

Second Regular Session
Seventy-second General Assembly
STATE OF COLORADO

INTRODUCED

LLS NO. 20-1189.01 Yelana Love x2295

SENATE BILL 20-205

SENATE SPONSORSHIP

Fenberg and Bridges,

HOUSE SPONSORSHIP

Becker and Caraveo,

Senate Committees

State, Veterans, & Military Affairs

House Committees

A BILL FOR AN ACT

101 CONCERNING THE REQUIREMENT THAT EMPLOYERS OFFER SICK LEAVE
102 TO THEIR EMPLOYEES.

Bill Summary

(Note: This summary applies to this bill as introduced and does not reflect any amendments that may be subsequently adopted. If this bill passes third reading in the house of introduction, a bill summary that applies to the reengrossed version of this bill will be available at <http://leg.colorado.gov>.)

The bill creates the "Healthy Families and Workplaces Act" (act), which requires employers to provide paid sick leave to employees under various circumstances.

On and after the effective date of the act through December 31, 2020, employers are required to provide each of their employees paid sick leave for employees to take for reasons related to the COVID-19

Shading denotes HOUSE amendment. Double underlining denotes SENATE amendment.
Capital letters or bold & italic numbers indicate new material to be added to existing statute.
Dashes through the words indicate deletions from existing statute.

pandemic in the amounts and for the purposes specified in the federal "Emergency Paid Sick Leave Act" in the "Families First Coronavirus Response Act".

Additionally, beginning January 1, 2021, the act requires all employers in Colorado to provide paid sick leave to their employees, accrued at one hour of paid sick leave for every 30 hours worked, up to a maximum of 48 hours.

An employee:

- ! Begins accruing paid sick leave when the employee's employment begins;
- ! May use paid sick leave as it is accrued; and
- ! May carry forward and use in subsequent calendar years paid sick leave that is not used in the year in which it is accrued.

Employees may use accrued paid sick leave to be absent from work for the following purposes:

- ! The employee has a mental or physical illness, injury, or health condition; needs a medical diagnosis, care, or treatment related to such illness, injury, or condition; or needs to obtain preventive medical care;
- ! The employee needs to care for a family member who has a mental or physical illness, injury, or health condition; needs a medical diagnosis, care, or treatment related to such illness, injury, or condition; or needs to obtain preventive medical care;
- ! The employee or family member has been the victim of domestic abuse, sexual assault, or harassment and needs to be absent from work for purposes related to such crime; or
- ! A public official has ordered the closure of the school or place of care of the employee's child or of the employee's place of business due to a public health emergency, necessitating the employee's absence from work.

In addition to the paid sick leave accrued by an employee, the act requires an employer to provide its employees an additional amount of paid sick leave during a public health emergency in an amount based on the number of hours the employee works.

The act prohibits an employer from retaliating against an employee who uses the employee's paid sick leave or otherwise exercises the employee's rights under the act. Employers are required to notify employees of their rights under the act by providing employees with a written notice of their rights and displaying a poster, developed by the division of labor standards and statistics (division) in the department of labor and employment, detailing employees' rights under the act.

Employers must retain records documenting, by employee, the hours worked, paid sick leave accrued, and paid sick leave used and make

such records available to the division to monitor compliance with the act.

The director of the division will implement and enforce the act and adopt rules necessary for such purposes. The act treats an employee's information about the employee's or a family member's health condition or domestic abuse, sexual assault, or harassment case as confidential and prohibits an employer from disclosing such information or requiring the employee to disclose such information as a condition of using paid sick leave.

Employers, including public employers, that provide comparable paid leave to their employees and allow employees to use that leave as permitted under the act are not required to provide additional paid sick leave to their employees.

Employees covered by a collective bargaining agreement would not be entitled to paid sick leave under the act if the collective bargaining agreement expressly waives the requirements of the act and provides an equivalent benefit to covered employees.

1 *Be it enacted by the General Assembly of the State of Colorado:*

2 **SECTION 1.** In Colorado Revised Statutes, **add** part 4 to article
3 13.3 of title 8 as follows:

4 **PART 4**

5 **HEALTHY FAMILIES AND WORKPLACES**

6 **8-13.3-401. Short title.** THE SHORT TITLE OF THIS PART 4 IS THE
7 "HEALTHY FAMILIES AND WORKPLACES ACT".

8 **8-13.3-402. Definitions.** AS USED IN THIS PART 4, UNLESS THE
9 CONTEXT OTHERWISE REQUIRES:

10 (1) "DIRECTOR" MEANS THE DIRECTOR OF THE DIVISION.

11 (2) "DIVISION" MEANS THE DIVISION OF LABOR STANDARDS AND
12 STATISTICS IN THE DEPARTMENT OF LABOR AND EMPLOYMENT CREATED IN
13 SECTION 8-1-103.

14 (3) "DOMESTIC ABUSE" HAS THE MEANING SET FORTH IN SECTION
15 13-14-101 (2).

16 (4) "EMPLOYEE" HAS THE MEANING SET FORTH IN SECTION 8-4-101

1 (5).

2 (5) (a) "EMPLOYER" HAS THE MEANING SET FORTH IN SECTION
3 8-4-101 (6); EXCEPT THAT THE TERM INCLUDES THE STATE AND ITS
4 AGENCIES OR ENTITIES, COUNTIES, CITIES AND COUNTIES, MUNICIPALITIES,
5 SCHOOL DISTRICTS, AND ANY POLITICAL SUBDIVISIONS OF THE STATE.

6 (b) "EMPLOYER" DOES NOT INCLUDE THE FEDERAL GOVERNMENT.

7 (6) "FAMILY MEMBER" MEANS:

8 (a) AN EMPLOYEE'S IMMEDIATE FAMILY MEMBER, AS DEFINED IN
9 SECTION 2-4-401 (3.7);

10 (b) A CHILD TO WHOM THE EMPLOYEE STANDS IN LOCO PARENTIS
11 OR A PERSON WHO STOOD IN LOCO PARENTIS TO THE EMPLOYEE WHEN THE
12 EMPLOYEE WAS A MINOR; AND

13 (c) A PERSON WHO RESIDES WITH THE EMPLOYEE AND HAS RESIDED
14 WITH THE EMPLOYEE FOR MORE THAN SIX MONTHS.

15 (7) "HARASSMENT" HAS THE MEANING SET FORTH IN SECTION
16 18-9-111.

17 (8) (a) "PAID SICK LEAVE" MEANS TIME OFF FROM WORK THAT IS:

18 (I) COMPENSATED AT THE SAME HOURLY RATE OR SALARY AND
19 WITH THE SAME BENEFITS, INCLUDING HEALTH CARE BENEFITS, AS THE
20 EMPLOYEE NORMALLY EARNS DURING HOURS WORKED; AND

21 (II) PROVIDED BY AN EMPLOYER TO AN EMPLOYEE FOR ONE OR
22 MORE OF THE PURPOSES DESCRIBED IN SECTIONS 8-13.3-404 AND
23 8-13.3-405.

24 (b) "PAID SICK LEAVE" IS "WAGES" AS DEFINED IN SECTION 8-4-101
25 (14).

26 (9) "PUBLIC HEALTH EMERGENCY" MEANS A:

27 (a) PUBLIC HEALTH EMERGENCY DECLARED BY A FEDERAL, STATE,

1 OR LOCAL PUBLIC HEALTH AGENCY; OR

2 (b) A DISASTER EMERGENCY DUE TO A PUBLIC HEALTH CONCERN
3 DECLARED BY THE GOVERNOR.

4 (10) "RETALIATORY PERSONNEL ACTION" MEANS:

5 (a) THE DENIAL OF ANY RIGHT GUARANTEED UNDER THIS PART 4;
6 OR

7 (b) ANY ADVERSE ACTION AGAINST AN EMPLOYEE FOR
8 EXERCISING ANY RIGHT GUARANTEED IN THIS PART 4, INCLUDING:

9 (I) ANY THREAT, DISCIPLINE, DISCHARGE, SUSPENSION, DEMOTION,
10 REDUCTION OF HOURS, OR REPORTING OR THREATENING TO REPORT AN
11 EMPLOYEE'S SUSPECTED CITIZENSHIP OR IMMIGRATION STATUS OR THE
12 SUSPECTED CITIZENSHIP OR IMMIGRATION STATUS OF A FAMILY MEMBER
13 OF THE EMPLOYEE TO A FEDERAL, STATE, OR LOCAL AGENCY; OR

14 (II) ANY SANCTIONS AGAINST AN EMPLOYEE WHO IS THE RECIPIENT
15 OF PUBLIC BENEFITS FOR RIGHTS GUARANTEED UNDER THIS PART 4; OR

16 (III) INTERFERENCE WITH OR PUNISHMENT FOR PARTICIPATING IN
17 OR ASSISTING, IN ANY MANNER, AN INVESTIGATION, PROCEEDING, OR
18 HEARING UNDER THIS PART 4.

19 (11) "SEXUAL ASSAULT" HAS THE MEANING SET FORTH IN SECTION
20 18-3-402.

21 **8-13.3-403. Paid sick leave - accrual - carry forward to**
22 **subsequent calendar year - comparable leave provided by employer**
23 **- no payment for unused leave. (1) ALL EMPLOYEES WORKING IN**
24 **COLORADO HAVE THE RIGHT TO PAID SICK LEAVE AS SPECIFIED IN THIS**
25 **PART 4.**

26 (2) (a) EFFECTIVE JANUARY 1, 2021, AN EMPLOYER SHALL
27 PROVIDE EACH EMPLOYEE PAID SICK LEAVE AS PROVIDED IN THIS SECTION.

1 EACH EMPLOYEE EARNS AT LEAST ONE HOUR OF PAID SICK LEAVE FOR
2 EVERY THIRTY HOURS WORKED BY THE EMPLOYEE; EXCEPT THAT AN
3 EMPLOYER IS NOT REQUIRED TO PROVIDE ANY EMPLOYEE MORE THAN A
4 TOTAL OF FORTY-EIGHT HOURS OF PAID SICK LEAVE IN A TWELVE-MONTH
5 PERIOD.

6 (b) NOTHING IN THIS PART 4 PRECLUDES AN EMPLOYER FROM
7 PROVIDING EMPLOYEES MORE PAID SICK LEAVE THAN THE AMOUNTS
8 SPECIFIED IN THIS SUBSECTION (2).

9 (c) AN EMPLOYEE WHO IS EXEMPT FROM OVERTIME REQUIRED IN
10 SECTION 8-6-111 (4) ACCRUES PAID SICK LEAVE BASED ON THE
11 ASSUMPTION THAT THE EMPLOYEE WORKS FORTY HOURS PER WEEK. IF THE
12 EMPLOYEE'S NORMAL WORKWEEK CONSISTS OF FEWER THAN FORTY
13 HOURS, THE EMPLOYEE ACCRUES PAID SICK LEAVE BASED UPON THE
14 NUMBER OF HOURS THAT COMPRISE THE EMPLOYEE'S NORMAL WORKWEEK.

15 (3) (a) AN EMPLOYEE BEGINS TO ACCRUE PAID SICK LEAVE WHEN
16 EMPLOYMENT WITH THE EMPLOYER BEGINS AND MAY USE ACCRUED PAID
17 SICK LEAVE AS IT IS ACCRUED.

18 (b) ANY AMOUNT OF PAID SICK LEAVE THAT AN EMPLOYEE
19 ACCRUES IN A CALENDAR YEAR BUT DOES NOT USE CARRIES FORWARD TO,
20 AND MAY BE USED IN, A SUBSEQUENT CALENDAR YEAR; EXCEPT THAT AN
21 EMPLOYER IS NOT REQUIRED TO ALLOW THE EMPLOYEE TO USE MORE PAID
22 SICK LEAVE IN A TWELVE-MONTH PERIOD THAN THE AMOUNTS SPECIFIED
23 IN SUBSECTION (2)(a) OF THIS SECTION.

24 (4) AN EMPLOYER THAT HAS A PAID LEAVE POLICY FOR ITS
25 EMPLOYEES MAY SATISFY THE REQUIREMENTS OF THIS SECTION AND IS NOT
26 REQUIRED TO PROVIDE ADDITIONAL PAID SICK LEAVE TO ITS EMPLOYEES
27 IF THE EMPLOYER:

1 (a) MAKES AVAILABLE TO ITS EMPLOYEES, THROUGH ITS PAID
2 LEAVE POLICY, AN AMOUNT OF PAID LEAVE SUFFICIENT TO MEET THE
3 ACCRUAL REQUIREMENTS OF SUBSECTION (2)(a) OF THIS SECTION; AND

4 (b) ALLOWS ITS EMPLOYEES TO USE THE PAID LEAVE FOR THE SAME
5 PURPOSES AND UNDER THE SAME CONDITIONS AS THOSE APPLICABLE TO
6 PAID SICK LEAVE UNDER THIS PART 4.

7 (5) (a) EXCEPT AS SPECIFIED IN SUBSECTION (5)(b) OF THIS
8 SECTION, NOTHING IN THIS SECTION REQUIRES AN EMPLOYER TO PROVIDE
9 FINANCIAL OR OTHER REIMBURSEMENT OF ACCRUED BUT UNUSED PAID
10 SICK LEAVE TO AN EMPLOYEE UPON TERMINATION, RESIGNATION,
11 RETIREMENT, OR OTHER SEPARATION FROM EMPLOYMENT; EXCEPT THAT
12 AN INDIVIDUAL MAY RECOVER PAID SICK LEAVE AS A REMEDY FOR A
13 RETALIATORY PERSONNEL ACTION THAT PREVENTED THE INDIVIDUAL
14 FROM USING PAID SICK LEAVE.

15 (b) IF AN EMPLOYEE SEPARATES FROM EMPLOYMENT AND IS
16 REHIRED BY THE SAME EMPLOYER WITHIN TWELVE MONTHS AFTER THE
17 SEPARATION, THE EMPLOYER SHALL REINSTATE ANY PAID SICK LEAVE
18 THAT THE EMPLOYEE HAD ACCRUED BUT NOT USED DURING THE
19 EMPLOYEE'S PREVIOUS EMPLOYMENT WITH THE EMPLOYER AND THAT HAD
20 NOT BEEN CONVERTED TO MONETARY COMPENSATION TO THE EMPLOYEE
21 AT THE TIME OF SEPARATION FROM EMPLOYMENT.

22 (6) AN EMPLOYER MAY LOAN PAID SICK LEAVE TO AN EMPLOYEE
23 IN ADVANCE OF ACCRUAL OF PAID SICK LEAVE BY THE EMPLOYEE.

24 (7) IF AN EMPLOYEE IS TRANSFERRED TO A SEPARATE DIVISION,
25 ENTITY, OR LOCATION BUT REMAINS EMPLOYED BY THE SAME EMPLOYER,
26 THE EMPLOYEE IS ENTITLED TO ALL PAID SICK LEAVE ACCRUED AT THE
27 PRIOR DIVISION, ENTITY, OR LOCATION AND IS ENTITLED TO USE ALL PAID

1 SICK LEAVE AS PROVIDED IN THIS SECTION.

2 (8) IF A NEW EMPLOYER SUCCEEDS OR TAKES THE PLACE OF AN
3 ORIGINAL EMPLOYER, ALL EMPLOYEES OF THE ORIGINAL EMPLOYER WHO
4 REMAIN EMPLOYED BY THE SUCCESSOR EMPLOYER ARE ENTITLED TO ALL
5 PAID SICK LEAVE THAT THE EMPLOYEES ACCRUED WHEN EMPLOYED BY
6 THE ORIGINAL EMPLOYER AND ARE ENTITLED TO USE PREVIOUSLY
7 ACCRUED PAID SICK LEAVE AS SPECIFIED IN SECTION 8-13.3-404.

8 **8-13.3-404. Use of paid sick leave - purposes - time increments.**

9 (1) AN EMPLOYER SHALL ALLOW AN EMPLOYEE TO USE THE EMPLOYEE'S
10 ACCRUED PAID SICK LEAVE TO BE ABSENT FROM WORK WHEN:

11 (a) THE EMPLOYEE:

12 (I) HAS A MENTAL OR PHYSICAL ILLNESS, INJURY, OR HEALTH
13 CONDITION THAT PREVENTS THE EMPLOYEE FROM WORKING;

14 (II) NEEDS TO OBTAIN A MEDICAL DIAGNOSIS, CARE, OR
15 TREATMENT OF A MENTAL OR PHYSICAL ILLNESS, INJURY, OR HEALTH
16 CONDITION; OR

17 (III) NEEDS TO OBTAIN PREVENTIVE MEDICAL CARE;

18 (b) THE EMPLOYEE NEEDS TO CARE FOR A FAMILY MEMBER WHO:

19 (I) HAS A MENTAL OR PHYSICAL ILLNESS, INJURY, OR HEALTH
20 CONDITION;

21 (II) NEEDS TO OBTAIN A MEDICAL DIAGNOSIS, CARE, OR
22 TREATMENT OF A MENTAL OR PHYSICAL ILLNESS, INJURY, OR HEALTH
23 CONDITION; OR

24 (III) NEEDS TO OBTAIN PREVENTIVE MEDICAL CARE;

25 (c) THE EMPLOYEE OR THE EMPLOYEE'S FAMILY MEMBER HAS BEEN
26 THE VICTIM OF DOMESTIC ABUSE, SEXUAL ASSAULT, OR HARASSMENT AND
27 THE USE OF LEAVE IS TO:

1 (I) SEEK MEDICAL ATTENTION FOR THE EMPLOYEE OR THE
2 EMPLOYEE'S FAMILY MEMBER TO RECOVER FROM A MENTAL OR PHYSICAL
3 ILLNESS, INJURY, OR HEALTH CONDITION CAUSED BY THE DOMESTIC
4 ABUSE, SEXUAL ASSAULT, OR HARASSMENT;

5 (II) OBTAIN SERVICES FROM A VICTIM SERVICES ORGANIZATION;

6 (III) OBTAIN MENTAL HEALTH OR OTHER COUNSELING;

7 (IV) SEEK RELOCATION DUE TO THE DOMESTIC ABUSE, SEXUAL
8 ASSAULT, OR HARASSMENT; OR

9 (V) SEEK LEGAL SERVICES, INCLUDING PREPARATION FOR OR
10 PARTICIPATION IN A CIVIL OR CRIMINAL PROCEEDING RELATING TO OR
11 RESULTING FROM THE DOMESTIC ABUSE, SEXUAL ASSAULT, OR
12 HARASSMENT; OR

13 (d) DUE TO A PUBLIC HEALTH EMERGENCY, A PUBLIC OFFICIAL HAS
14 ORDERED CLOSURE OF:

15 (I) THE EMPLOYEE'S PLACE OF BUSINESS; OR

16 (II) THE SCHOOL OR PLACE OF CARE OF THE EMPLOYEE'S CHILD
17 AND THE EMPLOYEE NEEDS TO BE ABSENT FROM WORK TO CARE FOR THE
18 EMPLOYEE'S CHILD.

19 (2) AN EMPLOYER SHALL ALLOW AN EMPLOYEE TO USE PAID SICK
20 LEAVE UPON ORAL REQUEST MADE BY THE EMPLOYEE. WHEN POSSIBLE,
21 THE EMPLOYEE SHALL INCLUDE IN THE EMPLOYEE'S REQUEST THE
22 EXPECTED DURATION OF THE EMPLOYEE'S ABSENCE FROM WORK.

23 (3) AN EMPLOYEE MAY USE PAID SICK LEAVE IN HOURLY
24 INCREMENTS OR THE SMALLEST INCREMENT OF TIME THAT THE
25 EMPLOYER'S PAYROLL SYSTEM USES TO ACCOUNT FOR ABSENCES OR USE
26 OF OTHER TIME OFF, WHICHEVER IS SMALLER.

27 (4) AN EMPLOYER SHALL NOT REQUIRE, AS A CONDITION OF

1 PROVIDING PAID SICK LEAVE UNDER THIS PART 4, AN EMPLOYEE WHO USES
2 PAID SICK LEAVE TO SEARCH FOR OR FIND A REPLACEMENT WORKER TO
3 COVER THE TIME DURING WHICH THE EMPLOYEE IS ABSENT FROM WORK.

4 (5) WHEN THE USE OF PAID SICK LEAVE TAKEN UNDER THIS
5 SECTION IS FORESEEABLE, THE EMPLOYEE SHALL MAKE A GOOD-FAITH
6 EFFORT TO PROVIDE NOTICE OF THE NEED FOR PAID SICK LEAVE TO THE
7 EMPLOYEE'S EMPLOYER IN ADVANCE OF THE USE OF THE PAID SICK LEAVE
8 AND SHALL MAKE A REASONABLE EFFORT TO SCHEDULE THE USE OF PAID
9 SICK LEAVE IN A MANNER THAT DOES NOT UNDULY DISRUPT THE
10 OPERATIONS OF THE EMPLOYER.

11 **8-13.3-405. Additional paid sick leave during a public health**
12 **emergency.** (1) DURING A PUBLIC HEALTH EMERGENCY, EACH EMPLOYER
13 IN THE STATE SHALL SUPPLEMENT EACH EMPLOYEE'S ACCRUED PAID SICK
14 LEAVE AS NECESSARY TO ENSURE THAT AN EMPLOYEE MAY TAKE THE
15 FOLLOWING AMOUNTS OF PAID SICK LEAVE FOR THE PURPOSES SPECIFIED
16 IN SUBSECTION (3) OF THIS SECTION:

17 (a) FOR EMPLOYEES WHO NORMALLY WORK FORTY OR MORE
18 HOURS IN A WEEK, AT LEAST EIGHTY HOURS;

19 (b) FOR EMPLOYEES WHO NORMALLY WORK FEWER THAN FORTY
20 HOURS IN A WEEK, AT LEAST THE GREATER OF EITHER THE AMOUNT OF
21 TIME THE EMPLOYEE IS SCHEDULED TO WORK IN A FOURTEEN-DAY PERIOD
22 OR THE AMOUNT OF TIME THE EMPLOYEE ACTUALLY WORKS ON AVERAGE
23 IN A FOURTEEN-DAY PERIOD.

24 (2) AN EMPLOYEE MAY USE PAID SICK LEAVE UNDER THIS SECTION
25 UNTIL FOUR WEEKS AFTER THE OFFICIAL TERMINATION OR SUSPENSION OF
26 THE PUBLIC HEALTH EMERGENCY.

27 (3) AN EMPLOYER SHALL PROVIDE ITS EMPLOYEES THE PAID SICK

1 LEAVE REQUIRED IN SUBSECTION (1) OF THIS SECTION FOR THE FOLLOWING
2 ABSENCES RELATED TO A PUBLIC HEALTH EMERGENCY:

3 (a) AN EMPLOYEE'S NEED TO:

4 (I) SELF-ISOLATE AND CARE FOR ONESELF BECAUSE THE EMPLOYEE
5 IS DIAGNOSED WITH A COMMUNICABLE ILLNESS THAT IS THE CAUSE OF A
6 PUBLIC HEALTH EMERGENCY;

7 (II) SELF-ISOLATE AND CARE FOR ONESELF BECAUSE THE
8 EMPLOYEE IS EXPERIENCING SYMPTOMS OF A COMMUNICABLE ILLNESS
9 THAT IS THE CAUSE OF A PUBLIC HEALTH EMERGENCY;

10 (III) SEEK OR OBTAIN MEDICAL DIAGNOSIS, CARE, OR TREATMENT
11 IF EXPERIENCING SYMPTOMS OF A COMMUNICABLE ILLNESS THAT IS THE
12 CAUSE OF A PUBLIC HEALTH EMERGENCY;

13 (IV) SEEK PREVENTIVE CARE CONCERNING A COMMUNICABLE
14 ILLNESS THAT IS THE CAUSE OF A PUBLIC HEALTH EMERGENCY; OR

15 (V) CARE FOR A FAMILY MEMBER WHO:

16 (A) IS SELF-ISOLATING AFTER BEING DIAGNOSED WITH A
17 COMMUNICABLE ILLNESS THAT IS THE CAUSE OF A PUBLIC HEALTH
18 EMERGENCY;

19 (B) IS SELF-ISOLATING DUE TO EXPERIENCING SYMPTOMS OF A
20 COMMUNICABLE ILLNESS THAT IS THE CAUSE OF A PUBLIC HEALTH
21 EMERGENCY;

22 (C) NEEDS MEDICAL DIAGNOSIS, CARE, OR TREATMENT IF
23 EXPERIENCING SYMPTOMS OF A COMMUNICABLE ILLNESS THAT IS THE
24 CAUSE OF A PUBLIC HEALTH EMERGENCY; OR

25 (D) IS SEEKING PREVENTIVE CARE CONCERNING A COMMUNICABLE
26 ILLNESS THAT IS THE CAUSE OF A PUBLIC HEALTH EMERGENCY;

27 (b) WITH RESPECT TO A COMMUNICABLE ILLNESS THAT IS THE

1 CAUSE OF A PUBLIC HEALTH EMERGENCY:

2 (I) A LOCAL, STATE, OR FEDERAL PUBLIC OFFICIAL OR HEALTH
3 AUTHORITY HAVING JURISDICTION OVER THE LOCATION IN WHICH THE
4 EMPLOYEE'S PLACE OF EMPLOYMENT IS LOCATED OR THE EMPLOYEE'S
5 EMPLOYER DETERMINES THAT THE EMPLOYEE'S PRESENCE ON THE JOB OR
6 IN THE COMMUNITY WOULD JEOPARDIZE THE HEALTH OF OTHERS BECAUSE
7 OF THE EMPLOYEE'S EXPOSURE TO THE COMMUNICABLE ILLNESS OR
8 BECAUSE THE EMPLOYEE IS EXHIBITING SYMPTOMS OF THE
9 COMMUNICABLE ILLNESS, REGARDLESS OF WHETHER THE EMPLOYEE HAS
10 BEEN DIAGNOSED WITH THE COMMUNICABLE ILLNESS; OR

11 (II) CARE OF A FAMILY MEMBER AFTER A LOCAL, STATE, OR
12 FEDERAL PUBLIC OFFICIAL OR HEALTH AUTHORITY HAVING JURISDICTION
13 OVER THE LOCATION IN WHICH THE FAMILY MEMBER'S PLACE OF
14 EMPLOYMENT IS LOCATED OR THE FAMILY MEMBER'S EMPLOYER
15 DETERMINES THAT THE FAMILY MEMBER'S PRESENCE ON THE JOB OR IN THE
16 COMMUNITY WOULD JEOPARDIZE THE HEALTH OF OTHERS BECAUSE OF THE
17 FAMILY MEMBER'S EXPOSURE TO THE COMMUNICABLE ILLNESS OR
18 BECAUSE THE FAMILY MEMBER IS EXHIBITING SYMPTOMS OF THE
19 COMMUNICABLE ILLNESS, REGARDLESS OF WHETHER THE FAMILY MEMBER
20 HAS BEEN DIAGNOSED WITH THE COMMUNICABLE ILLNESS;

21 (c) AN EMPLOYEE'S INABILITY TO WORK OR TELEWORK WHILE
22 SUBJECT TO:

23 (I) AN INDIVIDUAL OR GENERAL LOCAL, STATE, OR FEDERAL
24 QUARANTINE OR ISOLATION ORDER, INCLUDING A SHELTER-IN-PLACE OR
25 STAY-AT-HOME ORDER, RELATED TO A PUBLIC HEALTH EMERGENCY; OR

26 (II) CLOSURE OF THE EMPLOYEE'S PLACE OF BUSINESS BY ORDER
27 OF A LOCAL, STATE, OR FEDERAL PUBLIC OFFICIAL OR HEALTH AUTHORITY

1 OR AT THE DISCRETION OF THE EMPLOYER DUE TO A PUBLIC HEALTH
2 EMERGENCY;

3 (d) CARE OF A CHILD OR OTHER FAMILY MEMBER WHEN THE
4 INDIVIDUAL'S CHILD CARE PROVIDER IS UNAVAILABLE DUE TO A PUBLIC
5 HEALTH EMERGENCY, OR IF THE CHILD'S OR FAMILY MEMBER'S SCHOOL OR
6 PLACE OF CARE HAS BEEN CLOSED BY A LOCAL, STATE, OR FEDERAL PUBLIC
7 OFFICIAL OR AT THE DISCRETION OF THE SCHOOL OR PLACE OF CARE DUE
8 TO A PUBLIC HEALTH EMERGENCY, INCLUDING IF A SCHOOL OR PLACE OF
9 CARE IS PHYSICALLY CLOSED BUT PROVIDING INSTRUCTION REMOTELY;

10 (e) AN EMPLOYEE'S INABILITY TO WORK BECAUSE THE EMPLOYEE
11 HAS A HEALTH CONDITION THAT MAY INCREASE SUSCEPTIBILITY TO OR
12 RISK OF A COMMUNICABLE ILLNESS THAT IS THE CAUSE OF THE PUBLIC
13 HEALTH EMERGENCY.

14 (4) AN EMPLOYEE SHALL USE OTHER AVAILABLE PAID SICK LEAVE
15 PROVIDED BY THE EMPLOYER TO THE EMPLOYEE BEFORE THE EMPLOYEE
16 USES THE PAID SICK LEAVE PROVIDED UNDER THIS SECTION.

17 (5) NOTWITHSTANDING ANY OTHER PROVISION IN THIS PART 4:

18 (a) AN EMPLOYEE SHALL NOTIFY THE EMPLOYEE'S EMPLOYER OF
19 THE NEED FOR PAID SICK LEAVE UNDER THIS SECTION AS SOON AS
20 PRACTICABLE WHEN THE NEED FOR PAID SICK LEAVE IS FORESEEABLE AND
21 THE EMPLOYER'S PLACE OF BUSINESS HAS NOT BEEN CLOSED; AND

22 (b) DOCUMENTATION IS NOT REQUIRED TO TAKE PAID SICK LEAVE
23 UNDER THIS SECTION.

24 **8-13.3-406. Paid sick leave related to COVID-19 - repeal.** ON
25 AND AFTER THE EFFECTIVE DATE OF THIS SECTION THROUGH DECEMBER
26 31, 2020, EACH EMPLOYER IN THE STATE, REGARDLESS OF SIZE, SHALL
27 PROVIDE PAID SICK LEAVE IN THE AMOUNT AND FOR THE PURPOSES

1 PROVIDED IN THE FEDERAL "EMERGENCY PAID SICK LEAVE ACT" IN THE
2 "FAMILIES FIRST CORONAVIRUS RESPONSE ACT", PUB. L. 116-127.

3 **8-13.3-407. Employee rights protected - retaliation prohibited.**

4 (1) AN EMPLOYEE IS ENTITLED TO:

5 (a) USE PAID SICK LEAVE CONSISTENT WITH THIS PART 4;

6 (b) FILE A COMPLAINT OR INFORM ANY PERSON ABOUT AN
7 EMPLOYER'S ALLEGED VIOLATION OF THIS PART 4;

8 (c) COOPERATE WITH THE DIVISION IN ITS INVESTIGATION OF AN
9 ALLEGED VIOLATION OF THIS PART 4; AND

10 (d) INFORM ANY PERSON OF THE PERSON'S POTENTIAL RIGHTS
11 UNDER THIS PART 4.

12 (2) (a) AN EMPLOYER SHALL NOT TAKE RETALIATORY PERSONNEL
13 ACTION OR DISCRIMINATE AGAINST AN EMPLOYEE OR FORMER EMPLOYEE
14 BECAUSE THE PERSON HAS EXERCISED, ATTEMPTED TO EXERCISE, OR
15 SUPPORTED THE EXERCISE OF RIGHTS PROTECTED UNDER THIS PART 4,
16 INCLUDING THE RIGHT TO REQUEST OR USE PAID SICK LEAVE PURSUANT TO
17 THIS PART 4; THE RIGHT TO FILE A COMPLAINT WITH THE DIVISION OR
18 COURT OR INFORM ANY PERSON ABOUT ANY EMPLOYER'S ALLEGED
19 VIOLATION OF THIS PART 4; THE RIGHT TO PARTICIPATE IN AN
20 INVESTIGATION, HEARING, OR PROCEEDING OR COOPERATE WITH OR ASSIST
21 THE DIVISION IN ITS INVESTIGATIONS OF ALLEGED VIOLATIONS OF THIS
22 PART 4; AND THE RIGHT TO INFORM ANY PERSON OF THE PERSON'S
23 POTENTIAL RIGHTS UNDER THIS PART 4.

24 (b) IT IS UNLAWFUL FOR AN EMPLOYER TO COUNT PAID SICK LEAVE
25 TAKEN BY AN EMPLOYEE PURSUANT TO THIS PART 4 AS AN ABSENCE THAT
26 MAY LEAD TO OR RESULT IN DISCIPLINE, DISCHARGE, DEMOTION,
27 SUSPENSION, OR ANY OTHER RETALIATORY PERSONNEL ACTION AGAINST

1 THE EMPLOYEE.

2 (3) A REBUTTABLE PRESUMPTION OF AN UNLAWFUL RETALIATORY
3 PERSONNEL ACTION IS CREATED IF AN EMPLOYER TAKES AN ADVERSE
4 ACTION AGAINST AN EMPLOYEE WITHIN NINETY DAYS AFTER THE
5 EMPLOYEE:

6 (a) FILES A COMPLAINT WITH THE DIVISION OR A COURT ALLEGING
7 A VIOLATION OF THIS PART 4;

8 (b) INFORMS ANY PERSON ABOUT AN EMPLOYER'S ALLEGED
9 VIOLATION OF THIS PART 4;

10 (c) COOPERATES WITH THE DIVISION OR ANOTHER PERSON WITH
11 ENFORCEMENT OR INVESTIGATIVE AUTHORITY IN THE INVESTIGATION OR
12 PROSECUTION OF AN ALLEGED VIOLATION OF THIS PART 4;

13 (d) OPPOSES ANY POLICY, PRACTICE, OR ACT THAT IS UNLAWFUL
14 UNDER THIS PART 4; OR

15 (e) INFORMS ANY PERSON OF THE PERSON'S RIGHTS UNDER THIS
16 PART 4.

17 (4) THE PROTECTIONS OF THIS SECTION APPLY TO ANY PERSON
18 ACTING IN GOOD FAITH WHO ALLEGES A VIOLATION OF THIS PART 4, EVEN
19 IF THE ALLEGATION IS DETERMINED TO BE MISTAKEN.

20 (5) THE DIVISION SHALL INVESTIGATE EACH CLAIM OF DENIAL OF
21 PAID SICK LEAVE IN VIOLATION OF THIS PART 4. THE DIVISION MAY
22 INVESTIGATE CLAIMS OF RETALIATION IN VIOLATION OF THIS PART 4. THE
23 DIVISION SHALL PROVIDE INFORMATION ON RIGHTS AND OTHER REDRESS
24 TO PEOPLE WHO FILE CLAIMS THAT THE DIVISION DOES NOT INVESTIGATE.

25 (6) IF AN INVESTIGATION OF EMPLOYER RETALIATION OR
26 INTERFERENCE WITH EMPLOYEE RIGHTS YIELDS A DETERMINATION THAT:

27 (a) RIGHTS OF MULTIPLE EMPLOYEES HAVE BEEN VIOLATED, THE

1 VIOLATION AS TO EACH EMPLOYEE IS A SEPARATE VIOLATION FOR
2 PURPOSES OF FINES, PENALTIES, OR OTHER REMEDIES;

3 (b) A VIOLATION COST AN EMPLOYEE THE EMPLOYEE'S JOB OR PAY,
4 THE DETERMINATION MAY INCLUDE AN ORDER TO REINSTATE THE
5 EMPLOYEE, TO PAY THE EMPLOYEE'S LOST PAY UNTIL REINSTATEMENT OR
6 FOR A REASONABLE PERIOD IF REINSTATEMENT IS DETERMINED NOT TO BE
7 FEASIBLE, OR BOTH.

8 (7) DETERMINATIONS MADE BY THE DIVISION UNDER THIS SECTION
9 ARE APPEALABLE PURSUANT TO SECTION 8-4-111.5 AND RULES
10 PROMULGATED BY THE DEPARTMENT REGARDING APPEALS AND STRATEGIC
11 ENFORCEMENT.

12 **8-13.3-408. Notice to employees - penalty.** (1) AN EMPLOYER
13 SHALL NOTIFY ITS EMPLOYEES THAT THEY ARE ENTITLED TO PAID SICK
14 LEAVE. THE NOTICE MUST SPECIFY THE AMOUNT OF PAID SICK LEAVE TO
15 WHICH EMPLOYEES ARE ENTITLED AND THE TERMS OF ITS USE UNDER THIS
16 PART 4. THE NOTICE MUST ALSO INFORM EMPLOYEES THAT EMPLOYERS
17 CANNOT RETALIATE AGAINST AN EMPLOYEE FOR REQUESTING OR USING
18 PAID SICK LEAVE AND THAT AN EMPLOYEE HAS THE RIGHT TO FILE A
19 COMPLAINT OR BRING A CIVIL ACTION IF PAID SICK LEAVE IS DENIED BY
20 THE EMPLOYER OR THE EMPLOYER RETALIATES AGAINST THE EMPLOYEE
21 FOR EXERCISING THE EMPLOYEE'S RIGHTS UNDER THIS PART 4.

22 (2) AN EMPLOYER COMPLIES WITH THE NOTICE REQUIREMENTS OF
23 THIS SECTION BY:

24 (a) SUPPLYING EACH EMPLOYEE WITH A WRITTEN NOTICE
25 CONTAINING THE INFORMATION SPECIFIED IN SUBSECTION (1) OF THIS
26 SECTION THAT IS IN ENGLISH AND IN ANY LANGUAGE THAT IS THE FIRST
27 LANGUAGE SPOKEN BY AT LEAST FIVE PERCENT OF THE EMPLOYER'S

1 WORKFORCE; AND

2 (b) DISPLAYING A POSTER IN A CONSPICUOUS AND ACCESSIBLE
3 LOCATION IN EACH ESTABLISHMENT WHERE THE EMPLOYER'S EMPLOYEES
4 WORK THAT CONTAINS THE INFORMATION REQUIRED BY SUBSECTION (1)
5 OF THIS SECTION IN ENGLISH AND IN ANY LANGUAGE THAT IS THE FIRST
6 LANGUAGE SPOKEN BY AT LEAST FIVE PERCENT OF THE EMPLOYER'S
7 WORKFORCE.

8 (3) THE DIVISION SHALL CREATE AND MAKE AVAILABLE TO
9 EMPLOYERS POSTERS AND NOTICES THAT CONTAIN THE INFORMATION
10 REQUIRED BY SUBSECTION (1) OF THIS SECTION, AND EMPLOYERS MAY USE
11 THE POSTERS AND NOTICES TO COMPLY WITH THE REQUIREMENTS OF THIS
12 SECTION.

13 (4) AN EMPLOYER WHO WILLFULLY VIOLATES THIS SECTION IS
14 SUBJECT TO A CIVIL FINE NOT TO EXCEED ONE HUNDRED DOLLARS FOR
15 EACH SEPARATE VIOLATION. THE FINE SHALL BE TRANSMITTED TO THE
16 STATE TREASURER, WHO SHALL DEPOSIT IT IN THE GENERAL FUND.

17 (5) IF AN EMPLOYER'S BUSINESS IS CLOSED DUE TO A PUBLIC
18 HEALTH EMERGENCY OR A DISASTER EMERGENCY DUE TO A PUBLIC
19 HEALTH CONCERN, THE NOTICE AND POSTING REQUIREMENTS OF THIS
20 SECTION ARE WAIVED FOR THE PERIOD DURING WHICH THE PLACE OF
21 BUSINESS IS CLOSED.

22 **8-13.3-409. Employer records.** (1) AN EMPLOYER SHALL RETAIN
23 RECORDS FOR EACH EMPLOYEE FOR A THREE-YEAR PERIOD, DOCUMENTING
24 HOURS WORKED, PAID SICK LEAVE ACCRUED, AND PAID SICK LEAVE USED.
25 UPON APPROPRIATE NOTICE AND AT A MUTUALLY AGREEABLE TIME, THE
26 EMPLOYER SHALL ALLOW THE DIVISION ACCESS TO THE RECORDS FOR
27 PURPOSES OF MONITORING COMPLIANCE WITH THIS PART 4.

1 (2) IF AN ISSUE ARISES AS TO AN EMPLOYEE'S RIGHT TO PAID SICK
2 LEAVE AND THE EMPLOYER HAS NOT MAINTAINED OR RETAINED ADEQUATE
3 RECORDS FOR THAT EMPLOYEE OR DOES NOT ALLOW THE DIVISION
4 REASONABLE ACCESS TO THE RECORDS, THE EMPLOYER SHALL BE
5 PRESUMED TO HAVE VIOLATED THIS PART 4 ABSENT CLEAR AND
6 CONVINCING EVIDENCE TO DEMONSTRATE THE EMPLOYER'S COMPLIANCE.

7 **8-13.3-410. Authority of director - rules.** THE DIRECTOR MAY
8 COORDINATE IMPLEMENTATION AND ENFORCEMENT OF THIS PART 4 AND
9 ADOPT RULES AS NECESSARY FOR SUCH PURPOSES.

10 **8-13.3-411. Enforcement - judicial review of director's actions.**

11 (1) THE DIRECTOR AND THE DIVISION HAVE JURISDICTION OVER THE
12 ENFORCEMENT OF THIS PART 4 AND MAY EXERCISE ALL POWERS GRANTED
13 UNDER ARTICLE 1 OF THIS TITLE 8 TO ENFORCE THIS PART 4.

14 (2) THE DIVISION MAY ENFORCE THE REQUIREMENTS OF THIS PART
15 4. THE DIVISION MAY, ON ITS OWN INITIATIVE OR AFTER RECEIVING A
16 COMPLAINT, INSPECT WORKPLACES AND SUBPOENA RECORDS AND
17 WITNESSES.

18 (3) PURSUANT TO SECTION 8-1-130, ANY FINDINGS, AWARDS, OR
19 ORDERS ISSUED BY THE DIRECTOR WITH RESPECT TO ENFORCEMENT OF
20 THIS PART 4 CONSTITUTE FINAL AGENCY ACTION, AND ANY PERSON
21 AFFECTED BY SUCH FINAL AGENCY ACTION MAY SEEK JUDICIAL REVIEW AS
22 PROVIDED IN SECTION 24-4-106.

23 (4) (a) A PERSON AGGRIEVED BY A VIOLATION OF THIS PART 4 MAY
24 COMMENCE A CIVIL ACTION IN DISTRICT COURT NO LATER THAN TWO
25 YEARS AFTER THE VIOLATION OCCURS. A VIOLATION OF THIS PART 4
26 OCCURS ON EACH OCCASION THAT A PERSON IS AFFECTED BY A FAILURE TO
27 PROVIDE PAID SICK LEAVE OR RETALIATION RELATED TO PAID SICK LEAVE.

1 (b) A PERSON AGGRIEVED BY A VIOLATION OF THIS PART 4 MAY
2 OBTAIN RELIEF FOR BACK PAY FOR THE ENTIRE TIME THE VIOLATION
3 CONTINUED, NOT TO EXCEED THREE YEARS, INCLUDING BACK PAY FOR A
4 PERSON WHO WAS UNLAWFULLY TERMINATED AS A RETALIATORY
5 MEASURE IN VIOLATION OF THIS PART 4, NOT TO EXCEED THREE YEARS.

6 (c) IF A CIVIL ACTION IS COMMENCED UNDER THIS SECTION, ANY
7 PARTY TO THE CIVIL ACTION MAY DEMAND A TRIAL BY JURY.

8 (d) NOTHING IN THIS SECTION PREVENTS AN AGGRIEVED PERSON
9 FROM FILING A CHARGE WITH THE DIVISION PURSUANT TO THIS SECTION.

10 **8-13.3-412. Confidentiality of employee information -**

11 **definition.** (1) AN EMPLOYER SHALL NOT REQUIRE DISCLOSURE OF
12 DETAILS RELATING TO DOMESTIC VIOLENCE, SEXUAL ASSAULT, OR
13 STALKING OR THE DETAILS OF AN EMPLOYEE'S OR AN EMPLOYEE'S FAMILY
14 MEMBER'S HEALTH INFORMATION AS A CONDITION OF PROVIDING PAID SICK
15 LEAVE UNDER THIS PART 4.

16 (2) ANY HEALTH OR SAFETY INFORMATION POSSESSED BY AN
17 EMPLOYER REGARDING AN EMPLOYEE OR EMPLOYEE'S FAMILY MEMBER
18 MUST:

19 (a) BE MAINTAINED ON A SEPARATE FORM AND IN A SEPARATE FILE
20 FROM OTHER PERSONNEL INFORMATION;

21 (b) BE TREATED AS CONFIDENTIAL MEDICAL RECORDS; AND

22 (c) NOT BE DISCLOSED EXCEPT TO THE AFFECTED EMPLOYEE OR
23 WITH THE EXPRESS PERMISSION OF THE AFFECTED EMPLOYEE.

24 (3) AS USED IN THIS SECTION, "AFFECTED EMPLOYEE" MEANS THE
25 EMPLOYEE:

26 (a) ABOUT WHOM THE HEALTH INFORMATION PERTAINS OR WHO IS
27 THE VICTIM OF THE DOMESTIC ABUSE, SEXUAL ASSAULT, OR HARASSMENT;

1 OR

2 (b) WHOSE FAMILY MEMBER IS THE SUBJECT OF THE HEALTH
3 INFORMATION OR IS THE VICTIM OF THE DOMESTIC ABUSE, SEXUAL
4 ASSAULT, OR HARASSMENT.

5 **8-13.3-413. Employers encouraged to provide more generous**
6 **paid sick leave.** (1) NOTHING IN THIS PART 4 DISCOURAGES OR PROHIBITS
7 AN EMPLOYER FROM ADOPTING OR CONTINUING A PAID SICK LEAVE POLICY
8 THAT IS MORE GENEROUS THAN THE PAID SICK LEAVE POLICY REQUIRED BY
9 THIS PART 4.

10 (2) NOTHING IN THIS PART 4 DIMINISHES THE OBLIGATION OF AN
11 EMPLOYER TO COMPLY WITH ANY CONTRACT, COLLECTIVE BARGAINING
12 AGREEMENT, EMPLOYMENT BENEFIT PLAN, OR OTHER AGREEMENT
13 PROVIDING EMPLOYEES WITH A MORE GENEROUS PAID SICK LEAVE POLICY
14 THAN THE PAID SICK LEAVE POLICY REQUIRED BY THIS PART 4.

15 (3) NOTHING IN THIS PART 4 DIMINISHES THE RIGHTS OF PUBLIC
16 EMPLOYEES REGARDING PAID SICK LEAVE OR THE USE OF PAID SICK LEAVE
17 AS PROVIDED IN SECTION 24-50-104 (7).

18 **8-13.3-414. Other legal requirements applicable.** THIS PART 4
19 PROVIDES MINIMUM REQUIREMENTS PERTAINING TO PAID SICK LEAVE AND
20 DOES NOT PREEMPT, LIMIT, OR OTHERWISE AFFECT THE APPLICABILITY OF
21 ANY OTHER LAW, REGULATION, REQUIREMENT, POLICY, OR STANDARD
22 THAT PROVIDES FOR A GREATER AMOUNT, ACCRUAL, OR USE BY
23 EMPLOYEES OF PAID SICK LEAVE OR THAT EXTENDS OTHER PROTECTIONS
24 TO EMPLOYEES.

25 **8-13.3-415. Collective bargaining agreements.** THIS PART 4
26 DOES NOT APPLY TO EMPLOYEES COVERED BY A BONA FIDE COLLECTIVE
27 BARGAINING AGREEMENT TO THE EXTENT THAT THE REQUIREMENTS OF

1 THIS PART 4 ARE EXPRESSLY WAIVED IN THE COLLECTIVE BARGAINING
2 AGREEMENT IN CLEAR AND UNAMBIGUOUS TERMS AND THE COLLECTIVE
3 BARGAINING AGREEMENT PROVIDES FOR AN EQUIVALENT OR MORE
4 GENEROUS BENEFIT FOR THE EMPLOYEES COVERED BY THE AGREEMENT.

5 **SECTION 2.** In Colorado Revised Statutes, 8-4-101, **add**
6 (14)(a)(IV) as follows:

7 **8-4-101. Definitions.** As used in this article 4, unless the context
8 otherwise requires:

9 (14) (a) "Wages" or "compensation" means:

10 (IV) "PAID SICK LEAVE" AS PROVIDED IN PART 4 OF ARTICLE 13.3
11 OF THIS TITLE 8.

12 **SECTION 3. Applicability.** This act applies to conduct occurring
13 on or after the effective date of this act.

14 **SECTION 4. Safety clause.** The general assembly hereby finds,
15 determines, and declares that this act is necessary for the immediate
16 preservation of the public peace, health, or safety.