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EXECUTIVE ORDER

Declaring a Disaster Emergency Due to the Presence of Coronavirus Disease 2019 in Colorado

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.* (Act), I, Jared Polis, Governor of the State of Colorado, hereby issue this Executive Order declaring a state of disaster emergency due to the presence of coronavirus disease 2019 (COVID-19) in Colorado, and authorizing response activities associated with the disaster emergency to enable State agencies to coordinate response, recovery, and mitigation efforts.

Further, pursuant to the authority vested in the Governor of the State of Colorado and, in particular, pursuant to Article IV, Section 5 of the Colorado Constitution and C.R.S. § 28-3-104, I hereby authorize employing the Colorado National Guard to support and provide planning resources to State and local authorities as they respond to the presence of COVID-19 in the State.

I. Background and Purpose

The Governor is responsible for meeting the dangers to the State and people presented by disasters. C.R.S. § 24-33.5-704(1). The Act defines a disaster as "the occurrence or imminent threat of widespread or severe damage, injury, or loss of life or property resulting from any natural cause or cause of human origin, including but not limited to . . . epidemic." C.R.S. § 24-33.5-703(3). The threat currently posed by COVID-19, a respiratory illness that can spread from person to person, constitutes a disaster for purposes of the Act.

Like many other states and countries around the world, Colorado identified numerous presumptive positive cases of COVID-19. The virus that causes COVID-19 is a novel coronavirus that was first identified during an investigation into an outbreak in Wuhan, China in December 2019. Transmission of the disease likely occurs in ways similar to other respiratory illnesses. To become sick, an individual must be exposed to the virus, either through prolonged, close (within six (6) feet) exposure to someone with COVID-19, transmission of respiratory droplets by an infected person coughing or sneezing, or touching a surface or object that has the virus on it and then touching your mouth, nose, or eyes. Symptoms include fever, coughing, and difficulty breathing.

In response to the growing global threat posed by COVID-19, the Colorado Department of Public Health and Environment (CDPHE) activated its Emergency Operations Center (Center) on February 26, 2020. CDPHE is coordinating its response to this emerging epidemic through the Center and collaborating with local public health agencies across the State to conduct disease surveillance and control activities. The Center is open seven (7) days per week, and State epidemiologists are on call twenty-four (24) hours per day. This work is further informed by guidance and assistance from the Centers for Disease Control and Prevention (CDC). CDPHE received approval from the CDC and began laboratory testing for COVID-19 on February 28, 2020. CDPHE currently has the capacity to run over 200 tests per day. On March 5, 2020, CDPHE's public health laboratory confirmed the first presumptive positive test result from Colorado.

On March 3, 2020, I verbally ordered the Office of Emergency Management to implement the State Emergency Operations Plan and to take all necessary and appropriate State actions to assist the affected jurisdictions with their response, recovery, and mitigation efforts (Incident CO-COEM-I070). At approximately 9:00 AM on March 10, 2020, I verbally declared a disaster emergency due to the presence of COVID-19 in Colorado. I also verbally authorized employing the Colorado National Guard to support and provide planning resources to State and local authorities as they respond to the presence of COVID-19 in the State.

As of March 11, 2020, CDPHE identified thirty-three (33) presumptive positive COVID-19 cases and one (1) indeterminate test result. Out of an abundance of caution, CDPHE treats an indeterminate test as a positive case until the State receives conclusive test results from the CDC. The State lab has run tests on hundreds of people in Colorado since testing started on February 28, 2020. In the coming days, the State anticipates there will be additional presumptive positive cases. Based on the course of the disease so far in the State, CDPHE has reason to suspect we are seeing limited community spread in Colorado.

Current guidance from CDPHE and CDC indicates that older adults and people who have serious chronic medical conditions such as heart disease, diabetes, and lung disease are most at risk of getting very sick from COVID-19.

The presence of COVID-19 in Colorado presents unique challenges and strains the resources of our emergency and medical facilities and personnel. The measures I am ordering through this Executive Order are designed to meet these challenges by limiting the spread and mitigating the harm caused by COVID-19, protecting our most vulnerable populations, and maximizing our chances of avoiding widespread disruptions to our economy and to the daily lives of Colorodans. I have consulted with public health officials and studied the responses of other nations. The State's approach is based on models that have proven effective, and we will modify it if necessary to respond to new information or changed circumstances.

II. Declarations and Directives

A. The presence of COVID-19 in Colorado constitutes a disaster emergency under C.R.S. § 24-33.5-701, *et seq.* My verbal order of March 10, 2020, declaring a disaster emergency, pursuant to C.R.S. § 24-33.5-704(4), is hereby memorialized by this Executive Order and shall have the full force and effect of law as if it were contained within this Executive Order.

B. Pursuant to C.R.S. § 28-3-104, my verbal orders of March 10, 2020, activating the National Guard, and authorizing the use of National Guard assets to support and provide planning, logistics, personnel and facilities to State and local authorities as they respond to the presence of COVID-19 in the State are hereby memorialized by this Executive Order and shall have the full force and effect of law as if they were contained within this Executive Order.

C. Pursuant to C.R.S. § 24-33.5-706(4), I order that four million dollars ($4,000,000) from the Disaster Emergency Fund be encumbered for response activities related to the COVID-19 response efforts. This amount is an estimate of the immediate funding needed for COVID-19 response efforts and may be adjusted in subsequent Executive Orders if necessary. These funds shall remain available for this purpose until twelve (12) months from the date of this Executive Order and any unexpended funds shall remain in the Disaster Emergency Fund.

D. Pursuant to C.R.S. § 24-33.5-704.5, the Governor's Expert Emergency Epidemic Response Committee (Committee) has convened to consider evidence presented by CDPHE's State Epidemiologist that there is an occurrence or imminent threat of an emergency epidemic based on the COVID-19 cases present in Colorado. The Committee will continue to convene regularly to advise me regarding reasonable and appropriate measures to reduce or prevent spread of COVID-19 and to protect public health.

E. Pursuant to C.R.S. § 24-33.5-704(5), I hereby activate the disaster response and recovery aspects of applicable State, local, and interjurisdictional disaster emergency plans. Furthermore, I authorize the employment and use of any forces to which such plans apply and for use or distribution of any supplies, equipment, and materials and facilities assembled, stockpiled, or arranged to be made available under the Act or other applicable law.

F. I direct CDPHE to issue all public health orders necessary to protect individuals who reside or are cared for in a Colorado licensed or certified skilled nursing facility, intermediate care facility, assisted living facility, or similar entity.

G. I direct the Colorado Department of Labor and Employment (CDLE) to engage in emergency rulemaking to ensure workers in the following industries get paid sick

leave if they exhibit flu-like symptoms and have to miss work while they await testing results for COVID-19: leisure and hospitality, food services, child care, education at all levels (including but not limited to cafeterias and transportation to, from, and on campuses), home health care (working with elderly, disabled, ill, or otherwise high-risk individuals), operating a nursing home, or operating a community living facility. I make this order not only to prevent the spread of the virus, but also to assure both Coloradans and visitors to our State that we are minimizing risks. For those workers who test positive and lack access to paid leave, I have asked CDLE to identify additional supports and wage replacement such as access to emergency unemployment assistance.

H. I direct the Department of Revenue (DOR) to temporarily allow Coloradans over the age of 65, a vulnerable population, to renew their driver's licenses online to avoid having to congregate at a Department of Motor Vehicles office.

I. I direct the Department of Personnel and Administration (DPA) to promulgate emergency rules relating to leave policies to ensure that state workers who are subject to mandatory or voluntary quarantine or isolation and who cannot work from home have access to paid leave. I also hereby suspend those provisions of C.R.S. § 24-50-603(7) that exclude temporary employees from the definition of "employee" for the purposes of leave benefits eligibility, and direct the State Personnel Director to determine what, if any, state leave benefits may be provided to temporary employees.

J. I hereby suspend the requirement that state employees who are absent from work due to COVID-19-like symptoms for three or more consecutive days provide a medical certificate form from a health care provider, set forth at C.R.S. § 24-50-104(7)(a). I also direct the State Personnel Director to create and promulgate an Employee Self-Certification Form that shall be used by employees in lieu of a medical certificate form from a health care provider. The suspension of the medical certificate requirement as set forth in this Executive Order does not suspend any documentation requirements that pertain to serious health conditions or injuries, as defined in the State Personnel Administrative Procedures, Rule 1-69, that may qualify for job-protection under the Family Medical Leave Act.

III. Duration

This Executive Order shall expire thirty (30) days from March 11, 2020, unless extended further by Executive Order, except that the funds described in Section II(C) above shall remain available for the described purposes for twelve (12) months from the date of this Executive Order.

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

Jared Polis
Governor