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EXECUTIVE ORDER

Directing the Colorado Department of Labor and Employment to Make One-Time Direct Stimulus Payments to Qualifying Individuals Experiencing Economic Hardships Caused by COVID-19 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, the relevant portions of the Colorado Disaster Emergency Act, C.R.S. § 24-33.5-701, *et seq.*, and C.R.S. § 24-33.5-1106, I, Jared Polis, Governor of the State of Colorado, hereby issue this Executive Order directing the Colorado Department of Labor and Employment (CDLE) to make one-time direct stimulus payments to qualifying individuals experiencing economic hardships caused by coronavirus disease 2019 (COVID-19) in Colorado.

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 COVID-19 test result in Colorado. Since then, the number of confirmed cases has continued to climb, and we have evidence of widespread community transmission 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, and D 2020 205. 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.

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.

The economic impacts of COVID-19 are significant, and threaten to undermine the economic stability of many Coloradans and local businesses. The risk of contamination posed by COVID-19 necessitated closure of multiple businesses. Employers and employees in virtually all sectors of the economy have been hard hit. While we have seen indications that our efforts to "flatten the curve" are working, transmission of the virus continues to threaten Coloradans' way of life and livelihoods.

Since March 15, 2020, hundreds of thousands of Coloradans have filed for and received unemployment insurance benefits to help pay for groceries, rent, and utilities to weather the hardships caused by COVID-19. As of August 2020, employment rates among workers making less than $27,000 decreased by 15% compared to January 2020, while workers making more than $60,000 have almost returned to their January 2020 employment rates. Many Coloradans continue to rely on unemployment insurance to meet their basic needs.

On March 20, 2020, I issued Executive Order D 2020 012, which mobilized State resources to improve and expedite services available to individuals applying for unemployment insurance benefits to promote the economic stability of the State. Subsequently, I issued Executive Orders D 2020 031, D 2020 051, and D 2020 088, which extended the availability of the resources issued in Executive Order D 2020 012. On June 13, 2020, I issued Executive Order D 2020 100, which further extended these resources to improve and expedite unemployment insurance benefits. Executive Order D 2020 100 was extended by Executive Orders D 2020 133, D 2020 161, D 2020 184, and D 2020 215.

This Executive Order directs CDLE to make one-time direct stimulus payments through the unemployment insurance system to qualifying individuals experiencing economic hardships caused by COVID-19 in Colorado.

II. Directives

A. I direct the Unemployment Insurance Division within CDLE to make one-time direct stimulus payments of three hundred seventy five dollars ($375) to all qualifying individuals experiencing economic hardships caused by COVID-19 in Colorado. One-time direct stimulus payments shall be processed by December 4, 2020, unless otherwise approved in writing by the Governor and Executive Director of CDLE.

B. For purposes of this Executive Order, the term “qualifying individual experiencing economic hardships caused by COVID-19” means any individual who:

i. Received at least one dollar ($1) of unemployment insurance compensation during the period of time between March 15, 2020 and October 24, 2020; and

ii. Was monetarily eligible, by meeting the eligibility requirements in C.R.S. § 8-73-107(1)(e), for a weekly benefit amount between twenty five dollars ($25) and five hundred dollars ($500) from March 15, 2020 to October 24, 2020.

C. For purposes of this Executive Order, the term "unemployment insurance compensation" means:

i. Unemployment compensation, including Unemployment Insurance Compensation administered pursuant to Articles 70 to 82 of the Colorado Employment Security Act, C.R.S. § 8-70-101, *et seq.*;

ii. Unemployment Compensation for Federal Employees (UCFE), under 5 U.S.C. § 8501, *et seq.*, and Unemployment Compensation for Ex-Service members (UCX), under 5 U.S.C. § 8521, *et seq.*;

iii. Pandemic Emergency Unemployment Compensation (PEUC), under section 2107 of the Coronavirus Aid, Relief, and Economic Security Act, H.R.748, 116th Cong. (2019-2020) (CARES Act);

iv. Pandemic Unemployment Assistance (PUA), under section 2102 of the CARES Act;

v. Extended Benefits (EB), under 26 U.S.C. § 3304;

vi. Short-Time Compensation (STC), under 26 U.S.C. § 3306(v);

vii. Trade Readjustment Allowance (TRA), under 19 U.S.C. §§ 2291 through 2293; and

viii. Payments under the Self-Employment Assistant (SEA) program, under 26 U.S.C. § 3306(t).

D. Pursuant to C.R.S. § 24-33.5-706(4)(b), funds in the Disaster Emergency Fund are hereby found to be insufficient to pay for one-time direct stimulus payments to all qualifying individuals experiencing economic hardships caused by COVID-19 in Colorado.

E. I therefore order the following transfers:

i. Five million three hundred forty seven thousand and seventeen dollars ($5,347,017) into the Disaster Emergency Fund from the Controlled Maintenance Trust Fund; and

ii. One hundred forty eight million nine hundred thousand dollars ($148,900,000) into the Disaster Emergency Fund from the General Fund appropriation in Fiscal Year 2020-2021 to the Department of Health Care Policy and Financing Medical Services Premiums line item.

F. I further encumber one hundred sixty-eight million dollars ($168,000,000) from the Disaster Emergency Fund, established in C.R.S. § 24-33.5-706(2)(a), made available to CDLE, for one-time direct stimulus payments transferred from the Disaster Emergency Fund to all qualifying individuals experiencing economic hardships caused by COVID-19 in Colorado. These funds shall remain in the Disaster Emergency Fund. These funds shall remain available for this purpose until December 31, 2020.

G. The allocated funds for the one-time direct stimulus payments and any costs associated with the administration of those payments shall not be billed against the CDLE Unemployment Insurance fund or the administrative grant provided through the federal Department of Labor (USDOL) for program administration but shall instead be solely charged to the funds encumbered by this Executive Order.

H. Prior to the commencement of any activity by CDLE related to the distribution of the funds transferred in Section II.E, above, documented approval from the USDOL is required in accordance with the requirements of 2 C.F.R. 200.407, Subpart E. Any administrative costs borne by CDLE to implement this Executive Order shall be proportionately allocated pursuant to 2 C.F.R. Part 200, Subpart E and as provided through any relevant USDOL Guidance including but not limited to Training and Employment Guidance Letters No. 6-05, 15-09, 6-02 regarding how to properly apply cost allocation principles.

III. Duration

This Executive Order shall expire thirty (30) days from October 28, 2020, unless amended further by Executive Order, except that the funds described in Section II.F shall remain available for the described purposes until December 31, 2020.

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

Jared Polis
Governor