

Colorado Public Sector Workers May Be on the Verge of Winning the Right to Unionize

AN INTERVIEW WITH

ALEX WOLF-ROOT / JACOB OLDEFEST / RACHEL GODBY

With a major push from the state AFL-CIO and the support of Democratic leaders in the legislature, a Colorado bill to recognize public sector unions has a real shot at passage.

INTERVIEW BY

ALEX N. PRESS

The Colorado legislature will soon consider a bill that would establish collective bargaining rights for the hundreds of thousands of public sector workers in the state who are currently without such a framework. The legislation's primary sponsors are the majority leaders in both chambers — Democrats Daneya Esgar in the House and Stephen Fenberg in the Senate — and the AFL-CIO and the Colorado Education Association (CEA) are backing the bill too.

Jacobin's Alex N. Press spoke to workers from Communication Workers of America (CWA) Local 7799, which is helping lead the charge for the legislation: Alex Wolf-Root, an adjunct lecturer in the philosophy department at the University of Colorado Boulder and a founding member and current vice president of CWA Local 7799; Jacob OldeFest, a paramedic for Denver Health and a member of the Denver Health Workers United union; and Rachel Godby, a registered nurse at UCHealth Memorial North and Central hospitals and a member of UCHealth Workers United. They discussed the obstacles they face without collective bargaining rights, the wave of workers leaving health care, and where legislation fits into building worker power.

ALEX N. PRESS So, you're part of a coalition pushing to expand collective bargaining rights for public sector workers in Colorado. What are your rights now, and how will the bill change them?

ALEX WOLF-ROOT It's important that we start by stating that we have the right to organize and unionize regardless of what state labor law says about collective bargaining. However, because we're public workers, our right to collectively bargain and force recognition with our bosses is different than in the private sector. In the private sector, employees' right to organize is codified through the National Labor Relations Board. Those rules and regulations don't apply to public workers, whose organizing rights are determined state by state.

In Colorado, the law is silent on the rights of the vast majority of public workers. We recently passed a bill for state workers, which created a union that represents them. But with respect to all other public workers, be they health care workers, higher ed, K-12, firefighters, or municipal workers, the state has no legal framework for us to get to the table. Some local jurisdictions have passed ordinances or laws to change things, but this bill will provide a legal framework for all public workers to have our unions recognized by our bosses and collectively bargain.

ALEX N. PRESS What specifically is in the draft of the bill?

ALEX WOLF-ROOT There are two avenues for recognition: the standard 30 percent of workers signing cards and holding an election route, and then card check, i.e., 50 percent plus one, which is important because of what the boss can do between when elections are called and when they happen. The bill also has strong protections against employee interference — retaliation, intimidation, and discouraging unionization — both once there's a recognized union and beforehand.

It is very open around what can be on the table. We're firm believers in a wide scope of bargaining so that we can bargain for the common good: for class sizes, for staffing ratios, etc. Additionally, there is no restriction on our right to strike, because we know that a collective bargaining agreement is only as strong as the power we bring, and the right to strike is the biggest flex of that power. If that gets chopped off at the knee, we lose a lot more power than we would gain through a collective bargaining agreement.

ALEX N. PRESS What issues aren't being resolved because the state is currently silent on public sector collective bargaining?

JACOB OLDEFEST Our bosses have no mandate to speak with us: because there's no specific legal requirement for them to do so, they tell us it's a restriction and that they don't have a legal path to engaging with the union, and so, the union is illegitimate. For the last two years, hundreds of my coworkers and I have tried to bring our issues to them. We go to

board meetings. We speak to our bosses. They tell us that there's nothing they can do with us as a group, but they would be happy to meet with each of us individually. Then, nothing ever changes.

I got into this work because I feel a moral imperative to care for the sick and injured and destitute in our state. Our administration and the local government are becoming obstacles to that goal. The only way for us to change this is with collective action, but because of the way the rules are written now, we don't have that ability.

RACHEL GODBY

I've never been in any trouble at work until I got active in union activities. In meetings with my director, she makes statements like, "If you keep rallying the troops, it's only going to cause you trouble." She'll say, "Having any kind of activity in the union, it's fine in your personal life, but it's not going to create any gain in your job." She says it's like advertising a different company inside of my company. These are strange phrases that are a bit like backhanded threats because she can't actually threaten me.

Our most recent campaign was to write a letter of financial inquiry. Multiple experienced nurses in my department wrote a letter that asked financial questions of management. A lot of us have asked for raises and proper compensation, and why other people are making more money than us. When we submitted that letter with our signatures, we were told it was inappropriate to do that as a group. "It's baloney," as my director said. We have not had a meeting to get those questions answered; we're going to have to push to get that. If we had collective bargaining, it would be easier because only contracts and legalities are going to force accountability.

ALEX N. PRESS

Labor law reform often feels like a chicken-and-egg problem: we need stronger labor laws to build a stronger labor movement, but it's hard to pass them without already having that movement. What's the strategy for this bill?

ALEX WOLF-ROOT

The history of our local, CWA Local 7799, is relevant here. It was chartered in April of 2020, but we have a history going back to 2016 of graduate workers, myself included, at the University of Colorado Boulder. Some of us were fed up, and while we got a lot of wins purely by being an independent group of workers coming together — through rallying, petitions, bad press, walkouts, and so on, winning things like a 27 percent increase in some wages and reductions in fees — we realized that our ability to enact change is based on our power, and building that power in part depends on what's happening outside our workplace.

We needed all of us, across job classifications on our campus, but across our state and society too, as public workers to fight from the bottom up for the public good. So, a major reason we transitioned from an independent graduate labor union to a wall-to-wall union for workers across job classifications at a bunch of public institutions was because we needed to build that power. So, we went wall to wall for all workers at all the University of Colorado campuses, then Denver Health workers joined in, then UCHHealth too, and recently, Denver Public Library workers — all very large workplaces. Our local knows our power is us, and we can reduce barriers to growing and exercising our power by flexing that externally through electing better people and by reducing barriers through labor law.

ALEX N. PRESS

How does this campaign fit into the perspective of building power from the bottom up?

ALEX WOLF-ROOT

I want to pass a strong bill, but even the act of pushing for this bill is an important organizing tool. The history of labor in my lifetime is that it hasn't been as militant and bottom-up as it needs to be. So, getting together an intentional, organized, statewide coalition helps build and flex our power. For example, private sector workers in United Food and Commercial Workers (UFCW) Local 7 just announced a big strike. That's part of this movement even if it isn't workers affected by this bill. Then, once we pass a strong bill, it will be easier for people who are union-curious but not yet part of our movement to join or form new unions because there will be a legal mechanism.

ALEX N. PRESS

What has your organizing looked like thus far without a bill like this on the books?

JACOB OLDEFEST

Colorado has been fairly anti-labor for its entire existence: the Ludlow massacre is the beginning of our history. So, having any kind of protection in this bill is going to make this the most progressive piece of labor legislation ever passed in the state.

We feel fairly confident because of more minor successes. For instance, in the first three months of Denver Health having a union, we passed emergency legislation guaranteeing whistleblower protections for emergency workers, which gave paramedics the ability to speak to press and to bring our own PPE when our bosses were giving us insufficient protection, among other things. Those protections have since expired because they were only during the emergency of the pandemic, which is apparently over, if you ask our bosses.

ALEX N. PRESS

The problems in health care work preexist the pandemic — understaffing, for instance — but what has most come to the surface over the past two years?

RACHEL GODBY

We became nurses because we want to serve the public. So, when the pandemic started, we were ready to hit the ground running. We knew it'd be dangerous. But they exploited our compassion, telling us we were heroes but that we wouldn't get raises, we wouldn't get a bonus, we wouldn't get PPE.

Yet at the end of the year, UCHealth made a 10 percent profit above what they made the prior year, which was infuriating. It's been terrifying for two years, and we're still expected to come to work. We're not encouraged to get tested right now. We're told to come to work if we're well enough to work, even if we have symptoms. I understand that there is a need for nurses to be there, but it feels like they've thrown in the towel.

Both my parents are nurses, and my dad encouraged me not to become a nurse because he saw where things were going. He said that the art of nursing died when it became a big business. And that's true: it's all about money for the people who are exploiting the workers and gouging the patients. They're just taking and taking and taking.

The sentiment is, "Everything is terrible, but you guys just need to get in there and do your jobs. We don't care about the patients. We don't care about your pay. We don't care about your health." There's been a mass exodus of experienced nurses leaving the bedside entirely because of the poor treatment, the public not trusting us, our pay being absolutely ridiculous. So, a lot of new grads are coming in. We have a lot of inexperienced nurses on the floor with the experienced nurses leaving.

Traveling is where the money is right now, because if we're going to work in horrible conditions, we might as well get paid big bucks for it. But traveling means that you get two days of orientation, and you're there for thirteen weeks. There is no commitment, no teamwork — you are in and you are out. Whereas when you're on the floor for years, you develop a team, you have strong bonds, you know the doctors and the facility, you know the numbers for emergencies.

JACOB OLDEFEST

All the problems that we're facing now existed prior to the pandemic: nursing shortages, ambulance shortages, wage inequality, lack of hospital beds, resources for patients, and so on. But this came to a head for me last week when an entire township in the Denver Metro area burned down, and because of staffing and resource shortages, they were not able to evacuate a hospital that was immediately in the path of the grassfire. The only reason that the hospital didn't burn down with patients inside was because the wind changed and because of the hard work of the North Metro firefighters. It's absolutely crazy.

Take hazard pay. 911 ambulance workers in Denver are not given hazard pay, whereas Denver fire and Denver police were given it by the state. Last year, there was an order that exempted firefighters from having to go inside of nursing homes when they have COVID patients. So, I had to go inside of a place with ineffective, reused PPE. The entire system is falling apart, has been falling apart, is broken, is remaining broken, and the people at the very top who have the ability to change it refuse to, because they are very comfortable at the moment, with higher profits than ever. We went to our board meeting at the end of last year, and they were all buying scotch for each other because they were so happy that the budget was balanced.

They're losing nurses, they're losing staff, and the only people that are being hired are inexperienced and often don't plan to stay in the profession. There is not a future for health care in America right now. We would like to change that by helping people enjoy their jobs and feel comfortable staying. That's not that huge of an ask, but you would think it was if you spoke to some of the people with whom we're in negotiations.

ALEX N. PRESS

Jacob, how are things going for paramedics specifically? It's a type of work that people hear about less than, say, nursing.

JACOB OLDEFEST

Emergency medical services (EMS) is fascinating because it's so new. There weren't really paramedics in the country until the 1970s. So, many of our 911 brethren in the fire department or police already had established unions. We don't have any of that, and most ambulances in the country are run by private companies that are contracting with municipalities, and they are generally anti-union. Plus, most of us are contract workers with the municipality, so we don't have the same protections as other municipal workers.

As things are changing — for instance, with the move to deploy social workers and paramedics to mental health calls instead of police officers, as the defund and divest policing movement grows — the public is becoming more cognizant of the benefits that paramedics in an ambulance can provide. We are in a position to offer a lot to our community, but we don't have protections, and we don't have fair pay. I make just under \$28 an hour, which amounts to \$58,000 a year.

None of us are in this work for the money, but it's completely inequitable, in the same way as it is for nurses, doctors, residents, campus staff, and all kinds of workers. My pay is probably around half of what a fireman in Denver makes. To be clear, nothing that we're doing is trying to take anything away from anybody else; this is about all of us being treated just as well as each other. We all have important jobs, and we all have a place to serve in our community to make it better. If any of us are gone, the community suffers, so we want to keep our talented, experienced workers happy and in place.

ALEX N. PRESS

The legislative session is about to begin. What do you expect will happen now?

ALEX WOLF-ROOT

The prime sponsors of the bill are majority leaders in both chambers: Daneya Esgar in the House and Stephen Fenberg in the Senate. The AFL-CIO and the Colorado Education Association have come together in a coalition for this bill. So, we have labor behind this bill, from municipal workers in the American Federation of State, County and Municipal Employees (AFSCME) to firefighters to K-12, us in health care and higher ed. We also have a strong coalition of community partners. I was just on a call with the Working Families Party, our local Democratic Socialists of America (DSA) chapters, and various progressive groups and young adult groups. They all get that this labor issue is about the public good of our state.

There's always going to be opposition from bosses, including in the private sector — even if this bill doesn't directly impact them, they see the power labor has, so they're going to try to quash it. Unfortunately, big public institutions like Denver Health and UCHealth are going to fight this too. But we have a strong chance, and the real fight is going to be making sure we have a strong bill, not simply a bill. Legislators might want to pass something and get a pat on the back, but water it down to appease those who are opposing it. That will harm us, so it's going to be a fight.

CONTRIBUTORS

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