. So finally, I want to stress that these are not outlandish requirements. They are what is required by-- or they're recommended by CDC and OSHA, also the UNMC's playbook, which I recommend for you for fun reading. And Virginia has already passed the six-foot distancing rule with no apparent or reported change in there. Can I just finish, just real quick?

**M. HANSEN:** Just your last line, yes.

**MICHELLE DEVITT:** OK. I just want to close by saying that we don't want workers to lose their livelihoods any more than the plants want to shut. But the line speeds that were dangerous then are lethal now. And

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this is just going to continue to be an issue as people return to work with chronic fatigue and other issues. So thank you for your time.

**M. HANSEN:** Thank you. First and foremost, can I get you to spell your name for the record?

**MICHELLE DEVITT:** Oh, of course. M-i-c-h-e-l-l-e D-e-v-i-t-t. I was just too excited.

**M. HANSEN:** Perfect. Thank you. And I believe Senator Crawford had a question.

**CRAWFORD:** Thank you, Chairman Hansen. And thank you, Ms. Devitt, for being here. I appreciate your expertise. I wondered if in your work with Heartland Workers Center and workers, have you in the past done any work with our meatpacking industry worker rights coordinator?

**MICHELLE DEVITT:** I have not had the pleasure to meet her, unfortunately, before the shutdown. I have spoken with her on the phone a few times. She is a very dedicated worker. Unfortunately, her position is funded at half-time. And so she has been unable to inspect even a single plant in this, in this crisis. And she really could use more resources.

**CRAWFORD:** Thank you. Can you explain to me a little bit about what you see she does and what her job is currently? I know it's only half-time, I know she can only do so much.

**MICHELLE DEVITT:** Right. So her-- currently her job, so anyone who's familiar with the meatpacking bill of rights, there are 10 things. Most of them are actually codified elsewhere in statute. But she goes to the meatpacking plants. She has the authority to inspect and make un-- unenforceable suggestions to management based on her inspection. And so she finds that a lot of them want to voluntarily comply. And we believe that. And that's wonderful. But she, she doesn't really have any enforcement authority. That actually I feel is a, is a concern, but maybe for another day.

**CRAWFORD:** All right. Thank you so much. I appreciate that.

**M. HANSEN:** Senator Lathrop with a question.

**LATHROP:** I do have a few questions. So while you were testifying, and as people have been testifying, I was looking through the letters of opposition. One came from John Albin over at the Department of Labor who suggested that this bill duplicates what OSHA and the CDC

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guidelines already provide for. Have you matched up what this bill is asking us to put into statute versus what's already the law under OSHA?

**MICHELLE DEVITT:** That's a, that's an interesting point. So it depends on what you mean by in law. So OSHA has unin-- has voluntary guidelines right now. They have not issued a single regulation. And so their inspectors are not actually enforcing those. If they were, we probably wouldn't be here. But you're right, these, these protections are matched very similar in what OSHA and CDC would recommend. And we're putting it in statute-- by putting it in statute, I would like to point out that it does sunset, and I think-- so at some point these are not permanent requirements. But it is not duplicative in that there is currently zero mandatory enforcement of any of these guidelines.

**LATHROP:** OK. So thank you for the answer to that question. Here's the next question for you. What's going to be the enforcement under this bill? Who is going to go out and what authority do they have to tell Tyson or Smithfield or whoever it is, shut it down or make some change or impose some kind of administrative penalty?

**MICHELLE DEVITT:** Well, so currently, as the bill is written, it would be under the purview of the meatpacking bill of rights coordinator. She would have the authority to inspect and sort of more than she can do now. She would have the authority to-- she would be mandated to report that to the Department of Labor and to you, and then she would be also reporting that information to the collective bargaining representative on site and to the employer so that they knew what class of feedback. I would be, I think, amenable to an actual an enforcement mechanism with citations or something like that. But as it stands, that would be the enforcement mechanism.

**LATHROP:** The person you just said that would go out and do this, is that the same person you said is a half-time employee and doesn't have enough time to do it right now?

**MICHELLE DEVITT:** Yes, I believe appropriations would be appropriate for her, for her position expanding.

**LATHROP:** If we, if we don't appropriate money for more inspections then will this have any consequence?

**MICHELLE DEVITT:** I am an optimist and I would like to think that the enforcement priority and any new legislation would encourage her to prioritize that work in her stead. But I also understand that the

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Department of Labor has been hesitant to send her out because of, because of COVID, which is ironic at best. But I do think that this would give some-- your passing a bill on this would create some impetus for that to start happening, I would hope. But you're right, I don't think it's a-- I don't think the enforcement mechanism is strong enough.

**LATHROP:** Yeah, if we don't have an enforcement mechanism, then it's little more than the OSHA guidance or the CDC guidance, which doesn't have the effect of--

**MICHELLE DEVITT:** Yeah.

**LATHROP:** --changing much, right?

**MICHELLE DEVITT:** Yes. Although I think that the reporting requirements do make a difference. I don't think that employers enjoy being publicly called out. And I think that the mechanism that would give the worker bargaining-- or the workers bargaining representative the ability to see what the result of the inspection was, could give them ability to also use the collective bargaining process for that.

**LATHROP:** Thank you.

**M. HANSEN:** Thank you, Senator Lathrop. I did want to ask-- thank you for being here, Ms. Devitt. I did want to ask-- Senator Lathrop brought it earlier, but we've also heard that UNMC has done some outreach to some of the meatpacking plants. Do you have any expertise or connection to that? Can you comment on that?

**MICHELLE DEVITT:** Yes. So Heartland Workers Center actually helped them conduct some of the survey that they have published on this. And I commend that to you, as well. The survey that they conducted on what workers' experiences were within the plants was, was very valuable in documenting exactly, and going back to the [INAUDIBLE] controls, that's my favorite, really documenting how infrequent these top controls were actually being realized in the plants. So, yeah, so we've, we've been involved with that. And they have done excellent work highlighting the issues. I think it's time to start solving them.

**M. HANSEN:** Senator Halloran.

**HALLORAN:** Thank you, Mr. Chairman. I appreciate your testimony. I like the-- appreciate the hierarchy of controls, although I'm going to have to get my magnifying glass to view it.

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**MICHELLE DEVITT:** Sorry. Trying to save paper.

**HALLORAN:** But what interested me about that hierarchy is PPE is at the bottom of the list. And I agree with that, simply because I have looked, searched and researched to try to find clinical studies on the efficacy of masks. And I did find one, South Wales had one several years ago, and they updated it recently with the advent of the pandemic. And it was quite a comprehensive study. It was done in hospitals who, with hospital workers that worked in infectious wards. So they were in an environment that would have been good to test, test the efficacy of, of surgical masks, ventilators and cloth mask. And forgive me, but cloth masks didn't rate, rate very high. In many instances, they said they were more dangerous. But, but I, I just want to make that comment that I agree with that. And I would like to-- I could share that spending with you or get you a copy of that.

**MICHELLE DEVITT:** No, yeah, I'm aware of that study, actually, and, and also the studies that-- also the studies that show that at times masks can give the illusion of safety. The CDC, if anyone's interested, I can send that side along. The CDC has noted that sometimes masks give the false illusion of safety and in fact, then endanger people. And that's why there's a very big distinction between masks, because this does require masks, that decrease the viral load of an environment. Again, back to the structural controls. But there's a big difference being that and a mask that actually protects any virus from getting to your mouth. That has to be, that's PPE. And so those are very, very expensive, and we know very scarce at this time, which is why I think it's probably wise not to, to mandate them.

**HALLORAN:** Just a quick comment. Another, I think, downside to mask is, and I'm just a-- I'm a people watcher. It's entertaining, and I'm probably more entertaining to them than they are to me at times. But, but I can't help observe that oftentimes people fidget with their masks a lot. We just do. They're, they're a little awkward and they're a little uncomfortable. But one of the, one of the important things about this pandemic, as I understand it, is to keep your hands away from your face, right? And so in that respect, I think it takes a lot of discipline with or without a mask to keep your hands away from your face. But I do notice a lot of contacts with the face mask by the hands. And I think that's counterproductive. Just a side comment.

**M. HANSEN:** Thank you, Senator Halloran. Any further questions? All right, seeing none, thank you, Ms. Devitt.

**MICHELLE DEVITT:** Thank you so much.

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**ROSE GODINEZ:** Good afternoon. My name is Rose, spelled R-o-s-e G-o-d-i-n-e-z, and I am testifying on behalf of the ACLU of Nebraska in favor of AM3238. I am circulating a sign-on letter that was signed by the ACLU and 20 other nonprofit organizations across the state. I am also circulating a petition that was signed by 1,800 individuals in support of this amendment in support of efforts to protect meatpacking plant workers. And I'm also sent-- circulating some letters that were left from workers that they weren't able to, to get to. Did I spell my name? R-o-s-e G-o-d-i-n-e-z. Sorry. Our sincerest appreciation to Senator Vargas for introducing this amendment. My personal appreciation as a daughter of retired meatpacking plant workers and a niece and cousin to many current meatpacking plant workers. This amendment allows us as a state to comply with our codified meatpacking bill of rights as needed during a pandemic. The meatpacking bill of rights provides our meat packing plant workers with a right to a safe workplace, with a right to complete information. Yet, as you've heard continuously today, meatpacking plant workers are neither working in a safe workplace, nor are they receiving complete information to be able to protect themselves. From the latest, latest data released from DHHS, it is quite apparent that people of color are most at risk. Not only because they make up the majority of workers in meatpacking plants, but also because they are less likely to be able to work from home and were more vulnerable to contracting and dying from COVID. In fact, according to The COVID Tracking Project, in no other state are Latinos more overrepresented among those dying of COVID-19 than in Nebraska. That means if you're a Latino in Nebraska, you're more likely to die here than you are in any other state in the country. The overrepresentation of people of color in COVID-19 cases makes this issue not only a meatpacking rights case, workers rights, racial justice issue, but also a public health issue. As workers expose themselves in work and then go drop off their children at school or at daycare or go and visit our businesses, it becomes a community issue. So by protecting our meatpacking plant workers, we're also protecting our communities. Because of the plants' failure to protect workers, the ACLU has advocated for workers, has turned to local health departments, asking them to use their authority to issue directive health measures, implement regulations and enforce them in meatpacking plants in their jurisdiction. And they have failed to do so. We have turned to the Department of Labor who houses, as you've noted, the meatpacking bill of rights coordinator multiple times so that they use their authority to, to investigate imminent hazards within meatpacking plants. They have refused to do so. We have turned to the federal agency of OSHA. We have filed complaints along with workers and family members, and they instead return to the complainant and tell them, well, thank you for your complaint and take care of yourself. With

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both the private sector and our local, state and federal agencies and officials failing to implement basic public health measures in meatpacking plants, this is leaving the sole decision in your hands, which is why I urge you to advance this bill along with AM3234 [SIC]. And then lastly, I'm happy to answer some of Senator Lathrop's questions that were asked to some visitors.

**M. HANSEN:** Thank you for your testimony. Senator Lathrop do you have any questions?

**LATHROP:** If you have any-- you want to respond to any of the questions I've asked, I'm happy to hear what you--

**ROSE GODINEZ:** Yeah. So you asked the question about the lines and how they can socially distance individuals across the line. So that's a conversation we actually have had with local unions, Eric Reeder, which was here earlier. And he said there are suggestions from staggering shifts, to adding a shift, to breaking down the line so it's not moving the-- opening, expanding the plant so that lines are longer and you're able to distance individuals in that form. So there are ways to implement six-foot distancing inside the plants. And then I also wanted to address the UNMC question about the tours. So they did tour the plants, but it was with much anticipated notice to the plants, giving them enough time to fix a lot of the issues that the meatpacking plant workers had brought up. So that's why we're asking OSHA, that's why we need this type of enforcement authority, so those inspections are done unannounced and are then not-- then issues that are actually taking place are not fixed right beforehand.

**LATHROP:** Did things get better after, after UNMC came?

**ROSE GODINEZ:** A bit, but no plant is implementing all of these guidelines. Until today, I heard a previous testifier, none of the plants that we're currently working with workers have implemented all of the guidelines.

**M. HANSEN:** Thank you. Senator Crawford.

**CRAWFORD:** Thank you, Chairman Hansen. And thank you for being here. I appreciate your work. You actually started to answer one of the questions I was going to ask Senator Vargas when he came back, and that was what's in the meatpacker bill of rights that might apply to this situation. And if I heard you correctly, you said the bill of rights includes to have a safe workplace and complete information. So can you-- so we have somebody who's supposed to be helping to enforce those rights currently.

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**ROSE GODINEZ:** Yes.

**CRAWFORD:** You said you have approached the Department of Labor and asked for enforcement of these, and that has not happened. Can you tell me a little bit about that?

**ROSE GODINEZ:** That's exactly right. We earlier, when the outbreak started occurring, I want to say in April, we sent a letter, letter to the Department of Labor, CCing the meatpacking bill of rights coordinator along with the complaints from workers. A lot of the ones that you've heard today. And we didn't receive a response. We then filed an OSHA complaint, along with meatpacking plant worker family members, and also implemented that complaint to the Department of Labor. And that was later in May. Still no response.

**CRAWFORD:** I'm sorry to hear that. But thank you for sharing that with me.

**ROSE GODINEZ:** Thank you.

**M. HANSEN:** Senator Crawford. Senator Lathrop.

**LATHROP:** Is, is the enforcement mechanism in this bill effective? Well, we say this on the floor once in a while, is this feel-good? Like we'll feel good after we do it, but nothing will change? Or is the enforcement mechanism-- because the CDC and OSHA apparently already have sort of suggested guidelines, if we implement these, they, according to John Albin at least, overlap OSHA and CDC's suggested guidelines. What will be different?

**ROSE GODINEZ:** I think, as Mickey mentioned-- Michelle, I'm sorry, from Heartland Workers Center, these are official requirements that can be enforced through the meatpacking bill of rights coordinator, whose solely should be focused on meatpacking bill of rights. And we think it is enforceable. There is also statutes and there, along with the Department of Labor, we looked at the regulations and they can investigate imminent hazards. So these-- any of the violations in this amendment could then be categorized as imminent hazards and be investigated. And there are, I believe, you can also refer them to OSHA. So the process would be you receive a complaint from a worker, meatpacking bill of rights coordinator would then refer them to OSHA if they're not complying. Then there's all--

**LATHROP:** So is OSHA enforcing their own voluntary measures or are they enforcing this statute?

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**ROSE GODINEZ:** They would be enforcing their own guidelines. But here in meatpacking bill of rights coordinator, here they could issue their own fines. So there's, there's imminent hazard statutes section in which they can issue certain fines and they can refer to the county attorney, they can refer to OSHA. So they have quite a bit of tools within there. So this, in connection with those statutes, is a pretty good enforcement mechanism.

**LATHROP:** OK. Thank you.

**M. HANSEN:** Thank you, Senator Lathrop. Any other questions? Seeing none, thank you for your testimony.

**ROSE GODINEZ:** Thank you.

**M. HANSEN:** And with that, I believe that's our last testifier, so we will invite Senator Vargas up to close. While he is coming up, I just want to take the time to thank the Sergeant at Arms, State Patrol, Chuck and everybody else who worked hard to get this hearing set up well. And thank all of our committee members, most of whom made it through most of the hearing. So with that, we invite Senator Vargas to close on his amendment.

**VARGAS:** Thank you all for being here today. I want to thank my colleagues and members of the committee for listening to the test--testifiers who came to weigh in, or at least the proponents. And I read through the letters that were sent in. There were letters sent in, not only from the Department of Labor, but letter sent in from Tyson, Smithfield, Lincoln Premium Poultry, Nebraska Beef and others. They sent letters to not only oppose the basic protections we are asking for in this amendment, but also to inform you that they weren't attending. I just, you know, after hearing directly from workers and hearing from family members about what's happening at these plants, I feel like it would be nice if you, as senators, my colleagues, had the opportunity to ask packing plant these questions. I've heard a lot, not only in the media, but in my own e-mail inbox, I'm sure many of you have received some contacts about those things from individuals in the community about why these things I'm asking for are so bad. When I found out they weren't coming and they sent a letter, I just thought it was downright disrespectful to the process. And that's part of the problem that I think I have with this, because it's embarrassing when individuals don't choose to show up to then defend or give you the opportunity to actually engage and have the dialogue about why something is actually not happening. Not showing up to the hearing and not actually having that dialogue does the process a disservice. It also makes the assumption that a letter is enough to then prove, prove

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that there is enough being done. And the data suggests otherwise. Colleagues, we're talking about workers, we're talking about people getting sick. I, I, I confess, I tend to be-- I try to be pretty even-keeled about what I'm talking on the mike. And I don't, you know, I don't have-- my emotion, I don't, I don't let it get the best of me. I'm saying that's neither good or bad, it's just how I am. I can't even bring to words on just how it feels that there's not even opposition to then talk through why this is a problem. If you are somebody that looks like me, this is a terrible state to be in right now in the pandemic. It is just ridiculous. And this, and trying, and trying to pivot here, this amendment, this, this legislation is not the panacea and the solution to the problem. The solution to the problem is that employers would understand that, yes, continuing to enforce-- continuing to ensure that our operations of plants happens as long as we maintain worker safety, and that is the assumption that I hear people say, well, isn't it in their best interest? It is in their best interest to ensure that workers can continue to come to work to the degree and level that they can basically absorb sickness, where they're not losing the majority of their workers. You've heard people testify that they are afraid to come and talk to people. They're afraid to then share that information for fear of retaliation. I have had countless calls, texts, photographs, videos of people sharing the inconsistencies of application on guidelines that have been brought. That is, that is inherently why we're here. That's why I drafted this. And it ends at the end of this next year, assuming that the pandemic will be done at the end of this next year. There are-- I want to give you just a little bit of a snippet into how this actually went in terms of timeline, because some of the people that testified, particularly the last ones, are not being nearly as-- they're being really honest. I'm going to be even more honest. In March, when this first happened, I was afraid that people in these plants and people that were people of color, were going to be disproportionately affected by this. If you look at data, you can, you can already see the cross-section of health outcomes with people of color, and that this population was at risk. There were guidelines and recommendations sent to meatpacking plants at that time. Michelle had sent them to them, Heartland Workers Center sent it to them, and some things were, were responded back with, we're going to implement some of this. We'll try our best. Then we had hot spots develop over a couple of months. Then the UNMC. And the same recommendations that UNMC put together were the same recommendations that we were sent to the meatpacking plants themselves as right at the end of March. Then after that, we had individual senator-- we had senator calls, where we had workers engage with senators to educate them so that you can hear what's happening. Then after that, I put together a letter and had that

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letter signed by senators. And, and part of this was really inspired by Senator Halloran's really, I think, successful and very well-worded letter asking for better protections for people in our long-term care facilities. And after I sent that letter, I waited three weeks for a response from the Executive Branch. Didn't contact media, didn't contact anybody outside of that. The whole intention was for the Executive Branch to be able to respond on what they're going to do and ask for. And still no response. And now we're at the point where we are looking at a second wave. If you don't see it, in Omaha there was an article posted today, the White House said Omaha in particular right now, and a lot of different hot spots in counties that we can name, pretty much trace back to where meatpacking plants are. Omaha right now is one of the top 11 cities that are on the radar of the White House for rising cases, that they are trying to implement more protective measures. The zip codes in my district that happened to have-- and Senator McDonnell's district happen to have the majority of meatpacking plants in them and also happened to have the majority of cases. You can tie it back. And if you look at certain studies done early on in March, contact tracing done really early show stemming from the plants going to the communities, not the other way around. It is extremely clear. You're not seeing UN-- you're not seeing public health experts talking about this solely living in one place. There are very clear directives in this. I hope it concerns you, it concerns me as somebody that, and I'll, I'll speak kind of directly to Senator Lathrop, because he was here and put in worker misclassification. Now, there is some teeth to that. But with anything that we put in, there is always the, the, the vagueness and the ambiguity of whether or not we can enforce it. However, that also doesn't stop us from putting things into law to ensure that there is a standard of practice. And we're not even talking about doing that in general. We're talking about doing that in the midst of a pandemic. We're talking about doing that for a very limited amount of time. It doesn't even just say in a pandemic, it's literally just till the end of next year. And putting that in place will mean that at 0.5 FTE for meatpacking plants, which I-- it astonished me that we have a half FTE that is not doing their-- they're not making the correct leap of we should be better protecting people and learning what's happening, and instead, they're not going out because of the pandemic. This can be carried out by the Department of Labor. And I think the teeth is going to be that we said it is in statute and it needs to happen. And then when people don't follow through on it, which I hope they don't. We can now point back to, well, it's, it's actually the law. And if Department of Labor comes back and tells us they need more FTE for doing that, and a 0.5 FTE is \$50,000 potentially. I would, I would imagine. The things on this list, free face masks, requirement of individuals wearing masks,

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regular disinfect, a lot of things that we've been doing in this room right now. Temperant [SIC] screening, which we do upstairs when we go into the room; requirement for employers to track coronavirus deaths and positive cases. We don't have that information even being accurately provided right now, which is why it is not seen as big of a problem. It was, and then it start-- they stopped doing it. There are very simple things in here that we should be doing right away. And that's what I'm asking of you. I wouldn't bring this if this is something-- and I've actually, this-- you're look, you're talking to somebody that's actually been to the plants. I've been to the plants in, in and around my district. There are some really good normal practices in place to the plants normally. But in the period of the pandemic, not enough is being done yet because the data tells you it's not. So now it's, who are you going to believe? Are we going to just accept that the employers, that everything is fine because we're doing as best as we can, when we still have rising cases? Or are we going to say something's not matching up and we should be doing a little bit more to better protect workers and not putting both the business and workers at risk? So, colleagues, I really ask for your support on this, because ultimately I-- the precedent we're setting is if we can't pass something, if we can't even move something like this out, we're setting that in a pandemic, when we have overwhelming evidence that a population is being disproportionately affected in an industry where other industries are not disproportionately-- you're not seeing this in hospitality nearly as much. You're not seeing this in the restaurant industry nearly as much. You're not seeing this in a lot of different other industries that are also considered high-risk and high, high engagement in public and COVID-19, I don't know what will. I'm happy to answer any additional questions, and I appreciate your time. And I appreciate your collegiality, I always have, and spending the time here knowing that we are nearing the end of the session. Thank you.

**M. HANSEN:** Thank you, Senator Vargas, for your close. I see Senator Crawford with a question.

**CRAWFORD:** Thank you, Chairman Hansen. And thank you, Senator Vargas. I, I appreciate all the work that you've put in to talking to the workers and meeting with people and helping them to share their stories and learning and bringing that research to us today. I appreciate that very much. I was fascinated to hear in just our previous testifier that our meatpacker bill of rights includes standards of safe workplace and complete information. And if I heard her correctly, there are actually are enforcement mechanisms in that statute as well. So my first question is, have you had a chance to

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talk to our industry or meatpacking industry rights work coordinator? That's my first question. And then the second question is, should we be moving forward in our oversight role in trying to make sure that this, this-- these inspections are happening? This, this work to enforce these standards is happening? Your amendment creates some clear guidelines for the kinds of things that should be examined if you're looking for a safe workplace. But should we be moving forward in terms of our oversight role and trying to push to make sure this happens through that existing statute?

**VARGAS:** So to answer your first question, and, and then again, this is the whole, the whole group of organizations, not just myself. There was outreach to, to the, to the meatpacking plant, the meatpacking worker, FTE half-time staff member. But ultimately, I think what the barrier here is, is their purview is very clear on workplace safety in general, right? And this is, this is a little different, because workplace safety in general versus workplace safety in a period of a pandemic provide very different, clear delineations of what is-- what are they really being tasked with enforcing. It's why this was drafted in the way it is. It is also why I see that there is, there is an opportunity here. And I brought past bills in workplace misclassification even in just trying to clarify-- we do this sometimes, I've done this in Judiciary sometimes, where we're trying to clarify-- like judges. Sometimes judges say, I don't know. I didn't know I had the authority to do that. Case law might have enabled them to then, but I need that authority clearly delineated that, that I can enforce.

**CRAWFORD:** I hear you.

**VARGAS:** What we find is that you can't really-- they can't enforce this because this is not about workplace safety. It's not about safety necessarily of the workers in terms of conditions, it's safety in a period of a pandemic, and they are fundamentally different, is what we find. And so this provides that level of clarity and authority to an existing entity in the Department of Labor to then do that. And that's appropriate in my opinion. It's appropriate-- it's what we do in Appropriations. It's what I've done. I've actually added FTEs within the appropriations process to two different-- to the Department of Labor to then do more in workplace mis-- misclassification, because they said, we don't have enough people to do it. And that's, that's kind of what we found. So we've done that both through appropriations and through just some good public pressure. But so that's, that's trying to answer your question. Like there, that's why it's drafted this way. And again, very drafted narrowly to just be during this

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period of time and ending with a sunset, which I think is very inherently unique.

**CRAWFORD:** Thank you.

**VARGAS:** Thank you very much, Senator Crawford.

**M. HANSEN:** Thank you, Senator Crawford. Senator Lathrop.

**LATHROP:** I have to tell you, I was very impressed with the people that testified today. The prevalence when you see the hotspots being reported on TV, it's a lot different than having people come in here and say, you know, five family members just in my family. Are the incidences of COVID among these workers going up, down or staying the same? If you know,

**VARGAS:** So from our most recent data, it was going up in certain hotspots. But the problem we ran into is this relies on, on the plants to then communicate data to the public health departments. And that is not happening. It's just not happening. If we had more people, they'd be nodding their heads. But it's just not happening to the extent that it should be. And it relies really on that relationship. And that's a problem, right? I think that's inherently a problem, because if a county health department right now is trying to then figure out how to move resources in the right place, they're really relying on a level of self-reporting and, and transparency on the front end. The point is to get aggregate data to inform what's happening. But if you-- in lieu of that, if you look at counties, even the zip codes where meatpacking plant workers are in that area, it is direct correlation, direct. You know, Dakota County still, you know, a hotspot. It just is. So.

**LATHROP:** My next question is, do you know of any of the plants that you're, we're talking about, obviously the ones in Nebraska, are any of them in compliance with the guidelines from CDC and OSHA? Or are they more or less said those are voluntary and we're not going to do them?

**VARGAS:** Some of them are. You know, I've had a couple of conversations over the phone with some of the, the lobbyists that have represented or worked with some of them. And again, I, I've visited some of their plants. Under normal circumstances, there are some things that meatpacking plants now versus later-- now versus five, 10 years ago is very different. Even 20 years ago. And you can talk to people about that. But for some of the ones I've talked to, they are implementing some of them. But the hard part is getting an accurate window into, I mean, it's basically people's words. And when we hear workers that

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are-- don't typically necessarily have the voice, the access, the privilege to then share or communicate what the problems are. And they can-- they do not have the opportunity to-- they can't stop working. You know, they're not going to talk, talk negatively about their employer publicly. That's going to put the livelihood of their family at risk. But you have entities and organizations, you know, health care leaders, you know, a minister-- you have a lot of different people hearing it from them. So that's the avenue that we get to hear it from, the inconsistencies of application. And again, I mean, like I was a teacher. When I was a teacher, if I have somebody coming in on a scheduled observation, I'm putting on my best foot forward. It's just like, I mean, that's just being quite frank. That's human nature. So there's always going to be good and then less good or bad actors in everything. The problem is that's normally OK in some instances where we're in different industries, yeah. But not in this period where we know we can actually trace back deaths to counties and communities. The [INAUDIBLE] from the Refugee Empowerment Center said she had 21 people that they, one of their new programs is, and terrible, is helping people with expenses for funeral services and burial. That's one of their new programs. That's just inser-- inherently terrible. And so that, that gets back to there must be inconsistency. Like, the pragmatic person in me, if everything was being applied and these recommendations were getting applied, we would see a rapid reduction and there'd be no problem with sharing data. There wouldn't be. What's-- what do you have to hide? And our long-term care facilities do have to provide data and action plans to the Executive Branch, partly because of your work, Senator Halloran, which I appreciate. But that's not happening in this industry yet. And that means this can easily be shoved under the rug until we see more hot spots continuing to increase, which are still staying hot. You know, Nebraska and the Midwest is still-- so that's part of the issue. That's why some data reporting in here. And one last thing I'll say it to answer your question, the concern I have is if they're-- what they're implementing was working, why can't they be here and say exactly and be questioned on, on the discrepancies? Instead, this last week across the country. I mean, Smithfield is one example. Smithfield put ads saying that they're doing everything they can to protect the workers. Was in the Lincoln Journal Star and others all over the country, because they've had some significant cases in their plants across the country. So what is there to hide? Like, we, we talk about data transparency in a lot of our different set-- we talk about it with tax incentives for, for, you know, for God's sake. And we expect that. But we can't expect it in the period of a pandemic right now in this time. So, yeah, clearly guidelines, I don't think, are doing enough. And if they were, there'd be nothing to hide.

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**M. HANSEN:** All right. Thank you, Senator Lathrop. Any other questions? All right, seeing none, your testimony reminded me that we did have 59 letters for the record in support and 6 letters for the record opposed. Because of the number, I won't read all the names, and those have been made available to the committee binders. With that, we will close the hearing on this amendment. Thank you, Senator Vargas.

**VARGAS:** Thank you very much, colleagues.