JARED POLIS
GOVERNOR

136 STATE CAPITOL
DENVER, COLORADO 80203

TEL 303-866-2471
FAX 303-866-2003

D 2020 235

EXECUTIVE ORDER

Superseding and Replacing Executive Orders Concerning Protect Our Neighbors and Safer at Home in the Vast, Great Outdoors and Establishing Directives for the COVID-19 Dial Framework

Pursuant to the authority vested in the Governor of the State of Colorado and, in particular, pursuant to Article IV, Section 2 of the Colorado Constitution and the relevant portions of the Colorado Disaster Emergency Act, C.R.S. § 24-33.5-701, *et seq.*, I, Jared Polis, Governor of the State of Colorado, hereby issue this Executive Order due to the presence of coronavirus disease 2019 (COVID-19) in Colorado.

I. Background

On March 5, 2020, the Colorado Department of Public Health and Environment's (CDPHE) public health laboratory confirmed the first presumptive positive COVID-19 test result in Colorado. Since then, the number of confirmed cases has continued to climb, and there is community spread throughout the State. I verbally declared a disaster emergency on March 10, 2020, and on March 11, 2020, I issued the corresponding Executive Order D 2020 003, as amended by Executive Orders D 2020 018, D 2020 032, D 2020 058, D 2020 076, D 2020 109, D 2020 125, D 2020 152, D 2020 176, D 2020 205, and D 2020 234. On March 25, 2020, I requested that the President of the United States declare a Major Disaster for the State of Colorado, pursuant to the Stafford Act. The President approved that request on March 28, 2020.

The virus that causes COVID-19 is spread primarily by close contact between people and through respiratory droplets when an infected person coughs or sneezes, speaks, or sings. It can also be spread through contact with contaminated surfaces. Public health experts recommend we practice Social Distancing, or maintaining a physical distance of six (6) feet or more from other people, as a way to slow the spread of COVID-19. This is especially important for individuals at risk of severe illness from COVID-19. Evidence shows that Social Distancing and the Stay at Home Executive Order D 2020 017, as amended, helped to slow the rate of infection and ensured that Coloradans who needed it had access to healthcare resources.

My administration, along with other State, local, and federal authorities, has taken a wide array of actions to mitigate the effects of the pandemic, prevent further spread, and protect against overwhelming our health care resources.

On March 25, 2020, I issued the Stay at Home Executive Order D 2020 017, as amended and extended by Executive Order D 2020 024, taking a wide array of actions to mitigate the

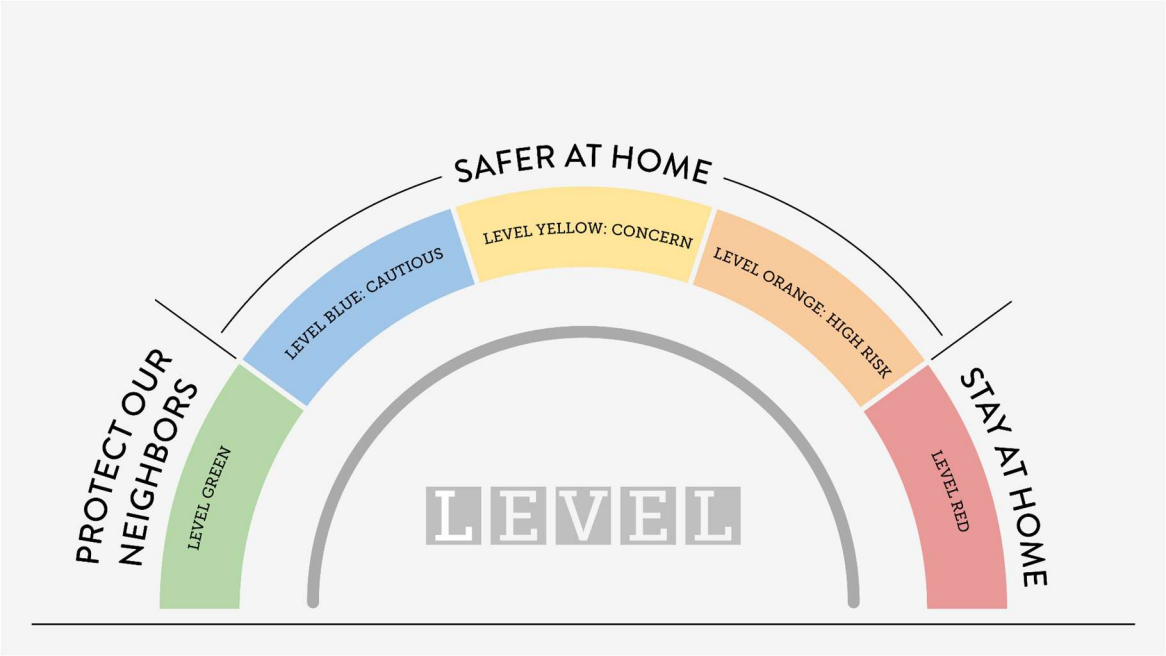
effects of the pandemic, prevent further spread, and protect against overwhelming our health care resources. Stay at Home required Coloradans to stay at home, subject to certain limited exceptions, and ordered the Executive Director of the CDPHE to issue a public health order (PHO) defining critical emergency personnel, infrastructure, government functions, and other activities exempt from the Stay at Home directives. Under Stay at Home and social distancing, the increase in cases and rate of infection slowed.

Through the Safer at Home Executive Order D 2020 044, as amended or extended by Executive Order D 2020 079, and the Safer at Home and in the Vast, Great Outdoors Executive Order 2020 091, as amended or extended by Executive Orders D 2020 123, D 2020 142, D 2020 144, D 2020 170, D 2020 199, and D 2020 213, I took steps to return Coloradans to work while continuing the efforts to "flatten the curve" and protect the public's health. Under Safer at Home and Safer at Home and in the Vast, Great Outdoors, Coloradans were encouraged to practice Social Distancing from others, limit social interactions, take extra precautions for individuals at risk of severe illness from COVID-19, and wear non-medical masks while in public to facilitate reopening the economy.

On July 9, 2020, I issued Protect Our Neighbors Executive Order D 2020 127, as amended or extended by D 2020 154, D 2020 178, D 2020 207, which implemented a number of measures giving local communities the opportunity to create flexible plans while still protecting the public's health. Under Protect Our Neighbors, local communities that have met certain qualifications and have an approved mitigation and containment plan may allow all activities to occur at fifty perfect (50%) capacity with Social Distancing with no more than five hundred (500) people in any one setting. Qualifying local communities are permitted to issue more detailed guidelines or public health orders to meet the needs of their community as long as the capacity did not exceed the Statewide limit. Because each community and each part of our State has different needs, Protect Our Neighbors allows communities to create unique and flexible plans within the statewide guidelines as we continue to open our economy and support people who are at increased risk for severe illness from COVID-19.

II. Purpose

This Executive Order combines Protect Our Neighbors, Safer at Home and in the Vast, Great Outdoors, and Stay at Home into CDPHE's "Dial" framework. This framework recognizes unique local circumstances and uses an intuitive dial to visualize a community's success in containing the spread of COVID-19. Safer at Home and in the Vast, Great Outdoors, Executive Order D 2020 091, as amended and extended, and Protect Our Neighbors Executive Order D 2020 127, as amended and extended, are hereby superseded and replaced by this Executive Order.



Each county or region is at one of the five levels represented by colors on the Dial, which range from least restrictive to most restrictive, including: Green - Protect Our Neighbors; Blue - Safer at Home, Cautious; Yellow - Safer at Home, Concern; Orange - Safer at Home, High Risk; and Red - Stay at Home. The goal of each level is to strike the important balance between enabling economic and social activity while ensuring that our testing, contact tracing, and health care systems are able to contain the virus. Each level is defined by objective scientific metrics such as the number of new cases, percent positivity of COVID-19 tests, and hospitalizations. Based on these metrics, the dial assigns certain limitations and restrictions to contain the virus, including capacity limitations. A community may move between dial levels based on the metrics and in consultation with State and local public health officials to ensure unique local conditions are appropriately considered. If a county is moved "back to normal" off the dial entirely because of a major reduction in transmission or risk, it will no longer be subject to this Executive Order and the corresponding PHO.

This Executive Order harmonizes the Protect Our Neighbors, Safer at Home and in the Vast, Great Outdoors, and Stay at Home directives, combining them into one simplified framework: The Dial. Each county or region is subject to the corresponding directives below based on its level on the dial.

III. Directives

A. I direct the Executive Director of CDPHE to issue a new or amended PHO that incorporates and updates the relevant requirements of all PHOs promulgated pursuant to Stay at Home Executive Order D 2020 017, as amended and extended, Safer at Home and in the Vast, Great Outdoors Executive Order D 2020 091, as amended and extended, and Protect Our Neighbors Executive Order D 2020 127,

as amended and extended, to create a PHO that reflects the complete Dial framework.

B. I direct the Executive Director of CDPHE to continue the certification and review process to move counties between Levels Green, Blue, Yellow, Orange, and Red of the Dial.

C. Any county in Levels Blue and Yellow of the Dial wishing to apply for a local site-specific variance of this Executive Order must submit a written application to CDPHE. CDPHE shall define any criteria required for approval of a local site-specific variance.

D. I direct all Coloradans who reside in counties under Level Red of the Dial to stay at home, subject to the exceptions as defined in the PHO issued pursuant to this Executive Order.

E. I direct CDPHE and the Colorado Civil Rights Division within the Department of Regulatory Agencies to provide continued guidance to prevent discrimination in the workplace related to COVID-19. Employers must provide reasonable accommodation to, and are prohibited from discriminating against, employees who are showing symptoms of COVID-19 or who have been in contact with a known positive case of COVID-19.

F. I direct the Executive Director of the Colorado Department of Higher Education (CDHE) to continue to work with CDPHE to identify programs and courses at postsecondary institutions that cannot be taught remotely and require limited in person instruction, and CDPHE shall create appropriate guidelines for classes and programs identified in consultation with the Executive Director of CDHE pursuant to this Section III.F.

G. I direct the Executive Director of the Colorado Department of Labor and Employment (CDLE) to modify temporary emergency rules as necessary to amend the Colorado Health Emergency Leave with Pay Rules found in 7 CCR 1103-10 to cover individuals returning to work under this Executive Order and to extend paid sick leave coverage to up to two-thirds pay for fourteen (14) days if a worker has tested positive for COVID-19, has COVID-like symptoms, or has been directed to quarantine or isolation due to COVID-19 concerns.

H. I direct the Executive Director of CDLE to modify temporary emergency rules as necessary pursuant to C.R.S. § 8-73-108(4)(c) and guidance as necessary to ensure that workers, and particularly workers who are individuals at risk of severe illness from COVID-19, are not in danger of losing unemployment insurance eligibility for refusal to return to COVID-19-related demonstrable, unsafe working conditions.

I. Pursuant to Colorado Revised Statute § 24-33.5-704(7)(h), CDPHE may, by PHO, based on each county's status in Levels Blue, Yellow, and Orange, set a time before 2:00 A.M. MDT for counties to cease alcohol beverage sales to end consumers for on-premises consumption and for takeout for all on-premises licensees licensed under Articles 3, 4, or 5 of Title 44 of the Colorado Revised Statutes, including approved sales rooms licensed under §§ 44-3-402(2), 44-3-402(7), 44-3- 403(2)(e), or 44-3-407(1)(b), Colorado Revised Statutes.

J. Based on each county's status in Levels Blue, Yellow, and Orange, all licensees licensed pursuant to Articles 3, 4 and 5 of Title 44 of the Colorado Revised Statutes, including approved sales rooms licensed under C.R.S. §§ 44-3-402(2), 44-3-402(7), 44-3- 403(2)(e), or 44-3-407(1)(b), that are licensed for on-premises consumption of alcohol beverages must make meals prepared by a retail food licensee available at all times that alcohol beverages are served for on-premises consumption, subject to the requirements of any relevant PHOs.

K. CDPHE may restrict funding to any county that implements measures that are less restrictive than the standards approved by CDPHE for each level if the county did not first obtain approval from CDPHE to adopt such less restrictive standards.

L. Except as modified by this Executive Order, all other Executive Orders issued due to COVID-19 that are currently in effect shall remain in full force and effect as originally promulgated.

M. Nothing in this Executive Order prevents a county or municipality from adopting more protective standards than those contained in this Executive Order as necessary.

VII. Duration

Executive Orders D 2020 091, as amended and extended, and D 2020 127, as amended and extended, are hereby superseded and replaced by this Executive Order. This Executive Order shall expire thirty (30) days from October 30, 2020, unless extended further by Executive Order.

GIVEN under my hand and the Executive Seal of the State of Colorado, this thirtieth day of October, 2020.

Jared Polis
Governor