



# What Colorado Employers Need to Know about Statewide and Denver COVID-19 Vaccine Mandates

Insights

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Both the State of Colorado and the City of Denver have recently issued mandatory vaccine policies for certain segments of worker populations – and your organization may be soon required to enforce such a mandate. While the industries most impacted by these new requirements include the healthcare and education fields, you should review the full and complete list to ensure you understand your compliance obligations – especially if you do business with the State. Where are we currently with respect to mandates in Denver and Colorado?

## **Colorado Vaccine Mandate**

Employers in two broad categories – those in the healthcare industry, and those enter state facilities including both public and private schools – face the impending obligation of mandating the vaccine for certain workers.

### ***Colorado Healthcare Employers***

Consistent with an order from the State, the Colorado Board of Health recently adopted emergency rules mandating that all employees, direct contractors, and support staff (covered employees) in licensed healthcare settings in Colorado receive their first dose of the COVID-19 vaccine by September 30 and be fully vaccinated no later than October 31, 2021.

Healthcare settings include acute treatment units, ambulatory surgical centers, assisted living residences, behavior health entities, birth centers, community clinics, community mental health clinics, community integrated health care services agency, dialysis treatment clinics, freestanding emergency departments, home care agencies, home care placement agencies, hospices, hospitals, facilities for individuals with disabilities, and nursing homes.

- These licensed and covered entities must implement a policy adopting this mandate, which includes criteria for accepting or rejecting medical or religious exemptions and how the employer will implement testing and masking for unvaccinated individuals.
- The latest PHO, the Sixth Amended Public Health Order 20-38, also “encourages” daily rapid testing and weekly PCR testing for unvaccinated individuals.

- These entities must also maintain proof and documentation regarding implementation of the vaccine mandate as well as any exceptions made for qualified employees.
- Finally, starting October 1, 2021, each facility must report its COVID-19 vaccination rate to the Board of Health on the 1<sup>st</sup> and 15<sup>th</sup> of each month.

### ***State Facilities, Including Public and Private Schools***

The Sixth Amended PHO also imposes a vaccine mandate on all State Contractors and State Contractor Workers who physically enter a State Facility. These workers must be able to show proof of full vaccination by October 31 to enter a State Facility.

- A State Facility is defined as any building or utility owned, leased, or used by the State including Schools, but excluding highways or publicly assisted housing projects.
- The order states that unvaccinated workers will not be allowed to enter a State Facility, but may provide services remotely.
- Schools are defined as any public or private school, childcare center, foster care home, and K-12 schools.
- State workers must either be vaccinated by September 20 or undergo twice-weekly testing based on a prior State order.

### **Denver Vaccine Mandate Will Impact Healthcare and Education Employers, Among Others**

The City of Denver recently announced that all City employees must be fully vaccinated by September 30 – but the requirement also applies to private-sector workers in certain “high-risk” settings. Denver’s impending mandate applies to all employees in hospitals, clinical settings and nursing homes, as well as employees in homeless shelters, correctional facilities, childcare settings and schools regardless of whether the entity is public or private.

The Denver order further applies to all volunteers, interns, and contractors of the City. In a recent discussion with the City regarding the mandate, the City emphasized that their goal for contractors is compliance, not enforcement. As long as contractors are making good faith efforts to comply with the vaccine mandate, citations will not be issued. However, if contractors are not making attempts to achieve compliance by the end of September, the City may change course and take a more aggressive enforcement approach.

### **Next Steps for Colorado Employers**

Healthcare and State Contract Workers covered by the State vaccine mandate – including those in the education field – should closely monitor the state website for new Public Health Orders for requirements on both vaccines and masking. Denver City contractors, healthcare employers, and those in the education setting need to start implementing the vaccine mandate, which includes

creating a written mandatory vaccine policy that allows for exemptions for religious objections or medical disabilities. You also need to consider how you will accommodate those with exemptions, using “[\*\*An Employer’s 3-Step Guide to Responding to COVID-19 Vaccine Religious Objections\*\*](#)” as a starting point for your examination.

We will monitor these developments and provide updates as warranted, so make sure that you are subscribed to [Fisher Phillips’ Insights](#) to get the most up-to-date information direct to your inbox. If you have further questions, contact your Fisher Phillips attorney, the author of this Insight, or any attorney in our [Denver office](#).

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