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COVID-19: Colorado Emergency Action

Insight — March 19, 2020

On Sunday, March 22, 2020, Governor Polis issued an Executive Order requiring Colorado employers to reduce their in-person work forces by at least 50%, effective Tuesday, March 24, 2020, subject to certain exceptions defined by the Colorado Department of Public Health and Environment (CDPHE). CDPHE issued its own Order and there is a helpful FAQ as well.

Here are some key points from the Executive Order and the CDPHE Order:

What is the effective date of the Orders? Tuesday, March 24, 2020 at 8:00 a.m.

How long do they remain in effect? Through 11:59 p.m. on April 10, 2020, unless extended, rescinded, or modified by further Executive Order.

What is required? Colorado employers, subject to certain exceptions (see below), must reduce their in-person work forces by at least 50%. The Order directs employers to implement tele-work or other work from home capabilities to the greatest extent possible and, if that is not “practical or possible,” the Order encourages employers to stagger work schedules to reduce the proximity of workers during work hours and to keep employees on payroll.

Who is covered by the Orders? All Colorado employers, subject to exceptions:

- The Executive Order does not apply to any employer that can certify that its employees “are no closer than six feet from one another during any part of their work hours.” CDPHE is developing a certification method, with penalties for providing false information.
- Critical workplaces are also exempt. Critical workplaces are:
- Health care operations, including but not limited to hospital, clinics, walk-in health facilities; home health care companies; pharmaceutical and biotechnology companies; pharmacies, and others. But it does not include health clubs, fitness and exercise gyms, and similar facilities.
- Critical Infrastructure, including utilities, fuel supply and transmission, public water, telecommunications, transportation, hotels, organizations that provide for disadvantaged people, and food supply chain.
- Critical Manufacturing, including food, beverages, chemicals,

medical equipment, pharmaceuticals, sanitary products, agriculture.

- Critical Retail, including grocery stores, liquor stores, farms, gas stations, restaurants and bars for takeout, marijuana dispensaries but only for medical or curbside delivery, hardware stores.
- Critical Services, including trash and recycling, mail, shipping, laundromats, childcare, building cleaning and maintenance, auto supply and repair, warehouses/distribution, funeral homes, crematoriums, cemeteries, animal shelters and rescues.
- News Media.
- Financial Institutions.
- Providers of Basic Necessities to Economically Disadvantaged Populations.
- Construction.
- Defense.
- Public Safety Services like law enforcement, fire prevention and response, EMTs, security, disinfection, cleaning, building code enforcement, snow removal, auto repair.
- Vendors that Provide Critical Services or Products including logistics, childcare, tech support, or contractors with critical government services.
- Critical Government Functions.

What are the penalties for violating the Order? Although some guidance provided by Governor Polis indicated the Executive Order would not be strictly enforced, the CDPHE Order states that it will be enforced “to the greatest extent possible by all legal means,” including a fine of up to \$1,000 and imprisonment for up to one year.

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