

KNOW YOUR RIGHTS:

Paid Sick Leave for COVID-19 and Vaccines in Colorado

PAID SICK TIME is a legal right for Colorado workers AND Colorado workers are entitled to extra paid sick time for COVID-19 sick time purposes.

What special sick time rights do I have for COVID-19 under the Emergency Paid Sick Time portion of Colorado's Sick Time Law?

Under the Colorado Healthy Families and Workplaces Act (HFWA), workers across the state have a legal right to paid sick time for general health needs. But the law also provides *additional* paid sick time during certain declared public health emergencies, including COVID-19. As of January 1, 2021, employers in Colorado of **all sizes** are required to provide additional paid sick leave for the following needs related to COVID-19:

1. to isolate and care for yourself because of a COVID-19 diagnosis or COVID-19 symptoms
2. to get preventive care (like a COVID-19 vaccination or vaccine booster), a diagnosis, care, or treatment for symptoms of COVID-19
3. when a public official, health authority, or your employer determines your presence at work would risk the health of others because of exposure or showing symptoms of COVID-19
4. to care for a family member in categories, 1, 2, or 3 above
5. to care for a family member when their school or place of care is physically closed due to COVID-19
6. when you're unable to work because of a health condition that may increase your risk of COVID-19.

"Family member" includes a child, a person related by blood, marriage, civil union, or adoption, or a person for whom the worker is responsible for providing or arranging health- or safety-related care.

Who is covered?

If you are a Colorado employee, you are probably covered and have a right to emergency sick time whether you are a **full-time, part-time, or temporary** worker. (Federal workers and certain railroad employees are not covered.)

Is leave to get a COVID-19 vaccine or booster shot covered? What about vaccine recovery time?

Yes, these are covered. The Colorado Department of Labor and Employment (CDLE) has confirmed that absence from work to obtain a vaccine or booster shot to prevent COVID-19 is covered by the State's sick time law. This means you are covered for time needed to get vaccinated, as well as the time you may need away from work to recover from vaccine-related symptoms. You can also take emergency sick time to help a family member get vaccinated and recover from vaccine-related symptoms, which is especially important with children increasingly eligible for COVID-19 vaccines.

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How much sick leave can I receive and use during a Public Health Emergency?

On the date a public health emergency is declared, your employer must ensure that full-time covered workers have access to up to 80 hours of sick time for a public health emergency like COVID-19, *including any existing paid sick time under Colorado law*. Covered employees who are part-time, or working less than 40 hours per week, are entitled to an amount of sick time based on the amount of time they normally work—or are scheduled to work—in a two-week period.

This additional paid sick time for COVID-19 is only provided **once** during the public health emergency period. For COVID-19, the public health emergency period began January 1, 2021, which means you should have been entitled to this COVID-19 sick time beginning on that date. If you began new employment in Colorado after January 1, 2021, you are entitled to the COVID-19 sick leave upon beginning your employment.

Note: Covered employees in Colorado have a right under the law to earn up to 48 hours of paid sick time per year for general health needs and purposes, which include, but are not limited to, reasons related to COVID-19. **For more information on Colorado's paid sick time law and the right to use it for non-COVID purposes, please see our website at www.abetterbalance.org.**



Is there a time limit to use Emergency COVID-19 Sick Time?

The public health emergency declaration for COVID-19 was recently extended by the federal government by a period of 90 days. As long as the declaration is not terminated during that period, the ability to use this COVID-19 emergency sick leave is **expected to** remain in effect through at least May 9, 2023, and may be extended. Visit www.abetterbalance.org in the coming months to learn if the right to COVID-19 emergency paid sick time has been extended.

What if I already receive paid leave?

If you already get paid leave (vacation, paid time off, etc.) that you can use as sick time, it is possible that you may not be entitled to additional sick leave under the law but that would only be true **IF all three of the following are met:** 1) the leave can be used for the same purposes and under the same conditions as sick time under the Colorado law, including use for the COVID-19 purposes described earlier and without retaliation; 2) it's **at least** the same amount you would earn under the Colorado law, including the additional time off for a public health emergency like COVID-19; **and** 3) your employer notified you in writing that their paid leave or paid time off policy satisfies the requirements of Colorado's sick time law.

Since the interaction between available paid leave and COVID-19 sick leave can depend on your individual circumstances, contact our free legal helpline if you have questions about what the law might mean for you.


All covered workers are protected against being fired or punished for using or requesting sick time. To learn more, or for updates on COVID-19 sick leave or general sick leave in Colorado, visit abetterbalance.org or contact us at 1-833-NEED-ABB.


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