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## KNOW YOUR RIGHTS: Colorado Paid Sick Time

### 1) What does Colorado's paid sick time law, the Healthy Families and Workplaces Act (HFWA), do?

General Earned Paid Sick Time: HFWA gives workers paid sick time that can be used for absences from work when: 1) you have a physical/mental illness, injury, or health condition that prevents you from working; 2) you need to get medical diagnosis, care, treatment, or preventive care; 3) you need to care for a family member who is ill or needs medical diagnosis, care, treatment, or preventive care; 4) due to a declared public health emergency, a public official has either closed your workplace or closed your child's school or place of care and you need time off to care for the child; or 5) you or your family member has been the victim of domestic abuse, sexual assault, or criminal harassment and the leave is for medical attention/recovery, mental health care or other counseling, seeking either services from a victim services organization or legal services (including preparation or participation in a civil/criminal proceeding), or relocating to safety.

Additional Paid Sick Time During a Declared Public Health Emergency: On the date a public health emergency is declared (related to infectious pandemics, epidemics, or bioterrorism), workers have the right to *immediately receive additional* paid sick time that can be used for the following needs related to a *communicable* illness that is the cause of the emergency: 1) when you need to self-isolate and care for yourself because of a diagnosis or symptoms of the illness; 2) getting preventive care, medical diagnosis, care, or treatment for symptoms of the illness; 3) when a public official, health authority, or your employer determines your presence on the job or in the community would jeopardize the health of others because of exposure to—or showing symptoms of—the illness (whether diagnosed or not); 4) care of a family member in categories 1, 2, or 3 above; 5) care of a child or other family member when their child care provider is unavailable due to the emergency, or their school or place of care is closed by a public official, school, or place of care due to the emergency (including if it is physically closed but providing remote instruction); or 6) when you're unable to work because of a health condition that may increase susceptibility to or risk of the illness.

**Note:** In December 2020, the Colorado Department of Labor and Employment confirmed that COVID-19 had triggered a "public health emergency" for purposes of additional paid sick time as of January 1, 2021. The public health emergency declaration 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 public health emergency COVID-19 sick leave **is expected to** remain in effect until November 10, 2022, and may be extended. For up-to-date information on whether this emergency remains in effect for additional paid sick leave purposes in Colorado, please contact A Better Balance and/or reach out to the Colorado Department of Labor and Employment for more information.

### 2) Am I covered?

If you work as an employee in Colorado, you are probably covered, whether you are a **full-time, part-time, or temporary** worker. However, the law does not cover federal employees and certain railroad employees subject to federal law.



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### 3) When did the law take effect for me?

General Earned Paid Sick Time: All employers regardless of size must currently (as of January 1, 2022) provide earned paid sick time to their Colorado employees as described in question #1, as well as any additional paid sick leave required by law during a public health emergency. (In 2021, only employers with 16 or more employees were required to provide earned paid sick time to their Colorado employees).

Additional Paid Sick Time During a Declared Public Health Emergency: As of January 1, 2021, all employers regardless of business size have been required to provide additional paid sick time specific to COVID-19. The public health emergency declaration 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 public health emergency COVID-19 sick leave **is expected to** remain in effect until at least November 10, 2022, and may be extended.

### 4) How much paid sick time can I earn?

General Earned Paid Sick Time: You earn **1 hour** of paid sick time for **every 30 hours worked**, and you can earn and use **up to 48 hours** of paid sick time per year.

Additional paid sick time during a declared public health emergency: On the date a public health emergency is declared, an employer is required to immediately supplement, as necessary, paid sick time for needs related to the emergency. If you are **full-time** (normally work at least 40 hours a week), you must be able to take at least **80 hours** of paid sick time for the public health emergency purposes described in question #1, *including any existing accrued paid sick time* that you had on the date the emergency was declared. If you are **part-time** (work for fewer than 40 hours a week), you must be able to take an amount equal to how much you are scheduled to work or work on average in a 14-day period.

### 5) What if my work or my child's school or daycare is closed for a health emergency?

You can use your earned paid sick time if your place of business is closed by order of a public official due to a public health emergency or to care for a child whose school or place of care has been closed by order of a public official due to a public health emergency.

During a declared public health emergency, you can also use any additional paid sick time to which you are entitled to take care of a child or other family member when the individual's child care provider is unavailable due to the 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 the emergency.

### 6) Which of my family members are covered by the law?

Under the law, you can take sick time to care for: yourself; a person who is related by blood, marriage, civil union, or adoption; a child to whom you stand or stood "in loco parentis" (a child to whom you are "acting as a parent" and raising, or did so when the child was a minor); or a person for whom you are responsible for providing or arranging health-or-safety-related care.



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### **7) What if I already have paid leave or paid time off?**

If you already get paid leave (vacation, paid time off, etc.) that you can use as sick time, the law does not give you any additional paid time off as long as the paid leave can be: 1) used for the same purposes and under the same conditions as sick time under the Colorado law; 2) it's at least the same amount you would earn under the Colorado law (including the same amount to use for a public health emergency, as of the date the emergency was declared); and 3) your employer provided you with a writing distributed in advance of your actual or anticipated leave request that provides certain information about your sick leave rights and paid leave/paid time off policy.

### **8) When can I begin using my sick time?**

You start earning sick time immediately and can use it as you earn or receive it. You may also take any additional paid sick time to which you may be entitled during a declared public health emergency immediately.

### **9) Do I need a doctor's note?**

For general earned paid sick time, your employer can only require reasonable documentation—such as a doctor's note—after 4 or more consecutive work days of absence. If you received in-person or remote/telehealth services from a provider, a document from the provider indicating the sick leave was for a qualifying purpose is acceptable—it does not have to specify your illness or your family member's illness; if you didn't receive provider services, or couldn't obtain a provider document in time or without added costs, you can provide your own writing that paid sick time was for a qualifying need under Colorado's paid sick time law. Such writing does not have to be signed, notarized, or in any particular format.

However, documentation is *not required* for public health emergency leave under the law.

### **10) Are there protections against retaliation for using or requesting sick leave? Who enforces the law? Can I contact A Better Balance if I have a problem or need more information?**

All covered employees are protected against retaliation for using or requesting their sick time or attempting to exercise their rights under the law (retaliation includes discipline, demotion, reduction in hours, termination, reporting or threatening to report your suspected citizenship or immigration status, etc.). It is also unlawful to be denied paid sick time you have a right to take.

The Colorado Department of Labor and Employment's Division of Labor Standards and Statistics is in charge of enforcing this law.

If you face retaliation or punishment, have a problem, or want more information about your sick leave rights in Colorado, call A Better Balance's **free** legal clinic at **1-833-NEED-ABB**.



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*Please note that this fact sheet does not represent an exhaustive overview of the paid sick time law described, and it does not constitute legal advice. It is possible that additional provisions not described in this fact sheet may apply to a worker's specific circumstances or category of employment.*