

LEGAL UPDATES

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Service

Labor & Employment

Denver Mayor Issues Stay at Home Order for All Residents and Businesses Engaged in Non-Essential Activities to Mitigate COVID-19

To slow the spread of COVID-19, protect vulnerable individuals, and ensure the viability of critical and limited healthcare capacity in Denver, on Monday March 23, 2020, Michael B. Hancock, Mayor of the City and County of Denver, Colorado, issued a Stay at Home Order requiring all people in Denver to stay home except to obtain essential items and services such as food, healthcare, medicine, or to work at essential businesses. All non-essential businesses must reduce on-site operations to a minimum basic level and implement work from home policies to the greatest extent possible. The Stay at Home Order is effective as of Tuesday, March 24, 2020, at 5:00 p.m.

The Mayor's Order follows on the heels of Governor Polis' Colorado-wide Executive Order ordering all non-"critical" businesses to reduce their in-person workforces by fifty percent (50%), which went into effect at 8:00 a.m. today. [Click here to read our previous post.](#)

Going further, Denver's Stay at Home Order requires non-exempt businesses to reduce their on-site workforce to a "minimum basic level" to protect inventory, ensure security, process payroll, and facilitate tele-work, provided six feet between employees is maintained at all times.

As with the Executive Order, the Stay at Home Order broadly defines "essential" businesses, infrastructure, or government functions that are excluded from the order:

1. Health Care Operations, including:

- a. Hospitals, clinics, pharmaceutical, non-elective medical and dental care, home health care, medical supply manufacturing, vet clinics, and animal shelters
 - b. Any business or operation that if not exempted would negatively impact the delivery of healthcare
2. Essential Infrastructure, including:
 - a. Utilities, oil and gas, fuel supply, commercial/residential construction, skilled trades, airport operations, internet and telecommunications
3. Essential Business, including:
 - a. Grocery, convenience stores, gas stations and hardware stores
 - b. Liquor stores and marijuana dispensaries, provided that physical distancing of six-feet per person is maintained
 - c. Restaurants and bars for takeout delivery
 - d. News media
 - e. Financial institutions
 - f. Schools, colleges, and universities, but only to facilitate distance learning and provided that physical distancing of six-feet per person is maintained
 - g. Food banks and other providers of economic necessities to the disadvantaged
 - h. Non-medical in-home care for seniors and children, but only if the provider lives in the home. Babysitting and traveling to provide care is not permitted except to allow parents/guardians to provide essential business, infrastructure, health care or governmental services.
4. Essential Government Services, including:
 - a. Police, fire, security, emergency response, courts, military and legislature

Essential businesses are asked to remain open, but to implement protocols to ensure a six-foot physical distance is maintained between employees and customers, enable frequent hand-washing, and other preventive measures. Businesses are also encouraged to develop a schedule of “separate” hours of operation for persons 60 years of age and older.

Violation of the law carries a civil penalty of up to nine hundred ninety-nine dollars (\$999.00) per violation.

The Order provides no mechanism for certification or registration as an essential business. Those businesses intending to remain open should consider arming essential employees with a document on

company letterhead or from an attorney describing the reasons supporting the claimed exemption, or for non-essential businesses, designating the employee as essential to maintain basic minimum operations.

Contact us

If you have labor and employment law questions regarding this Stay at Home order or COVID-19 more generally, please contact Stacey Bowman, Chris Ottele or your Husch Blackwell attorney. Additionally, please consult Husch Blackwell's Resource Center dedicated to monitoring legislative and administrative developments related to COVID-19 on a state-by-state basis.

Husch Blackwell has launched a COVID-19 response team providing insight to businesses as they address challenges related to the coronavirus outbreak. The page contains programming and content to assist clients and other interested parties across multiple areas of operations, including labor and employment, retailing, and supply chain management, among others.