

ADVISORY

Governor Sets Guidelines for Reopening Under Safer-at-Home



INTRODUCTION

Colorado Governor Jared Polis' March 25 "Stay-at-Home" order expired on Sunday, April 26, and the new "Safer-at-Home" order took effect on April 27 along with a new Public Health Order (PHO) from the Colorado Department of Public Health and Environment. Although the Stay-at-Home order expired, several counties and municipalities, including Denver, have their own stay-at-home orders that supplement the new, less restrictive state guidance. So while some businesses may begin to reopen, businesses in jurisdictions with more restrictive orders will face delayed reopening and some may be required to impose more restrictive health and safety procedures.

The Colorado Department of Public Health and Environment (CDPHE) has drafted guidance, which generally requires:

- An emphasis on telework to minimize on-site staff
- The redesigning of offices to minimize physical contact
- Routine sanitizing of common areas and high-touch surfaces, and the implementation of temperature checks or health screening for staff

KEY TAKEAWAYS

- There will be no return to pre-pandemic normal for the foreseeable future. Individuals and businesses must adjust to the new reality of Safer-at-Home.
- The statewide Safer-at-Home order currently conflicts with several county and municipal orders, and businesses with multiple locations in Colorado must reconcile the requirements of these competing orders.
- Safer-at-Home requirements emphasize frequent sanitation, mask-wearing, routine temperature testing, and social distancing among employees and customers. These steps will be required whenever possible for businesses that choose to reopen.



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- Telecommuting and staggered shifts will be critical in keeping worksites safe, and businesses should consider physical modifications of their workplaces.

SAFER-AT-HOME IN ACTION STEPS TO TAKE WHEN REOPENING

WORKPLACE RESTRICTIONS

Although some businesses may begin to reopen, they must implement health and safety protocols. The Safer-at-Home order generally requires the following:

- Social distancing must continue, and public gathering should be limited to fewer than 10 persons. Masks, gloves, and other protective gear should be worn when feasible.
- Vulnerable Individuals, including those who are 65 or older, pregnant, or suffering from underlying health conditions, should stay at home except when leaving the home is absolutely necessary.

WORKPLACE SAFETY MEASURES

Healthcare Providers: Alongside the Safer-at-Home order, the governor announced Executive Order D 2020 045, which allows nonemergency medical and dental services to resume so long as providers have a response plan and specific sanitation conditions are met. Providers must screen all entrants to their facilities for symptoms and must provide personal protective equipment (PPE) for employees, patients, and visitors. Providers should be in contact with state authorities regarding their PPE supplies and should, to the extent they have not already done so, develop an inventory system for issuing PPE. Providers should implement social distancing, staggered work schedules, and curbside service to the extent possible. Not all elective procedures are created equal, and providers should consider further postponing elective procedures that may involve intensive care admission or require medication that is in short supply.

ENSURING A SAFER WORKPLACE

Temperature Screening and Other Examinations and Inquiries: Temperature checkpoints will be an important part of any safe workplace. Temperature screenings are permissible if applied in a nondiscriminatory manner and the results are kept strictly confidential. Consider creating sanitation checkpoints that are staffed with a designated COVID-19 safety officer. At those stations, the safety officer should take employees' temperatures and ask questions designed to identify whether employees have been exposed or infected. The safety officer should take note of employees' temperatures and direct employees to wash their hands prior to beginning work. Businesses should consider how employees use the office space—hand sanitizer and hand-washing stations should be available in high-traffic areas. For areas of uncontrolled interaction with nonemployees such as loading docks, storefronts, or reception areas, businesses should consider installing partitions to shield staff and require a sanitation checkpoint before staff members return to the main office.

Redesigning the Office: Efficient use of expensive square footage and ease of collaboration, which have long been the hallmarks of office design, will no longer be the focus in our new reality. A six-foot minimum social distance corresponds to about 115 square feet per person, a significant increase from typical office density. The office layout will need to be modified to ensure a minimum safe distance between workers. Consider moving desks, making hallways run in one direction, closing every other bathroom stall, and removing some chairs in conference rooms. More long-term planning should focus on reducing the number of touches in a given day—consider swing doors over handles, touchless paper towel dispensers,

motion sensors over buttons, single-use over reusable supplies. Suffice it to say that the days of shared candy bowls have come and gone.

Rework Schedules: Staggering employee work schedules and breaks will reduce person-to-person transmission. Businesses should provide flexible or remote scheduling for employees who have childcare or elder care obligations and for those deemed Vulnerable Individuals. If practical, employers must continue to allow employees to telework.

Retail Operation Reopening: On April 27, retail businesses may begin curbside pickup and delivery. On May 1, retail establishments may permit customer entry, but only if best practices are in place. Consider marking six-foot distanced spaces in checkout lines or adopting no-touch electronic payments. Consider staffing extra employees to frequently sanitize the store, and provide hand sanitizer in high-traffic areas. Finally, businesses should also consider designating specific time slots for Vulnerable Individuals to transact business.

Personal Services: Businesses that provide personal services, such as hair salons, spa care, or physical training, may resume operations starting on May 1, so long as best practices are in place. Services should be provided by appointment only, with no walk-ins or waiting time permitted. Customers should be required to wear masks and payments should be made without contact. Workers should change gloves before interacting with each client and conduct symptoms checks of customers if services require close personal contact. To facilitate contact tracing if the need should arise, personal service workers should maintain detailed customer interaction logs.

Field Operations: Businesses with field operations, such as real estate or landscaping, may resume operations on April 27. Field operations workers should wear gloves and masks for customer interactions and when work is being performed inside a customer's home or office space. If employees are required to enter a customer's home, the employee should inquire about symptomatic individuals and exercise extreme caution. If possible, documents should be distributed electronically. Like with personal service workers, a detailed log of customer interactions should be maintained in order to facilitate contract tracing should the need arise.

Nonessential Business: Beginning on May 4, nonessential businesses may reopen but only if best practices are in place and only if the total in-office occupancy does not exceed 50 percent at any given time. By this date, many businesses will have developed additional methods to ensure health and safety. Businesses should remain attentive to the community and learn from others to plan ahead for reopening.

COUNTY- AND MUNICIPALITY-SPECIFIC ORDERS AND GUIDANCE

[Denver County](#) has extended the application of the Stay-at-Home order through May 8. Many other counties—Adams, Arapahoe, Boulder, and Jefferson—have extended the Stay-at-Home order until May 8, with an exception for noncritical businesses, which are permitted to offer curbside delivery of products. Travel to pick up these goods will be included in the definition of necessary travel.

Summit County has announced that it will adhere to the Safer-at-Home order but will enact additional mandates. Beginning on May 1, transportation service operators will be required to wear face covering and may only provide services for essential reasons. Short-term lodging operations such as Airbnb may not reopen until May 31. Summit County has also enacted various other county-specific requirements for certain industries.

El Paso, Larimer, Park, Pueblo, and Teller counties have indicated that they intend to align with the state and implement the Safer-at-Home order.

Weld County has attempted to craft a Safer-at-Work plan in which restrictions are less stringent than under the state order. This is *not* permissible. Those doing business in Weld County *must* comply with the governor's order, notwithstanding the local directive.

SNAPBACK: CAUTION BEFORE RUSHING TO REOPEN

Despite efforts to flatten the curve, COVID-19 infections remain prevalent, and with the reopening of Colorado's economy comes a heightened risk of a second outbreak. Governor Polis recently announced in an [appearance](#) with CNN's Jake Tapper that a second outbreak would lead to a snapback of the original Stay-at-Home order. The governor has not provided specific guidance on what would constitute a sufficiently serious spike in cases to justify reimposition of the Stay-at-Home order, but businesses should consider that risk, as well as the risk that counties or municipalities could do the same if a local outbreak is deemed serious enough. Finally, businesses should also be mindful of the risk that their offices could be shuttered if they are determined to be a source of an outbreak.