



D 2021 132

EXECUTIVE ORDER

Colorado COVID-19 Disaster Recovery Order Amending and Extending Executive Orders D 2021 122, D 2021 124, D 2021 125, and D 2021 129

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, issue this coronavirus disease 2019 (COVID-19) Executive Order to amend and extend Executive Order D 2021 122, as amended and extended by D 2021 124, D 2021 125, and D 2021 129, which refocuses the State's efforts on recovery.

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 the continued employment of the Colorado National Guard to support and provide planning resources to State and local authorities for the recovery.

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 Colorado Disaster Emergency Act (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 posed by COVID-19, a respiratory illness that can spread from person to person, constitutes a disaster for purposes of the Act. The Governor has authority to take any action "in prevention of, preparation for, response to, and recovery from disasters." C.R.S. § 24-33.5-702(1)(d). For purposes of the Act, recovery is "the short, intermediate, and long-term actions taken to restore community functions, services, vital resources, facilities, programs, continuity of local government services and functions, and infrastructure to the affected area." C.R.S. § 24-33.5-703(7.3).

We have lost over 7,000 Coloradans to COVID-19. Hundreds of thousands of Coloradans have become ill, and our healthcare professionals continue to work tirelessly to ensure that COVID-19 patients are treated with the best medical care we can offer. This pandemic has required extraordinary sacrifices from each and every resident of our State. I thank all Coloradans for rising to meet this moment in world history. Every aspect of our lives has changed, but despite the enormous challenges, we undertook these actions to protect ourselves, our friends, our families, and our community.

Thanks to the efforts of all Coloradans, the moment for extraordinary executive action has passed. The State has made tremendous progress in terms of containing and treating infection and distributing the COVID-19 vaccine. Over seventy-six percent of Colorado's eligible population has now received at least one dose of the lifesaving COVID-19 vaccine, and we are beginning to see life return to a new normal. I therefore rescinded all previous Executive Orders issued due to COVID-19 and amended Executive Order D 2021 122 to focus only on those measures related to the State's recovery from the COVID-19 pandemic emergency.

This Executive Order amends and extends Executive Orders D 2021 122, D 2021 124, D 2021 125, and D 2021 129, to further refocus our efforts on recovery, facilitate administration of the lifesaving COVID-19 vaccine, ensure that our healthcare facilities have sufficient resources to treat COVID-19 patients, improve our economic recovery, maintain access to additional federal funding, and continue the State's disaster declaration and essential directives for response and continuity of State government. Together, these directives ensure agency access to State and federal funding, enable the State to continue COVID-19 response and recovery activities, and ensure the State can execute rapid procurement processes when needed to respond to the changing COVID-19 environment due to variants and stressors on our health care system.

The amendments in this Executive Order remove provisions related to the Department of Motor Vehicles, as they are no longer needed, and the remaining protections for residential tenants. This Executive Order also includes additional suspensions of certain State Personnel Board Rules, which will enable the State to expedite the pre-disciplinary process for State certified employees who are out of compliance with the State's COVID-19 vaccination requirement for agency staff members and other state employees that interact with vulnerable populations and populations living in congregate living settings. The existing process would prevent, hinder, or delay the State in addressing noncompliance by State employees. State employees' noncompliance with existing COVID-19 vaccination and/or testing requirements threatens the State's ability to adequately respond to and recover from the ongoing pandemic and endangers the health of fellow State workers, members of the public who interact with the State, members of vulnerable populations and populations in congregate living settings, and the general public. The State must remain vigilant in light of variants that continue to circulate among our population, and take action when needed to continue to protect public health and our economy from the pandemic's effects.

This Executive Order also includes a new directive to the Colorado Department of Education to facilitate data sharing that will protect the health and safety of our student population in the wake of rising cases in our schools. The pandemic remains an ongoing threat to our youth, especially those not yet eligible for the vaccine, and this data sharing will enable public health authorities to promptly identify the school of attendance of a suspected or confirmed COVID-19 case and will assist with swift contact tracing and disease mitigation measures. In addition, this data sharing will enable public health officials to quickly cross-reference schools of attendance with data regarding the vaccination status of other students to guide local response.

II. Amendments

Executive Order D 2021 122, as amended and extended by Executive Orders D 202 124, D 2021 125, and D 2021 129, is amended as follows:

1. Delete Sections II.ii.G, II.ii.H, and II.ii.I.

2. Include the following as Section II.iv.F:

I temporarily suspend the portion of the title of State Personnel Board Rule 4 CCR 801-1, 6-9 that states, “of the Rule 6-10 Meeting,” for the limited purpose of pursuing the pre-disciplinary process for State employees out of compliance with the State’s COVID-19 vaccination requirement.

3. Include the following as Section II.iv.G:

I temporarily suspend State Personnel Board Rule 4 CCR 801-1, 6-9(A) for the limited purpose of pursuing the pre-disciplinary process for State employees out of compliance with the State’s COVID-19 vaccination requirement.

4. Include the following as Section II.iv.H:

I temporarily suspend the first clause of State Personnel Board Rule 4 CCR 801-1, 6-9(B), “When reasonable attempts to hold the Rule 6-10 meeting fail,” for the limited purpose of pursuing the pre-disciplinary process for State employees out of compliance with the State’s COVID-19 vaccination requirement.

5. Include the following as Section II.iv.I:

I temporarily suspend the first clause of State Personnel Board Rule 4 CCR 801-1, 6-9(C), “If reasonable attempts to meet fail and,” for the limited purpose of pursuing the pre-disciplinary process for State employees out of compliance with State’s COVID-19 vaccination requirement.

6. Include the following as Section II.iv.J:

I temporarily suspend the portion of State Personnel Board Rule 4 CCR 01-1, 6-9(D)(5) that states, “of the Rule 6-10 Meeting,” for the limited purpose of pursuing the pre-disciplinary process for State

employees out of compliance with the State's COVID-19 vaccination requirement.

7. Include the following as Section II.iv.K:

I temporarily suspend State Personnel Board Rule 4 CCR 801-1, 6-10 for the limited purpose of pursuing the pre-disciplinary process for State employees out of compliance with the State's COVID-19 vaccination requirement.

8. Include the following as Section II.iv.L:

I temporarily suspend the portion of State Personnel Board Rule 4 CCR 801-1, 6-11(A)(6) that states, "discussed during the Rule 6-10 meeting, including information," for the limited purpose of pursuing the pre-disciplinary process for State employees out of compliance with the State's COVID-19 vaccination requirement

9. Include the following as Section II.iv.M:

I temporarily suspend the portion of the title of State Personnel Board Rule 4 CCR 801-1, 6-13 that states, "of Rule 6-10 Meeting," for the limited purpose of pursuing the pre-disciplinary process for State employees out of compliance with the State's COVID-19 vaccination requirement.

10. Include the following as Section II.iv.N:

I temporarily suspend State Personnel Board Rule 4 CCR 801-1, 8-33(A)(2)(c) for the limited purpose of pursuing the pre-disciplinary process for State employees out of compliance with the State's COVID-19 vaccination requirement.

11. Include the following as Section II.iv.O:

For purposes of Section II.iv of this Executive Order, "the State's COVID-19 vaccination requirement" means the requirement that agency staff members and other state employees that interact with vulnerable populations and populations living in congregate living settings are required to be vaccinated against COVID-19 pursuant to the State policy announced on August 17, 2021.

12. Include the following as Section II.iv.P:

I direct the Colorado Department of Education to share with the Colorado Department of Public Health and Environment (CDPHE) student information necessary for public health purposes of ongoing COVID-19 investigation and disease mitigation, including information identifying the student's school of attendance and sufficient information about students to match their information to records in CDPHE immunization and disease control databases. This data sharing is necessary in connection with the COVID-19 pandemic to protect the health and safety of our student population and is permissible pursuant to the Family Educational Rights and Privacy Act, 20 U.S.C. § 1232g(b)(1)(I), which permits such data sharing with appropriate persons in connection with an emergency if the information is necessary to protect the health or safety of the student or other persons.

III. Duration

Executive Order D 2021 122, as amended and extended by Executive Orders D 2021 124, D 2021 125, D 2021 129, and this Executive Order, shall expire thirty (30) days from October 3, 2021, unless extended further by Executive Order, except that the funds described in subsection II.iv.C of Executive Order D 2021 122, as amended and extended, shall remain available for the described purposes and the described time period stated in subsection II.iv.C. In all other respects, Executive Order D 2021 122, as amended and extended, shall remain in full force and effect as originally promulgated.



GIVEN under my hand and
the Executive Seal of the
State of Colorado, this third
day of October 2021.

A handwritten signature in blue ink that reads "Jared Polis".

Jared Polis
Governor