

Overview: The Colorado Healthy Families and Workplaces Act

On June 15, 2020, the Colorado General Assembly passed the Colorado Healthy Families and Workplaces Act, which took effect upon Governor Polis' signature on July 14, 2020. Colorado joins 12 states, Washington D.C., and dozens of cities in ensuring that workers have a basic right to paid sick time. The law also provides additional paid sick leave during a public health emergency. A Better Balance, which has a staff member in Colorado, helped to draft the law and played a key role in its passage on the ground. We are proud that Colorado has set a new standard on comprehensive, universal paid sick leave for other cities and states.

Until December 31, 2020:

- **Until December 31, 2020, Colorado's paid sick time law fills the coverage gaps in the federal [Families First Coronavirus Response Act's \(FFCRA\) emergency paid sick leave provisions.](#)** The federal FFCRA, which sunsets on December 31, 2020, provides up to 80 hours of emergency paid sick leave for COVID-19 purposes; however, the law has several significant exemptions: for example, the bill excludes employers with 500 or more employees and allows employers to exempt health care providers (very broadly defined) and certain emergency responders. Colorado's law requires employers in the state—regardless of size—to either comply with the FFCRA if they are covered *or* provide leave—in the amount and for the purposes stated in the federal law—to workers in Colorado who are excluded from the federal law.

After December 31, 2020:

- **Beginning January 1, 2021:** employers with 16 or more employees must provide paid sick time to its employees as described below.
- **Beginning January 1, 2022:** *all employers*, regardless of size, must provide paid sick time.
- **Workers are covered whether they are full-time, part-time, temporary, or seasonal.**
- **Workers earn paid sick time at a rate of 1 hour for every 30 hours worked, and are entitled to earn and use up to 48 hours of paid sick time a year under the law.** *As described on the next page, workers are entitled to additional paid sick time during a declared public health emergency.*
- **Workers are entitled to earn and use paid sick time when they begin employment or on the effective dates described above.** There is no waiting period for using accrued paid sick time.
- **Workers are entitled to use their earned paid sick time for the following absences from work:**
 - 1) When the worker: has a mental or physical illness, injury, or health condition that prevents the worker from working; needs to obtain medical diagnosis, care, or treatment for an illness, injury, or health condition; or needs to obtain preventive medical care;
 - 2) When the worker needs to care for a family member for the purposes in #1 above;
 - 3) When the worker or worker's family member has been the victim of domestic abuse, sexual assault, or harassment and the leave is to: seek medical attention or recover from a mental or physical illness, injury, or health condition due to the violence/assault/harassment; obtain services from a victim services organization; obtain mental health or other counseling; seek relocation due to the violence/assault/harassment; or seek legal services, including preparing or participating in a civil or criminal proceeding;
 - 4) When, due to a declared public health emergency, a public official has ordered the closure of the employee's place of business, or ordered the closure of the school or place of care of the employee's child and the employee needs to be absent from work to care for the employee's child.
- **Workers may care for the following family members:** a person related by blood, marriage, civil union, or adoption; a child to whom the worker stands *in loco parentis* (or "acting as a parent" and raising a child); or a person for whom the employee is responsible for providing or arranging health-or-safety-related care.



the work and family legal center

Headquarters

40 Worth Street, 10th Floor
New York, NY 10013
tel: 212.430.5982

info@abetterbalance.org
abetterbalance.org

Southern Office

2301 21st Avenue South, Suite 355
Nashville, TN 37212
tel: 615.915.2417

- **Workers may use their paid sick leave in hourly increments.**
- **On the date a public health emergency is declared (related to infectious pandemics, epidemics, or bioterrorism), employers must supplement workers' existing earned paid sick time with additional time off.** Workers who normally work at least 40 hours a week must be able to take at least 80 hours of paid sick time, including any existing accrued paid sick time; workers employed for fewer hours a week must be able to take an amount equal to how much they are scheduled to work or work on average in a 14-day period.
- **Supplemental paid leave for a public health emergency can be used—up until four weeks after the termination or suspension of the emergency—for the following absences from work:**
 - 1) A worker's need to: self-isolate and care for oneself because of a diagnosis or experiencing the symptoms of a communicable illness connected to the cause of the public health emergency, or to care for a family member who has to self-isolate for those reasons;
 - 2) Seek preventive care for—or medical diagnosis, care, or treatment for symptoms of—a communicable illness that is the cause of the public health emergency, or to care for a family member for those reasons;
 - 3) When a public official, health authority, or employer (of the worker or worker's family member) determines the worker's or worker's family member's presence on the job or in the community would jeopardize the health of others because of the individual's exposure to—or exhibiting symptoms of—the communicable illness that is the cause of the public health emergency (whether diagnosed or not);
 - 4) Care of a child or other family member when the individual's child care provider is unavailable due to a public health emergency, or if the child's or family member's school or place of care is closed by a public official, school, or place of care due to a public health emergency (including if it is physically closed but providing remote instruction);
 - 5) An employee's inability to work because the employee has a health condition that may increase susceptibility to or risk of a communicable illness that is the cause of the public health emergency.
- **Documentation:** For paid sick leave of four or more consecutive work days, an employer may require reasonable documentation that the paid sick leave is for a covered purpose under the law; however, documentation is not required for leave under the law's public health emergency provisions.
- **Paid Time Off (PTO):** An employer with a PTO policy that provides an amount of leave that meets the paid sick time law's requirements, including accrual requirements, and that can be used for the same purposes and under the same conditions as this law does not have to provide additional paid sick leave.
- **Collective Bargaining Agreements:** Workers covered by a collective bargaining agreement (CBA) in effect on the law's effective date aren't covered if the CBA provides for equivalent or more generous paid sick leave; employees covered by a CBA negotiated after the law's effective date aren't covered if the CBA both expressly waives the law's requirements *and* provides for equivalent or more generous paid sick leave. An employer signatory to a multi-employer CBA may fulfill the law's obligations by making contributions to a multi-employer fund/plan/program based on the hours of paid sick time each of its workers accrue under the law, as long as the fund/plan/program allows workers to collect paid sick time from it based on hours worked under the CBA and for the purposes specified in the law.
- **Retaliation against workers for exercising their paid sick leave rights is prohibited.** An aggrieved worker may file a complaint with the Colorado Department of Labor and Employment (CDLE) or file a civil action in court. Before filing in court, a worker must submit a claim to CDLE or make a written demand for relief to the employer, and the employer has 14 days to respond.

Please note that this fact sheet, last updated on July 14, 2020, does not represent an exhaustive overview of the paid sick time law described, and it does not constitute legal advice. Additional provisions not described in this fact sheet may apply to a worker's specific circumstances. CDLE will also engage in rulemaking to provide additional guidance.