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EXECUTIVE ORDER

Amending and Extending Executive Order D 2020 203 Declaring Insufficient Revenues Available for Expenditures and Ordering Mandatory Furloughs for Certain State Employees

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 C.R.S. § 24-2-102(4), I, Jared Polis, Governor of the State of Colorado, hereby issue this Executive Order amending and extending Executive Order D 2020 203 declaring that there are insufficient revenues available for expenditures and ordering mandatory furloughs for certain state employees.

I. Background and Purpose

On March 5, 2020, the Colorado Department of Public Health and Environment's (CDPHE) public health laboratory confirmed the first presumptive positive coronavirus disease 2019 (COVID-19) test result in Colorado. Since then, we have evidence of 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, D 2020 234, D 2020 258, D 2020 264, D 2020 284, D 2020 290, and D 2020 296. 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 economic impacts of COVID-19 are significant. Colorado is facing its toughest economic crisis since 2008, and by some measures one of the toughest of all time. Because of the challenges brought on by the COVID-19 pandemic and the resulting budget constraints, leaders across the State are facing difficult decisions. Agencies are focused on providing services that Coloradans depend on while protecting crucial programs and jobs. We have taken steps to shore up and protect our economy, but we have not been immune to the economic downturn caused by COVID-19. To meet the budget reductions already established in the Fiscal Year 2020-21 Long Bill, a limited number of furloughs are necessary to manage personal service costs while continuing to protect and maintain operations of State services and programs.

I understand that these furloughs are a hardship for many state employees and their families, as well as those who rely on the services that those employees provide. But these

difficult times demand sacrifices from all of us. We must implement the State's budget in a fair and responsible manner, while continuing to protect public health and contain the spread of COVID-19.

Staff in the Governor's Office and the State Personnel Director worked in partnership with Colorado Workers for Innovative and New Solutions (WINS) to come to agreement, both in philosophy and in implementation, on how these mandatory furloughs impact state employees, as required by the Executive Order.

On September 23, 2020, I issued Executive Order D 2020 203 order that state employees, unless exempt, must take mandatory furlough days. The number of mandatory furlough days is based on an employee's annual salary. Exempted employees are those necessary to respond to the COVID-19 pandemic, assist Coloradans in finding jobs, and protect public safety and roads. Additionally, workers earning fifty thousand dollars ($50,000) per year or less are not furloughed. A description of the positions that are exempted from mandatory furloughs is set forth in the Directives of Executive Order D 2020 203, as amended. State employees may take mandatory furlough days at any time during State Fiscal Year 2020-2021.

I will continue to work with the Executive Directors, the State Personnel Director, other elected officials, certified employee organizations, and frontline employees to implement budget reductions with the smallest possible impact to government services and state employees. While the December 2020 forecast shows improvement, significant uncertainty about the pace of economic recovery remains, and additional reductions may be required in this or following fiscal years.

In addition, the State constitution vests management of the Judicial and Legislative branches in the heads of those branches, so employees of those branches will be exempt from the furloughs ordered by this Executive Order. State law provides the leaders of the State's institutions of higher education with the independent authority to furlough non-classified employees. Through this Executive Order, I also direct the State's institutions of higher education to furlough classified employees if needed to manage their budgets accordingly. The departments of Law, State, Treasury and Education are not included in this Executive Order.

II. Amendment

Executive Order D 2020 203 is amended as follows:

1. Add new Section II.B.5 as follows:

   Salaries listed above are full time base salaries. The full time equivalent base salary shall be used to determine the number of furlough days for part time employees.

2. Strike "Medicare" Section II.F.2 and replace with "Medicaid"

III. Duration

Executive Order D 2020 203, as amended and extended by this Executive Order, remains in effect until March 31, 2021 unless extended further by Executive Order.

GIVEN under my hand and the Executive Seal of the State of Colorado, this thirty-first day of December, 2020.

Jared Polis
Governor