



959 South Kipling Parkway, Suite 200  
Lakewood CO 80226  
Ph: 303-758-6672  
Fax: 303-758-6805  
www.coloradonga.org  
info@coloradonga.org

April 17, 2019

Senator Zenzinger  
Colorado General Assembly  
200 E Colfax Avenue  
Denver, CO 80203

Dear Senator Zenzinger,

On behalf of the Colorado Nursery & Greenhouse Association (CNGA) Board of Directors and our 275 member companies, I'm writing to you today to urge you to include amendments or postpone SB19-188, the Family Medical Leave Insurance Program. We have significant concerns about the bill, specifically the lack of clarification around seasonal workers. Our industry employees a great deal of seasonal workers, through the Federal H2A & H2B programs as well as several other migrant worker programs. Colorado is the highest per capita user of H-2B in the country, second highest overall. These programs have very specific rules that the employer must follow and this new legislation will have an impact to both the worker and company.

Some of the questions and concerns we have are:

1. If a H2B employee qualifies for the program and goes out on leave, how will business owners replace that individual? There are only 66,000 workers allowed in the program and additional workers are not available once the 66,000 have been placed.
2. Under both programs, employers are required to provide transportation to/from the home country. If the leave that is taken requires the employee to go back to their home country, is the employer liable for the cost?
3. With the H2A program, the employer is required to provide housing and meals (or stipends for food), will that requirement continue in the leave time period?
4. If an employer who participates in the H2A program is able to obtain an employee to work while the initial employee is out on leave, what will happen to the worker who was brought in during the leave time? The cost of transporting migrant workers to/from their home country is significant and will add an additional layer of cost and paperwork.
5. If the employee is taking time off to spend with a family member during a medical issue, does that family member need to be in Colorado? If not, these migrant workers would need

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to return to their home country and communication with them will be very difficult as will proving the need for FMLI leave as it will be done in a different system in a foreign country.

We need clarification and solutions to issues on how this bill will impact the Federal migrant worker programs our member companies currently participate in and depend on to meet demands of their customers. Our member companies rely on migrant workers to continue operations and grow their businesses. The additional complexities this bill will cause will burden our member companies and limit growth. On an annual basis, the Green Industry in Colorado contributes \$2.8 Billion and employs over 43,000 workers. Our member companies pride themselves in treating their employees well, providing opportunity for growth and actively contributing to the Colorado economy. We are very concerned that this bill will limit our member companies in what they currently offer to employees and overall impact company growth.

Sincerely,

A handwritten signature in black ink that reads "Allison Gault". The signature is written in a cursive, flowing style.

Allison Gault, MBA, CAE  
Executive Director

cc: CNGA Board of Directors