



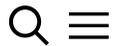
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# Inside the Rafting Industry's Minimum-Wage Battle

A group of rafting companies is suing to block the Biden administration's increase in minimum wage. Not all guides are happy.





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**G**uides and outfitters on Colorado's Arkansas River, one of the most heavily rafted sections of whitewater in the country, are currently in a battle among themselves and with the federal government to figure out fair wages.

In April 2021, President Biden signed an executive order raising the minimum wage for federal workers and for contractors doing work with the government to \$15 an hour and the minimum overtime wage to \$22.50, which had been set to go into effect on January 30, 2022. Included in the mandate is an estimated 40,000 contractors who work on federal public land, among them outfitters and river guides. While these companies do not work for the government, their reliance on federally granted permits to operate on rivers makes them subject to the wage rule.

Some guiding companies didn't like the top-down directive. In December, Duke Bradford, owner of rafting company Arkansas Valley Adventures (AVA) in Buena Vista, Colorado, and the Colorado River Outfitters Association (CROA), which represents 50 of the state's rafting companies, filed a joint suit against the president and the Department of Labor. In February, a circuit judge in Colorado sided with Bradford and blocked the wage increase. Now, as rafting season starts, the case is awaiting trial, which will happen in early summer at the soonest. The situation has created a divide between some guides who support the wage increase and their managers and company owners, who argue it breaches their



freedom and raises their overhead costs.

The suit claimed that the wage rule, particularly the overtime component, would force company owners to raise prices. The rafting companies also claimed that, as outfitters, they should be exempt from the rule, since they are permit holders and not government contractors. “Outfitters and guides on federal lands are not federal contractors,” read the complaint. “Yet President Biden, acting through the U.S. Department of Labor, has now ordered them to be lumped in with federal contractors, and adopt a wage model that is fundamentally incompatible with the way that the guiding industry operates.”

To some raft guides, this statement felt like a slap in the face. Many guides currently struggle with the rising cost of living in popular outdoor places like the Arkansas River Valley, where home values have increased nearly 50 percent in the past year. Some rafting guides told *Outside* they'd love to be paid more but simply feel that they lack leverage and power to fight for higher wages.

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“I just want to be paid fairly for what I do, and I want the young staff to have the possibility of starting a life in the place that they work,” says veteran guide Chris Baer, who has worked for Bradford's company for 20 years. Baer welcomes governmental intervention because he's not sure what else would motivate rafting companies to raise wages.



The lawsuit is the latest chapter in a years-long debate about how outdoor guiding companies should pay their employees. In 2014, President Obama raised the minimum wage for federal workers to \$10.10. In 2018, Trump exempted guides and other seasonal workers from the rule.

Now, as the case awaits trial, both outfitters and guides say the suit—and the ensuing wage debate—will shape the future of their industry. That's all they seem to agree on, and the AVA lawsuit has ramped up the longstanding battle over compensation in the rafting industry and who decides what constitutes a reasonable wage.

Brandon Slate, president of the Arkansas River Outfitters Association and owner of the Rocky Mountain Outdoors Center guiding company, says the wage increase isn't the issue. "Anyone living in this area, and pretty much any river town in Colorado in general, needs to make \$15 an hour—fast food is paying that much," he says. "One hundred percent of AROA members are still going to pay this minimum wage, even though we don't have to, but we're still supporting the lawsuit."

Slate also believes the increase in overtime pay doesn't take into account specific services offered by guiding companies, such as overnight river trips. Under the new wage rules, guides on these trips would need to be paid overtime for their labor, which could make these longer trips undoable due to overhead costs. Currently, guides are not paid overtime for these trips and instead earn their usual wage.

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Slate says the proposed overtime rule could fundamentally change how guides work and force employers to trim back hours for guides to avoid paying overtime. Many guides try to work as much as possible during the short peak season for rafting, which runs from May through early August. The new rule, Slate says, would force the company to cut back on each guide's hours and even cancel or cut back on multiday trips on other rivers to stay within budget.

The short period of time outfitters have to instate the new wages also puts pressure on the businesses. Slate is worried that rafting may become out of reach for some families if there is a dramatic cost increase for the business. He likens the cost increase to the ski industry's uptick in prices. "A lot of us, our big groups book the year prior," Slate says. "Thirty percent of our business is locked in at a rate we can't change."

Slate asked his staffers to vote on whether or not the company should adopt the new rules, and the employees chose not to. They were worried the new rules would limit hours, cut back on trips, and affect their income earned from tips, he says.

But Baer pushes back on Slate's perspective, arguing that guides already feel squeezed by low wages and rising inflation. They want higher wages and say they work long hours during the short season to make ends meet.

"I would love to work five days a week and have an income that would allow me to live where I work, but right now I'm trying to burn it down in those four months because I need to make as much income as I can in that time," Baer says.

Baer is a veteran raft guide and one of the higher-paid employees at AVA. Still, he says he had just one day off last summer and lived in a van on AVA property as a way to cut costs. He feels conflicted by the lawsuit being filed by his employer.

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“I hate watching my coworkers, who are working seven days a week, going into the communal fridge and eating leftover beans and rice,” he says.

Baer also says guides along the river corridor have been talking about unionizing as a way to battle the rising cost of living. Antony McCoy, who has been guiding for Eagle, Colorado-based Timberline Tours for 25 years, puts the situation more succinctly. “It’s become harder and harder to make a living doing this,” he says.

Baer says he has watched rafting companies in the Arkansas River Valley hemorrhage staff over the past year, which affects safety and the overall quality of work on the river. “Our retention of senior staff has just been falling,” he says. “If we continue this way for much longer, retention will fall off so much so that we won’t have the staff to train. Trying to run any business with that turnover, let alone this kind of skilled labor, is impossible.”

While rafting has always been rife with stories of guides dirtbagging and living in vehicles while pursuing their passion, Baer says that should be a choice and not a requirement. He believes employees should be able to earn enough to rent housing in the community where they work.

Slate says he hopes they can find some common ground. “We have a changing labor market, and we want to find a way to make it work for everyone,” he says.

The industry could find a solution this season. Arizona House Rep. Tom O’Halleran introduced a bill that would exempt some guides from the overtime rule, which AROA executive director Bob Hamel said could be a workable compromise.

Baer is worried this could prevent changes that could help guides. He wants to see companies be more transparent with their finances so guides can be sure they’re being paid fairly.



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“I want my lowest-tier coworkers to earn a living wage,” he says. “I want my working environment to be a comfortable place for everyone.”

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