STATE OF COLORADO

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Bill Ritter, Jr.
Governor

D 020 09

EXECUTIVE ORDER

Amending the Exemptions to Mandatory Furloughs for Certain State Employees

Pursuant to the authority vested in the Office of the Governor of the State of Colorado, and in particular section 2 of Article IV of the Colorado Constitution and section 24-2-102(4) of the Colorado Revised Statutes, I, Bill Ritter, Jr., Governor of the State of Colorado, hereby issue this Executive Order amending the exemptions to the mandatory furloughs for certain state employees required by Executive Order D 015 09.

I. Background

This year Colorado is experiencing an early onset of the flu season accompanied by a significant number of cases of the H1N1 flu. As a result, the workload of those employees in the Department of Public Health and Environment whose job duties involve the monitoring, prevention, and/or response to the H1N1 flu has increased dramatically. Because of these circumstances, it is in the best interest of the State of Colorado that those employees whose job duties involve H1N1 flu monitoring, prevention, and/or response be exempted from the mandatory furloughs required by Executive Order D 015 09.

Colorado law requires the Office of State Planning and Budgeting to "ensure the submission . . . of all agency requests" for fiscal year 2010-11 to the Joint Budget Committee of the General Assembly by November 2, 2009. *See* C.R.S. § 24-37-304(1)(b). Meeting this obligation requires substantial work between now and the statutory deadline on the part of the staff of the Office of State Planning and Budgeting and the budget staff of each of department. In order to meet this statutory obligation, it is in the best interest of the State of Colorado to exempt certain budget staff in the Office of State Planning and Budgeting and the covered departments from the mandatory furloughs required by Executive Order D 015 09.

II. Amendments

Paragraph F(6) of Section IV, Directives, of Executive Order D 015 09 is amended as follows:

6. Department of Public Health and Environment: designated laboratory employees necessary to ensure continuous operation and prompt turnaround in laboratories that test for environmental contamination, communicable disease, inherited metabolic diseases in newborns, and drug and alcohol use; designated employees who perform testing and certification of evidential blood alcohol testing equipment; home healthcare and health facility inspectors necessary to ensure that the State inspects facilities with the frequency required under federal law; and designated employees whose job duties involve H1N1 flu monitoring, prevention, and/or response. Designations pursuant to this paragraph F(6) shall be made by the Executive Director of the Department of Public Health and Environment prior to the furlough day designated for any such exempted employee.

Paragraph F of Section IV, Directives, of Executive Order D 015 09 is amended by the addition of the following paragraph:

10. Budget Staff: Designated budget staff in the Office of State Planning and Budgeting and the covered Departments who are necessary to prepare the fiscal year 2010-11 budget submission. Designations pursuant to this paragraph F(10) shall be made by the Director of the Office of State Planning and Budgeting or the Executive Director of the covered department prior to the furlough day designated for any such exempted employee.

Paragraph G of Section IV, Directives, of Executive Order D 015 09 is amended as follows:

G. Except as otherwise provided in paragraphs IV(F)(6) and (10)of this Executive Order, no later than July 31, 2009, the Executive Director of each department subject to this Executive Order, in consultation with and subject to the approval of the Office of State Planning and Budgeting ("OSPB"), shall designate the specific positions that fall within the scope of the exemptions set forth in paragraph F above. Executive Directors of departments subject to this Executive Order, in consultation with and subject to the approval of OSPB, may modify the list of positions exempt from the furloughs from time-to-time in order to adapt to changes in the workforce, including but not limited to reassignments, separations, and new hires; however, in order for any modification to be effective for a particular furlough day it must be made no later than the last day of the month prior to the month in which the furlough day is to be taken.

In all other respects, Executive Order D 015 09 remains in full force and effect as originally promulgated.

GIVEN under my hand and the Executive Seal of the State of Colorado this twenty-fifth day of September, 2009.

Bill Ritter, Jr.
Governor