



**DEPARTMENT OF PUBLIC SAFETY
DIVISION OF HOMELAND SECURITY AND EMERGENCY
MANAGEMENT**

CONTINUITY OF GOVERNMENT

STATEMENT OF BASIS, STATUTORY AUTHORITY, AND PURPOSE

Pursuant to 24-33.5-1609, C.R.S., to adopt rules and regulations for the continuity of state government operations to provide guidance to state departments and agencies in developing viable and executable contingency plans for continuity of operations. In adopting such rules and regulations the director shall use as general guidelines the plans published by the Federal Emergency Management Agency, and in the rules promulgated thereunder, as amended from time to time.

It was declared by the General Assembly that this act is necessary for the immediate preservation of the public peace, health and safety of Colorado citizens. The absence of implementing rules to carry out the purpose of the statute would be contrary to this declaration. For these reasons, it is imperatively necessary that the proposed rules be adopted.


Kevin R. Klein
Colorado Department of Public Safety


Date of Adoption

DEPARTMENT OF PUBLIC SAFETY DIVISION OF HOMELAND SECURITY AND EMERGENCY MANAGEMENT

CONTINUITY OF GOVERNMENT

AUTHORITY

24-33.5-1609, C.R.S., to adopt rules and regulations for the continuity of state government operations to provide guidance to state departments and agencies in developing viable and executable contingency plans for continuity of operations. In adopting such rules and regulations the director shall use as general guidelines the plans published by the Federal Emergency Management Agency, and in the rules promulgated thereunder, as amended from time to time.

DEFINITIONS

The following definitions shall apply to these rules and regulations:

“Administrator” means a person who is authorized or delegated the authority to make substantive decisions on behalf of the Executive Director concerning a Department's state government continuity, safety, and security responsibilities.

“Director” means the Director of the Division of Homeland Security and Emergency Management.

APPLICABILITY

These rules and regulations shall apply to State Agency Continuity of Government / Continuity of Operations Plans. These rules will be effective 90 days after the date of adoption.

COG 1

PURPOSE

A. These rules and regulations provide for the creation and adoption of the planning guidance necessary for state departments and agencies to use in developing viable and executable Continuity of Operations Plans (COOP)

B. Contingency planning facilitates the performance of department/agency mission essential functions during any emergency or situation that may disrupt normal operations.

COG 2

APPLICABILITY AND SCOPE

A. The provisions of the COOP planning guidance adopted pursuant to these rules and regulations are applicable to all state departments and agencies, hereinafter referred to as “agencies.”

B. The COOP elements outlined herein apply to all state properties, whether owned or leased, and are for use by all agencies throughout the state.

COG 3 POLICY

A. It is the policy of the State of Colorado to have in place a comprehensive and effective program to ensure continuity of critical State functions under all circumstances.

B. As a baseline of preparedness for the full range of potential emergencies, all agencies shall have in place a viable COOP plan which ensures the performance of their mission essential functions during any emergency or situation that may disrupt normal operations.

C. Inherent in this policy is a requirement for all agencies to designate alternate operating facilities as part of their COOP planning responsibilities.

D. Inherent in this policy is the requirement that all agencies annually test, train, and exercise their COOP plans individually and collectively. The DHSEM will arrange for a periodic assessment of an agencies performance while conducting required testing, training, and exercising.

COG 4 BACKGROUND

A. The changing threat environment and recent emergencies, including localized natural hazards, technological, and human - caused emergencies have shifted awareness to the need for COOP capabilities that enable agencies to continue their mission essential functions across a broad spectrum of emergencies. Also, the potential use of weapons of mass destruction by terrorists has emphasized the need to provide the Governor a capability that ensures continuity of essential government functions across all agencies.

B. COOP planning is simply a “good business practice” part of the fundamental mission of agencies as responsible and reliable public institutions. For years, COOP planning had been an individual agency responsibility primarily in response to emergencies within the confines of the organization. The content and structure of COOP plans, operational standards, and interagency coordination, if any, were left to the discretion of the agency.

C. To provide a focal point to orchestrate this effort, the Legislature has identified the Director as the lead for COOP. Inherent in that role is the responsibility to formulate guidance for agencies to use in developing viable, executable COOP plans; facilitate interagency coordination as appropriate; and oversee and assess the status of COOP capability across all agencies.

D. An agency's mission essential functions may include those functions, stated or implied, which are required to be performed by statute; involve the legal or financial rights of the government or citizens; or directly support important administrative functions or mission-related activities, such as counter terrorism and survival of critical infrastructures.

COG 5 PLANNING GUIDANCE

A. The COOP planning guidance shall be promulgated by the Director in three parts. Those parts are identified as follows:

1. Part 1 - Continuity of State Government Operations (Base Plan). This provides planning guidance for state agencies for use in developing viable and executable contingency plans for the COOP.

2. Part 2 - Acquisition of Alternate Facilities. This provides planning guidance for state agencies for use in acquiring alternate facilities to support their COOP plans.
3. Part 3 - Training and Exercises Programs. This provides planning guidance for state agencies to use in developing viable and executable test, training, and exercise programs necessary to support the implementation and validation of COOP plans. Exercises shall follow the basic principle as outlined in the Homeland Security Exercise Evaluation Program.
- B. The entire planning guidance for the COOP shall be subject to annual review and revision by the Director.

COG 6

IMPLEMENTATION

- A. The provisions of the COOP planning guidance shall be implemented based on a phased implementation process, the milestones for which shall be determined by the Director. Agencies will be required to be in full compliance with the provisions of COOP planning guidance by no later than June 30, 2015.
- B. Each agency is responsible for appointing an administrator as a program manager and agency point-of-contact for coordinating the agency's state government continuity, safety, and security activities. The appointment of an administrator to coordinate the agency's state government continuity, safety, and security activities, is also required under Rule BSOP 4 (B) of the Rules and Regulations Concerning Building Security and Occupant Protection, adopted by the Director. Each agency will be required to notify the COOP Manager of any changes in personnel and contact information.
- C. The COOP planning guidance shall be considered part of the State Emergency Operations Plan (SEOP) by reference.
- D. On an annual basis (starting on July 1st, 2015), the Director will submit a status report of State Agency progress in completing and exercising their COOP.