

LEGAL UPDATES

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Service

Labor & Employment

Professionals

CHRISTOPHER L. OTTELE
DENVER:
303.749.7209
CHRIS.OTTELE@
HUSCHBLACKWELL.COM

ASHLEY W. JORDAAN
DENVER:
303.749.7297
ASHLEY.JORDAAN@
HUSCHBLACKWELL.COM

BARBARA A. GRANDJEAN
DENVER:
303.892.4458
BARBARA.GRANDJEAN@
HUSCHBLACKWELL.COM

Colorado Governor Orders 50% Reduction in Workforce for All Non-Critical Businesses To Mitigate COVID-19

In response to the COVID-19 pandemic, on Sunday March 22, 2020, Colorado Governor Jared Polis issued Executive Order 2020-013 (the “Executive Order”), to require Colorado employers to reduce their in-person workforces by fifty percent (50%). The Executive Order is effective as of Tuesday, March 24, 2020, at 8:00 a.m. The Executive Order exempts critical businesses as well as employers who can certify that its employees are no closer than six feet from one another during the workday. The Executive Order further directs the Colorado Department of Public Health and Environment (CDPHE) to create a process under which non-critical businesses can certify that their employees will maintain the required social distancing during work hours. The Executive Order remains in effect through Friday, April 10, 2020, at 11:59 p.m. The Governor’s announcement is [here](#).

The Executive Order directs businesses to immediately reduce their in-person workforces by fifty percent. Employers have some discretion on how to manage this directive, whether it be through telecommuting, rotating shifts, or staggered work schedules. It further directs all Colorado employers to implement telework and other work from home capabilities to the greatest extent possible.

The Executive Order does not apply to critical businesses, although even those businesses are encouraged to observe social distancing and teleworking. Critical businesses are broadly defined, and the FAQs issued provide some clarity about which businesses are considered critical:

1. Health Care Operations

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2. Critical Infrastructure, which includes utilities, fuel supply, telecommunications, transportation, hotels, and food supply chain
3. Critical Manufacturing, which includes food, beverages, chemicals, medical equipment, pharmaceuticals, sanitary products and agriculture
4. Critical Retail, which includes grocery stores, liquor stores, farms, gas stations, restaurants and bars for takeout, marijuana dispensaries for medical or curbside delivery, and hardware stores
5. Critical Services
6. News Media
7. Financial Institutions
8. Providers of economic necessities to the disadvantaged
9. Construction
10. Defense
11. Critical services to maintain the operation of safety, sanitation, residences and other critical businesses, which includes EMTs, security, disinfection, cleaning, snow removal and auto repair
12. Vendors that provide critical businesses or services
13. Critical government services

Additionally, the Executive Order does not apply to employers who are able to certify that their employees will work no closer than six feet from one another during any part of their work hours. Governor Polis has directed the CDPHE to implement the certification system, including appropriate penalties for supplying false information.

Unlike many other shut-down orders in other states and localities, the Executive Order makes clear that compliance is mandatory, and that state and local law enforcement will enforce the law in aggravated circumstances.

Contact Us

If you have labor and employment law questions regarding this executive order or COVID-19 more generally, please contact Christopher Ottele or your Husch Blackwell attorney.

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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.