

Second Regular Session
Seventy-second General Assembly
STATE OF COLORADO

REENGROSSED

*This Version Includes All Amendments
Adopted in the House of Introduction*

LLS NO. 20-1189.01 Yelana Love x2295

SENATE BILL 20-205

SENATE SPONSORSHIP

Fenberg and Bridges, Fields, Foote, Garcia, Ginal, Gonzales, Hansen, Lee, Moreno, Pettersen, Priola, Story, Todd, Winter, Zenzinger

HOUSE SPONSORSHIP

Becker and Caraveo,

Senate Committees

State, Veterans, & Military Affairs
Appropriations

House Committees

A BILL FOR AN ACT

101 **CONCERNING THE REQUIREMENT THAT EMPLOYERS OFFER SICK LEAVE**
102 **TO THEIR EMPLOYEES, AND, IN CONNECTION THEREWITH,**
103 **MAKING AN APPROPRIATION.**

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

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.

SENATE
Amended 3rd Reading
June 9, 2020

SENATE
Amended 2nd Reading
June 8, 2020

leave for employees to take for reasons related to the COVID-19 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). "EMPLOYEE" DOES NOT INCLUDE AN "EMPLOYEE" AS DEFINED IN 45
2 U.S.C. SEC. 351 (d) WHO IS SUBJECT TO THE FEDERAL "RAILROAD
3 UNEMPLOYMENT INSURANCE ACT", 45 U.S.C. SEC. 351 ET SEQ.

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

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

9 (6) "FAMILY MEMBER" MEANS:

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

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

15 (c) A PERSON FOR WHOM THE EMPLOYEE IS RESPONSIBLE FOR
16 PROVIDING OR ARRANGING HEALTH- OR SAFETY-RELATED CARE.

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

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

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

23 (II) PROVIDED BY AN EMPLOYER TO AN EMPLOYEE FOR ONE OR
24 MORE OF THE PURPOSES DESCRIBED IN SECTIONS 8-13.3-404 TO
25 8-13.3-406.

26 (b) "PAID SICK LEAVE" IS "WAGES" AS DEFINED IN SECTION 8-4-101
27 (14).

1 (9) "PUBLIC HEALTH EMERGENCY" MEANS:
2 (a) AN ACT OF BIOTERRORISM, A PANDEMIC INFLUENZA, OR AN
3 EPIDEMIC CAUSED BY A NOVEL AND HIGHLY FATAL INFECTIOUS AGENT,
4 FOR WHICH:
5 (I) AN EMERGENCY IS DECLARED BY A FEDERAL, STATE, OR LOCAL
6 PUBLIC HEALTH AGENCY; OR
7 (II) A DISASTER EMERGENCY IS DECLARED BY THE GOVERNOR; OR
8 (b) A HIGHLY INFECTIOUS ILLNESS OR AGENT WITH EPIDEMIC OR
9 PANDEMIC POTENTIAL FOR WHICH A DISASTER EMERGENCY IS DECLARED
10 BY THE GOVERNOR.
11 (10) "RETALIATORY PERSONNEL ACTION" MEANS:
12 (a) THE DENIAL OF ANY RIGHT GUARANTEED UNDER THIS PART 4;
13 OR
14 (b) ANY ADVERSE ACTION AGAINST AN EMPLOYEE FOR
15 EXERCISING ANY RIGHT GUARANTEED IN THIS PART 4, INCLUDING:
16 (I) ANY THREAT, DISCIPLINE, DISCHARGE, SUSPENSION, DEMOTION,
17 REDUCTION OF HOURS, OR REPORTING OR THREATENING TO REPORT AN
18 EMPLOYEE'S SUSPECTED CITIZENSHIP OR IMMIGRATION STATUS OR THE
19 SUSPECTED CITIZENSHIP OR IMMIGRATION STATUS OF A FAMILY MEMBER
20 OF THE EMPLOYEE TO A FEDERAL, STATE, OR LOCAL AGENCY; OR
21 (II) ANY SANCTIONS AGAINST AN EMPLOYEE WHO IS THE RECIPIENT
22 OF PUBLIC BENEFITS FOR RIGHTS GUARANTEED UNDER THIS PART 4; OR
23 (III) INTERFERENCE WITH OR PUNISHMENT FOR PARTICIPATING IN
24 OR ASSISTING, IN ANY MANNER, AN INVESTIGATION, PROCEEDING, OR
25 HEARING UNDER THIS PART 4.
26 (11) "SEXUAL ASSAULT" HAS THE MEANING SET FORTH IN SECTION
27 18-3-402.

1 (12) "YEAR" MEANS A REGULAR AND CONSECUTIVE
2 TWELVE-MONTH PERIOD AS DETERMINED BY AN EMPLOYER; EXCEPT THAT
3 FOR THE PURPOSES OF SECTION 8-13.3-411, "YEAR" MEANS A CALENDAR
4 YEAR.

5 **8-13.3-403. Paid sick leave - accrual - carry forward to**
6 **subsequent ___ year - comparable leave provided by employer - no**
7 **payment for unused leave - rules.** (1) ALL EMPLOYEES WORKING IN
8 COLORADO HAVE THE RIGHT TO PAID SICK LEAVE AS SPECIFIED IN THIS
9 PART 4.

10 (2) (a) EFFECTIVE JANUARY 1, 2021, AN EMPLOYER SHALL
11 PROVIDE EACH EMPLOYEE PAID SICK LEAVE AS PROVIDED IN THIS SECTION.
12 EACH EMPLOYEE EARNS AT LEAST ONE HOUR OF PAID SICK LEAVE FOR
13 EVERY THIRTY HOURS WORKED BY THE EMPLOYEE; EXCEPT THAT AN
14 EMPLOYEE IS NOT ENTITLED UNDER THIS SECTION TO EARN OR USE MORE
15 THAN FORTY-EIGHT HOURS OF PAID SICK LEAVE EACH YEAR, UNLESS THE
16 EMPLOYER SELECTS A HIGHER LIMIT. AN EMPLOYER MAY SATISFY THE
17 ACCRUAL REQUIREMENTS OF THIS SECTION BY PROVIDING THE EMPLOYEE
18 WITH AN AMOUNT OF PAID SICK LEAVE THAT MEETS OR EXCEEDS THE
19 REQUIREMENTS OF THIS SECTION AT THE BEGINNING OF THE YEAR.
20 NOTHING IN THIS SECTION DISCOURAGES OR PROHIBITS AN EMPLOYER
21 FROM PROVIDING PAID SICK LEAVE THAT ACCRUES AT A FASTER OR MORE
22 GENEROUS RATE THAN REQUIRED BY THIS SECTION. THIS SUBSECTION
23 (2)(a) DOES NOT LIMIT THE ABILITY OF AN EMPLOYEE TO USE PAID SICK
24 LEAVE AS PROVIDED IN SECTION 8-13.3-405.

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

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

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

10 (b) UP TO FORTY-EIGHT HOURS OF PAID SICK LEAVE THAT AN
11 EMPLOYEE ACCRUES IN A YEAR BUT DOES NOT USE CARRIES FORWARD TO,
12 AND MAY BE USED IN, A SUBSEQUENT YEAR; EXCEPT THAT AN EMPLOYER
13 IS NOT REQUIRED TO ALLOW THE EMPLOYEE TO USE MORE THAN
14 FORTY-EIGHT HOURS OF PAID SICK LEAVE IN A YEAR.

15 (4) AN EMPLOYER THAT HAS A PAID LEAVE POLICY FOR ITS
16 EMPLOYEES MAY SATISFY THE REQUIREMENTS OF THIS SECTION AND
17 SECTION 8-13.3-405 AND IS NOT REQUIRED TO PROVIDE ADDITIONAL PAID
18 SICK LEAVE TO ITS EMPLOYEES IF THE EMPLOYER:

19 (a) MAKES AVAILABLE TO ITS EMPLOYEES, THROUGH ITS PAID
20 LEAVE POLICY, AN AMOUNT OF PAID LEAVE SUFFICIENT TO SATISFY
21 SECTION 8-13.3-405 AND MEET THE ACCRUAL REQUIREMENTS OF
22 SUBSECTION (2)(a) OF THIS SECTION; AND

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

26 (5) (a) EXCEPT AS SPECIFIED IN SUBSECTION (5)(b) OF THIS
27 SECTION, AND NOTWITHSTANDING SECTION 8-4-101 (14)(a)(IV), NOTHING

1 IN THIS SECTION REQUIRES AN EMPLOYER TO PROVIDE FINANCIAL OR
2 OTHER REIMBURSEMENT OF UNUSED PAID SICK LEAVE TO AN EMPLOYEE
3 UPON TERMINATION, RESIGNATION, RETIREMENT, OR OTHER SEPARATION
4 FROM EMPLOYMENT; EXCEPT THAT AN INDIVIDUAL MAY RECOVER PAID
5 SICK LEAVE AS A REMEDY FOR A RETALIATORY PERSONNEL ACTION THAT
6 PREVENTED THE INDIVIDUAL FROM USING PAID SICK LEAVE.

7 (b) IF AN EMPLOYEE SEPARATES FROM EMPLOYMENT AND IS
8 REHIRED BY THE SAME EMPLOYER WITHIN SIX MONTHS AFTER THE
9 SEPARATION, THE EMPLOYER SHALL REINSTATE ANY PAID SICK LEAVE
10 THAT THE EMPLOYEE HAD ACCRUED BUT NOT USED DURING THE
11 EMPLOYEE'S PREVIOUS EMPLOYMENT WITH THE EMPLOYER AND THAT HAD
12 NOT BEEN CONVERTED TO MONETARY COMPENSATION TO THE EMPLOYEE
13 AT THE TIME OF SEPARATION FROM EMPLOYMENT.

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

16 (7) IF AN EMPLOYEE IS TRANSFERRED TO A SEPARATE DIVISION,
17 ENTITY, OR LOCATION BUT REMAINS EMPLOYED BY THE SAME EMPLOYER,
18 THE EMPLOYEE IS ENTITLED TO ALL PAID SICK LEAVE ACCRUED AT THE
19 PRIOR DIVISION, ENTITY, OR LOCATION AND IS ENTITLED TO USE ALL PAID
20 SICK LEAVE AS PROVIDED IN THIS SECTION.

21 (8) IF A NEW EMPLOYER SUCCEEDS OR TAKES THE PLACE OF AN
22 ORIGINAL EMPLOYER, ALL EMPLOYEES OF THE ORIGINAL EMPLOYER WHO
23 REMAIN EMPLOYED BY THE SUCCESSOR EMPLOYER ARE ENTITLED TO ALL
24 PAID SICK LEAVE THAT THE EMPLOYEES ACCRUED WHEN EMPLOYED BY
25 THE ORIGINAL EMPLOYER AND ARE ENTITLED TO USE PREVIOUSLY
26 ACCRUED PAID SICK LEAVE AS SPECIFIED IN SECTION 8-13.3-404.

27 (9) THE DIVISION SHALL PROMULGATE RULES REGARDING

1 COMPENSATION AND ACCRUAL OF PAID SICK LEAVE FOR EMPLOYEES
2 EMPLOYED AND COMPENSATED ON A FEE-FOR-SERVICE BASIS.

3 **8-13.3-404. Use of paid sick leave - purposes - time increments.**

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

6 (a) THE EMPLOYEE:

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

9 (II) NEEDS TO OBTAIN A MEDICAL DIAGNOSIS, CARE, OR
10 TREATMENT OF A MENTAL OR PHYSICAL ILLNESS, INJURY, OR HEALTH
11 CONDITION; OR

12 (III) NEEDS TO OBTAIN PREVENTIVE MEDICAL CARE;

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

14 (I) HAS A MENTAL OR PHYSICAL ILLNESS, INJURY, OR HEALTH
15 CONDITION;

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

19 (III) NEEDS TO OBTAIN PREVENTIVE MEDICAL CARE;

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

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

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

1 (III) OBTAIN MENTAL HEALTH OR OTHER COUNSELING;

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

4 (V) SEEK LEGAL SERVICES, INCLUDING PREPARATION FOR OR
5 PARTICIPATION IN A CIVIL OR CRIMINAL PROCEEDING RELATING TO OR
6 RESULTING FROM THE DOMESTIC ABUSE, SEXUAL ASSAULT, OR
7 HARASSMENT; OR

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

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

11 (II) THE SCHOOL OR PLACE OF CARE OF THE EMPLOYEE'S CHILD
12 AND THE EMPLOYEE NEEDS TO BE ABSENT FROM WORK TO CARE FOR THE
13 EMPLOYEE'S CHILD.

14 (2) AN EMPLOYER SHALL ALLOW AN EMPLOYEE TO USE PAID SICK
15 LEAVE UPON THE REQUEST OF AN EMPLOYEE. THE REQUEST MAY BE MADE
16 ORALLY, IN WRITING, ELECTRONICALLY, OR BY ANY OTHER MEANS
17 ACCEPTABLE TO THE EMPLOYER. WHEN POSSIBLE, THE EMPLOYEE SHALL
18 INCLUDE THE EXPECTED DURATION OF THE ABSENCE. AN EMPLOYER MAY
19 PROVIDE A WRITTEN POLICY THAT CONTAINS REASONABLE PROCEDURES
20 FOR THE EMPLOYEE TO PROVIDE NOTICE WHEN THE USE OF PAID SICK
21 LEAVE TAKEN UNDER THIS SECTION IS FORESEEABLE. AN EMPLOYER SHALL
22 NOT DENY PAID SICK LEAVE TO THE EMPLOYEE BASED ON NONCOMPLIANCE
23 WITH SUCH A POLICY.

24 (3) AN EMPLOYEE MUST USE PAID SICK LEAVE IN HOURLY
25 INCREMENTS UNLESS THE EMPLOYEE'S EMPLOYER ALLOWS PAID SICK
26 LEAVE TO BE TAKEN IN SMALLER INCREMENTS OF TIME.

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 (6) EXCEPT AS PROVIDED IN SECTION 8-13.3-405 (5)(b), FOR PAID
12 SICK LEAVE OF FOUR OR MORE CONSECUTIVE WORK DAYS, AN EMPLOYER
13 MAY REQUIRE REASONABLE DOCUMENTATION THAT THE PAID SICK LEAVE
14 IS FOR A PURPOSE AUTHORIZED BY THIS PART 4.

15 **8-13.3-405. Additional paid sick leave during a public health**
16 **emergency.** (1) IN ADDITION TO PAID SICK LEAVE ACCRUED UNDER
17 SECTION 8-13.3-403, ON THE DATE A PUBLIC HEALTH EMERGENCY IS
18 DECLARED, EACH EMPLOYER IN THE STATE SHALL SUPPLEMENT EACH
19 EMPLOYEE'S ACCRUED PAID SICK LEAVE AS NECESSARY TO ENSURE THAT
20 AN EMPLOYEE MAY TAKE THE FOLLOWING AMOUNTS OF PAID SICK LEAVE
21 FOR THE PURPOSES SPECIFIED IN SUBSECTION (3) OF THIS SECTION:

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

24 (b) FOR EMPLOYEES WHO NORMALLY WORK FEWER THAN FORTY
25 HOURS IN A WEEK, AT LEAST THE GREATER OF EITHER THE AMOUNT OF
26 TIME THE EMPLOYEE IS SCHEDULED TO WORK IN A FOURTEEN-DAY PERIOD
27 OR THE AMOUNT OF TIME THE EMPLOYEE ACTUALLY WORKS ON AVERAGE

1 IN A FOURTEEN-DAY PERIOD.

2 (2) (a) AN EMPLOYER MAY COUNT AN EMPLOYEE'S UNUSED
3 ACCRUED PAID SICK LEAVE UNDER SECTION 8-13.3-403 TOWARD THE
4 SUPPLEMENTAL PAID SICK LEAVE REQUIRED IN SUBSECTION (1) OF THIS
5 SECTION.

6 (b) AN EMPLOYEE MAY USE PAID SICK LEAVE UNDER THIS SECTION
7 UNTIL FOUR WEEKS AFTER THE OFFICIAL TERMINATION OR SUSPENSION OF
8 THE PUBLIC HEALTH EMERGENCY.

9 (3) AN EMPLOYER SHALL PROVIDE ITS EMPLOYEES THE PAID SICK
10 LEAVE REQUIRED IN SUBSECTION (1) OF THIS SECTION FOR THE FOLLOWING
11 ABSENCES RELATED TO A PUBLIC HEALTH EMERGENCY:

12 (a) AN EMPLOYEE'S NEED TO:

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

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

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

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

24 (V) CARE FOR A FAMILY MEMBER WHO:

25 (A) IS SELF-ISOLATING AFTER BEING DIAGNOSED WITH A
26 COMMUNICABLE ILLNESS THAT IS THE CAUSE OF A PUBLIC HEALTH
27 EMERGENCY;

1 (B) IS SELF-ISOLATING DUE TO EXPERIENCING SYMPTOMS OF A
2 COMMUNICABLE ILLNESS THAT IS THE CAUSE OF A PUBLIC HEALTH
3 EMERGENCY;

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

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

9 (b) WITH RESPECT TO A COMMUNICABLE ILLNESS THAT IS THE
10 CAUSE OF A PUBLIC HEALTH EMERGENCY:

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

20 (II) CARE OF A FAMILY MEMBER AFTER A LOCAL, STATE, OR
21 FEDERAL PUBLIC OFFICIAL OR HEALTH AUTHORITY HAVING JURISDICTION
22 OVER THE LOCATION IN WHICH THE FAMILY MEMBER'S PLACE OF
23 EMPLOYMENT IS LOCATED OR THE FAMILY MEMBER'S EMPLOYER
24 DETERMINES THAT THE FAMILY MEMBER'S PRESENCE ON THE JOB OR IN THE
25 COMMUNITY WOULD JEOPARDIZE THE HEALTH OF OTHERS BECAUSE OF THE
26 FAMILY MEMBER'S EXPOSURE TO THE COMMUNICABLE ILLNESS OR
27 BECAUSE THE FAMILY MEMBER IS EXHIBITING SYMPTOMS OF THE

1 COMMUNICABLE ILLNESS, REGARDLESS OF WHETHER THE FAMILY MEMBER
2 HAS BEEN DIAGNOSED WITH THE COMMUNICABLE ILLNESS;

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

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

15
16 (4) NOTWITHSTANDING ANY OTHER PROVISION IN THIS PART 4:

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

21 (b) DOCUMENTATION IS NOT REQUIRED TO TAKE PAID SICK LEAVE
22 UNDER THIS SECTION; AND

23 (c) EMPLOYEES ARE ONLY ELIGIBLE FOR PAID SICK LEAVE IN THE
24 AMOUNT DESCRIBED IN SUBSECTION (1) OF THIS SECTION ONCE DURING
25 THE ENTIRETY OF A PUBLIC HEALTH EMERGENCY EVEN IF SUCH PUBLIC
26 HEALTH EMERGENCY IS AMENDED, EXTENDED, RESTATED, OR PROLONGED.

27 **8-13.3-406. Paid sick leave related to COVID-19 - repeal.**

1 (1) EMPLOYERS IN THE STATE SHALL COMPLY WITH THE FEDERAL
2 "EMERGENCY PAID SICK LEAVE ACT" IN THE "FAMILIES FIRST
3 CORONAVIRUS RESPONSE ACT", PUB. L. 116-127.

4 (2) ON AND AFTER THE EFFECTIVE DATE OF THIS SECTION THROUGH
5 DECEMBER 31, 2020, EACH EMPLOYER IN THE STATE, REGARDLESS OF SIZE,
6 SHALL PROVIDE PAID SICK LEAVE IN THE AMOUNT AND FOR THE PURPOSES
7 PROVIDED IN THE FEDERAL "EMERGENCY PAID SICK LEAVE ACT" IN THE
8 "FAMILIES FIRST CORONAVIRUS RESPONSE ACT", PUB. L. 116-127, TO
9 EACH EMPLOYEE WHO IS NOT COVERED UNDER THE "EMERGENCY PAID
10 SICK LEAVE ACT".

11 **8-13.3-407. Employee rights protected - retaliation prohibited.**

12 (1) AN EMPLOYEE IS ENTITLED TO:

- 13 (a) USE PAID SICK LEAVE CONSISTENT WITH THIS PART 4;
- 14 (b) FILE A COMPLAINT OR INFORM ANY PERSON ABOUT AN
15 EMPLOYER'S ALLEGED VIOLATION OF THIS PART 4;
- 16 (c) COOPERATE WITH THE DIVISION IN ITS INVESTIGATION OF AN
17 ALLEGED VIOLATION OF THIS PART 4; AND
- 18 (d) INFORM ANY PERSON OF THE PERSON'S POTENTIAL RIGHTS
19 UNDER THIS PART 4.

20 (2) (a) AN EMPLOYER SHALL NOT TAKE RETALIATORY PERSONNEL
21 ACTION OR DISCRIMINATE AGAINST AN EMPLOYEE OR FORMER EMPLOYEE
22 BECAUSE THE PERSON HAS EXERCISED, ATTEMPTED TO EXERCISE, OR
23 SUPPORTED THE EXERCISE OF RIGHTS PROTECTED UNDER THIS PART 4,
24 INCLUDING THE RIGHT TO REQUEST OR USE PAID SICK LEAVE PURSUANT TO
25 THIS PART 4; THE RIGHT TO FILE A COMPLAINT WITH THE DIVISION OR
26 COURT OR INFORM ANY PERSON ABOUT ANY EMPLOYER'S ALLEGED
27 VIOLATION OF THIS PART 4; THE RIGHT TO PARTICIPATE IN AN

1 INVESTIGATION, HEARING, OR PROCEEDING OR COOPERATE WITH OR ASSIST
2 THE DIVISION IN ITS INVESTIGATIONS OF ALLEGED VIOLATIONS OF THIS
3 PART 4; AND THE RIGHT TO INFORM ANY PERSON OF THE PERSON'S
4 POTENTIAL RIGHTS UNDER THIS PART 4.

5 (b) IT IS UNLAWFUL FOR AN EMPLOYER TO COUNT PAID SICK LEAVE
6 TAKEN BY AN EMPLOYEE PURSUANT TO THIS PART 4 AS AN ABSENCE THAT
7 MAY LEAD TO OR RESULT IN DISCIPLINE, DISCHARGE, DEMOTION,
8 SUSPENSION, OR ANY OTHER RETALIATORY PERSONNEL ACTION AGAINST
9 THE EMPLOYEE.

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

14 (4) THE DIVISION SHALL INVESTIGATE EACH CLAIM OF DENIAL OF
15 PAID SICK LEAVE IN VIOLATION OF THIS PART 4. THE DIVISION MAY
16 INVESTIGATE CLAIMS OF RETALIATION IN VIOLATION OF THIS PART 4. ==

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18 (5) IF AN INVESTIGATION OF EMPLOYER RETALIATION OR
19 INTERFERENCE WITH EMPLOYEE RIGHTS YIELDS A DETERMINATION THAT:

20 (a) RIGHTS OF MULTIPLE EMPLOYEES HAVE BEEN VIOLATED, THE
21 VIOLATION AS TO EACH EMPLOYEE IS A SEPARATE VIOLATION FOR
22 PURPOSES OF FINES, PENALTIES, OR OTHER REMEDIES;

23 (b) A VIOLATION COST AN EMPLOYEE THE EMPLOYEE'S JOB OR PAY,
24 THE DETERMINATION MAY INCLUDE AN ORDER TO REINSTATE THE
25 EMPLOYEE, TO PAY THE EMPLOYEE'S LOST PAY UNTIL REINSTATEMENT OR
26 FOR A REASONABLE PERIOD IF REINSTATEMENT IS DETERMINED NOT TO BE
27 FEASIBLE, OR BOTH.

1 (6) DETERMINATIONS MADE BY THE DIVISION UNDER THIS SECTION
2 ARE APPEALABLE PURSUANT TO SECTION 8-4-111.5 AND RULES
3 PROMULGATED BY THE DEPARTMENT REGARDING APPEALS AND STRATEGIC
4 ENFORCEMENT.

5 **8-13.3-408. Notice to employees - penalty - rules.** (1) EACH
6 EMPLOYER SHALL NOTIFY ITS EMPLOYEES THAT THEY ARE ENTITLED TO
7 PAID SICK LEAVE, PURSUANT TO RULES PROMULGATED BY THE DIVISION.
8 THE RULES MUST REQUIRE THE NOTICE TO:

9 (a) SPECIFY THE AMOUNT OF PAID SICK LEAVE TO WHICH
10 EMPLOYEES ARE ENTITLED AND THE TERMS OF ITS USE UNDER THIS PART
11 4; AND

12 (b) NOTIFY EMPLOYEES THAT EMPLOYERS CANNOT RETALIATE
13 AGAINST AN EMPLOYEE FOR REQUESTING OR USING PAID SICK LEAVE AND
14 THAT AN EMPLOYEE HAS THE RIGHT TO FILE A COMPLAINT OR BRING A
15 CIVIL ACTION IF PAID SICK LEAVE IS DENIED BY THE EMPLOYER OR THE
16 EMPLOYER RETALIATES AGAINST THE EMPLOYEE FOR EXERCISING THE
17 EMPLOYEE'S RIGHTS UNDER THIS PART 4.

18 (2) AN EMPLOYER COMPLIES WITH THE NOTICE REQUIREMENTS OF
19 THIS SECTION BY:

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

25 (b) DISPLAYING A POSTER CREATED PURSUANT TO SUBSECTION (3)
26 OF THIS SECTION IN A CONSPICUOUS AND ACCESSIBLE LOCATION IN EACH
27 ESTABLISHMENT WHERE THE EMPLOYER'S EMPLOYEES WORK THAT

1 CONTAINS THE INFORMATION REQUIRED BY SUBSECTION (1) OF THIS
2 SECTION IN ENGLISH AND IN ANY LANGUAGE THAT IS THE FIRST LANGUAGE
3 SPOKEN BY AT LEAST FIVE PERCENT OF THE EMPLOYER'S WORKFORCE.

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

9 (4) (a) AN EMPLOYER WHO WILLFULLY VIOLATES SUBSECTION
10 (2)(a) OR (6) OF THIS SECTION IS SUBJECT TO A CIVIL FINE NOT TO EXCEED
11 ONE HUNDRED DOLLARS FOR EACH SEPARATE VIOLATION.

12 (b) AN EMPLOYER WHO WILLFULLY VIOLATES SUBSECTION (2)(b)
13 OF THIS SECTION IS SUBJECT TO A CIVIL FINE NOT TO EXCEED ONE
14 HUNDRED DOLLARS.

15 (c) THE FINES COLLECTED UNDER THIS SUBSECTION (4) SHALL BE
16 TRANSMITTED TO THE STATE TREASURER, WHO SHALL DEPOSIT THE FINES
17 IN THE GENERAL FUND.

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

23 (6) IF AN EMPLOYER DOES NOT MAINTAIN A PHYSICAL WORKPLACE,
24 OR AN EMPLOYEE TELEWORKS OR PERFORMS WORK THROUGH A
25 WEB-BASED PLATFORM, THE EMPLOYER SHALL PROVIDE THE NOTICE
26 REQUIRED IN THIS SECTION THROUGH ELECTRONIC COMMUNICATION OR A
27 CONSPICUOUS POSTING IN THE WEB-BASED PLATFORM.

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

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

13 **8-13.3-410. Authority of director - rules.** THE DIRECTOR MAY
14 COORDINATE IMPLEMENTATION AND ENFORCEMENT OF THIS PART 4 AND
15 ADOPT RULES AS NECESSARY FOR SUCH PURPOSES.

16 **8-13.3-411. Enforcement - judicial review of director's actions.**

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

20 (2) THE DIVISION MAY ENFORCE THE REQUIREMENTS OF THIS PART
21 4.

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

27 (4) (a) A PERSON AGGRIEVED BY A VIOLATION OF THIS PART 4 MAY

1 COMMENCE A CIVIL ACTION IN DISTRICT COURT NO LATER THAN TWO
2 YEARS AFTER THE VIOLATION OCCURS. A VIOLATION OF THIS PART 4
3 OCCURS ON EACH OCCASION THAT A PERSON IS AFFECTED BY A FAILURE TO
4 PROVIDE PAID SICK LEAVE OR RETALIATION RELATED TO PAID SICK LEAVE.

5 (b) AFTER JANUARY 1, 2021, AN EMPLOYER WHO VIOLATES THIS
6 PART 4 IS LIABLE FOR BACK PAY AND ANY OTHER RELIEF AS PROVIDED BY
7 SECTION 8-5-104 (2)(a) AND (2)(b).

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

10 (d) BEFORE COMMENCING ANY CIVIL ACTION UNDER THIS SECTION,
11 AN AGGRIEVED PERSON MUST, IN ACCORDANCE WITH ARTICLE 4 OF THIS
12 TITLE 8, SUBMIT A COMPLAINT TO THE DIVISION OR MAKE A WRITTEN
13 DEMAND FOR PAYMENT TO THE EMPLOYER.

14 (e) IF A PERSON AGGRIEVED BY A VIOLATION OF THIS PART 4 FILES
15 A CIVIL ACTION TO ENFORCE A JUDGMENT MADE UNDER THIS SECTION, THE
16 COURT SHALL WAIVE ANY FILING FEE REQUIRED UNDER ARTICLE 32 OF
17 TITLE 13.

18 (f) NOTHING IN THIS SECTION PREVENTS AN AGGRIEVED PERSON
19 FROM FILING A CHARGE WITH THE DIVISION PURSUANT TO THIS SECTION.

20 **8-13.3-412. Confidentiality of employee information -**
21 **definition.** (1) AN EMPLOYER SHALL NOT REQUIRE DISCLOSURE OF
22 DETAILS RELATING TO DOMESTIC VIOLENCE, SEXUAL ASSAULT, OR
23 STALKING OR THE DETAILS OF AN EMPLOYEE'S OR AN EMPLOYEE'S FAMILY
24 MEMBER'S HEALTH INFORMATION AS A CONDITION OF PROVIDING PAID SICK
25 LEAVE UNDER THIS PART 4.

26 (2) ANY HEALTH OR SAFETY INFORMATION POSSESSED BY AN
27 EMPLOYER REGARDING AN EMPLOYEE OR EMPLOYEE'S FAMILY MEMBER

1 MUST:

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

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

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

7 (3) AS USED IN THIS SECTION, "AFFECTED EMPLOYEE" MEANS THE
8 EMPLOYEE:

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

12 (b) WHOSE FAMILY MEMBER IS THE SUBJECT OF THE HEALTH
13 INFORMATION OR IS THE VICTIM OF THE DOMESTIC ABUSE, SEXUAL
14 ASSAULT, OR HARASSMENT.

15 **8-13.3-413. Employers encouraged to provide more generous**
16 **paid sick leave.** (1) NOTHING IN THIS PART 4 DISCOURAGES OR PROHIBITS
17 AN EMPLOYER FROM ADOPTING OR CONTINUING A PAID SICK LEAVE POLICY
18 THAT IS MORE GENEROUS THAN THE PAID SICK LEAVE POLICY REQUIRED BY
19 THIS PART 4.

20 (2) NOTHING IN THIS PART 4 DIMINISHES:

21 (a) THE OBLIGATION OF AN EMPLOYER TO COMPLY WITH ANY
22 CONTRACT, COLLECTIVE BARGAINING AGREEMENT, EMPLOYMENT BENEFIT
23 PLAN, OR OTHER AGREEMENT PROVIDING EMPLOYEES WITH A MORE
24 GENEROUS PAID SICK LEAVE POLICY THAN THE PAID SICK LEAVE POLICY
25 REQUIRED BY THIS PART 4; OR

26 (b) THE RIGHTS, PRIVILEGES, OR REMEDIES OF AN EMPLOYEE
27 UNDER A COLLECTIVE BARGAINING OR PARTNERSHIP AGREEMENT.

1 EMPLOYER POLICY, OR EMPLOYMENT CONTRACT.

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

5 **8-13.3-414. Other legal requirements applicable.** (1) THIS PART
6 4 PROVIDES MINIMUM REQUIREMENTS PERTAINING TO PAID SICK LEAVE
7 AND DOES NOT PREEMPT, LIMIT, OR OTHERWISE AFFECT THE APPLICABILITY
8 OF ANY OTHER LAW, REGULATION, REQUIREMENT, POLICY, OR STANDARD
9 THAT PROVIDES FOR A GREATER AMOUNT, ACCRUAL, OR USE BY
10 EMPLOYEES OF PAID SICK LEAVE OR THAT EXTENDS OTHER PROTECTIONS
11 TO EMPLOYEES.

12 (2) TO THE EXTENT ALLOWABLE AND NOT IN CONFLICT WITH
13 FEDERAL LAW, ANY PAID SICK LEAVE PROVIDED TO AN EMPLOYEE OF A
14 FEDERAL CONTRACTOR AS REQUIRED BY FEDERAL EXECUTIVE ORDER
15 13706, "ESTABLISHING PAID SICK LEAVE FOR FEDERAL CONTRACTORS",
16 AS PUBLISHED IN 81 FED. REG. 67598 (2016), IS CONSIDERED PAID SICK
17 LEAVE PROVIDED UNDER THIS PART 4.

18 **8-13.3-415. Collective bargaining agreements.** (1) WITH
19 AGREEMENT OF THE FUND TRUSTEES, AN EMPLOYER SIGNATORY TO A
20 MULTIEMPLOYER COLLECTIVE BARGAINING AGREEMENT MAY FULFILL ITS
21 OBLIGATIONS UNDER THIS PART 4 BY MAKING CONTRIBUTIONS TO A
22 MULTIEMPLOYER PAID SICK LEAVE FUND, PLAN, OR PROGRAM BASED ON
23 THE HOURS EACH OF ITS EMPLOYEES ACCRUES PURSUANT TO THIS PART 4
24 WHILE WORKING UNDER THE MULTIEMPLOYER COLLECTIVE BARGAINING
25 AGREEMENT, PROVIDED THAT THE FUND, PLAN, OR PROGRAM ENABLES
26 EMPLOYEES TO COLLECT PAID SICK LEAVE FROM THE FUND, PLAN, OR
27 PROGRAM BASED ON HOURS THEY HAVE WORKED UNDER THE

1 MULTIEMPLOYER COLLECTIVE BARGAINING AGREEMENT AND FOR THE
2 PURPOSES SPECIFIED UNDER THIS PART 4.

3 (2) EMPLOYEES WHO WORK UNDER A MULTIEMPLOYER
4 COLLECTIVE BARGAINING AGREEMENT INTO WHICH THEIR EMPLOYERS
5 MAKE CONTRIBUTIONS AS PROVIDED IN SUBSECTION (1) OF THIS SECTION
6 MAY COLLECT FROM THE PAID SICK LEAVE FUND, PLAN, OR PROGRAM
7 BASED ON HOURS THEY HAVE WORKED UNDER THE MULTIEMPLOYER
8 COLLECTIVE BARGAINING AGREEMENT AND FOR THE PURPOSES SPECIFIED
9 UNDER THIS PART 4.

10 **8-13.3-416. Employer policies.** AN EMPLOYER POLICY ADOPTED
11 OR RETAINED MUST NOT DIMINISH AN EMPLOYEE'S RIGHT TO PAID SICK
12 LEAVE UNDER THIS PART 4. ANY AGREEMENT BY AN EMPLOYEE TO WAIVE
13 THE EMPLOYEE'S RIGHTS UNDER THIS PART 4 IS VOID AS AGAINST PUBLIC
14 POLICY.

15 **8-13.3-417. Severability.** IF ANY PROVISION OF THIS PART 4 OR
16 APPLICATION THEREOF TO ANY PERSON OR CIRCUMSTANCE IS JUDGED
17 INVALID, THE INVALIDITY DOES NOT AFFECT OTHER PROVISIONS OR
18 APPLICATIONS OF THIS PART 4 THAT CAN BE GIVEN EFFECT WITHOUT THE
19 INVALID PROVISION OR APPLICATION, AND TO THIS END THE PROVISIONS OF
20 THIS PART 4 ARE DECLARED SEVERABLE.

21 **8-13.3-418. Employer authorized to take disciplinary action.**
22 NOTHING IN THIS PART 4 PROHIBITS AN EMPLOYER FROM TAKING
23 DISCIPLINARY ACTION AGAINST AN EMPLOYEE WHO USES PAID SICK LEAVE
24 PROVIDED UNDER THIS PART 4 FOR PURPOSES OTHER THAN THOSE
25 DESCRIBED IN THIS PART 4.

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

1 **8-4-101. Definitions.** As used in this article 4, unless the context
2 otherwise requires:

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

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

6 **SECTION 3. Appropriation.** For the 2020-21 state fiscal year,
7 \$206,566 is appropriated to the department of labor and employment for
8 use by the division of labor standards and statistics. This appropriation is
9 from the general fund and is based on an assumption that the division will
10 require an additional 2.7 FTE. To implement this act, the division may
11 use this appropriation for program costs related to labor standards.

12 **SECTION 4. Applicability.** This act applies to conduct occurring
13 on or after the effective date of this act.

14 **SECTION 5. 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.