

# Labor & Employment Alert

## MESSNER REEVES LLP

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### Colorado Order Mandating Reduction in In-Person Workforce by Fifty Percent

On March 22, 2020 Colorado Governor Jared Polis issued an executive order directing all of Colorado's non-critical employers to reduce their in-person workforce by 50 percent due to the presence of COVID-19 in the state. In accordance with the executive order, the Colorado Department of Public Health and Environment has also issued a public health order. The orders take effect on Tuesday, March 24, 2020 and are set to last through Friday, April 10, 2020.

The executive order directs all Colorado employers, except for Critical Businesses as defined in the public health order, to reduce in-person work by at least fifty (50) percent.

The executive order directs all employers to implement tele-work or other work from home capabilities to the greatest extent possible. Businesses may continue operations so long as at least half their employees and contractors perform work activities at their own residences (i.e., work from home). If tele-work or work from home is not practical or possible, employers are encouraged to stagger work schedules and take other measures to reduce the proximity of workers to each other during work hours. The executive order does not apply to any employer that can certify that employees are no closer than six feet from one another during any part of their work hours.

#### Critical Businesses that are exempt include:

- Health care operations.
- Critical Infrastructure, including utilities, fuel supply and transmission, public water, telecommunications, transportation, hotels, organizations that provide for disadvantaged people, and food supply chain.
- Critical Manufacturing, including food, beverages, chemicals, medical equipment, pharmaceuticals, sanitary products, agriculture.
- Critical Retail, including grocery stores, liquor stores, farms, gas stations, restaurants and bars for takeout, marijuana dispensaries but only for medical or curbside delivery, hardware stores.
- Critical Services, including trash and recycling, mail, shipping, laundromats, child care, building cleaning and maintenance, auto supply and repair, warehouses/distribution, funeral homes, crematoriums, cemeteries, animal shelters and rescues.
- News Media.
- Financial Institutions.
- Providers of Basic Necessities to Economically Disadvantaged Populations.
- Construction.
- Defense.
- Public Safety Services like law enforcement, fire prevention and response, EMTs, security, disinfection, cleaning, building code enforcement, snow removal, auto repair.

- Vendors that Provide Critical Services or Products including logistics, child care, tech support, or contractors with critical government services.
- “Critical Government Functions.”

Critical Businesses are further defined in the [public health order](#).

A copy of the executive order is available [here](#).

Please do not hesitate to contact Messner Reeves attorneys John Shunk or LaRona Kitzinger if you have further questions or would like assistance complying with this law.