



Labor & Employment

The General Assembly passed several bills to support workers in the state. Legislation included bills to ensure paid sick leave for most workers, expand unemployment, protect against hair discrimination, protect whistleblowers who raise concerns about workplace safety in a public health emergency, and provide support services to workers who experience audible exposure to traumatic events. In addition, the General Assembly passed bills to support workforce training programs and permit academic credit for work-related experience.

Worker Protections

Senate Bill 20-205 requires that as of January 1, 2021, employers with 16 or more employees must provide paid sick leave, and starting January 1, 2022, all employers must provide paid sick leave. Sick leave is accrued at a minimum of one hour of sick leave for every 30 hours worked, to a maximum of 48 hours of sick leave a year. Paid sick leave can be used for the following:

- the employee's own health or health care or that of a member of the employee's family;
- absences related to incidences of domestic abuse, sexual assault, or harassment; or
- when a public official has ordered the closure of the employee's workplace, or the school or child care facility of the employee's child, due to a public health emergency.

The bill also mandates all employers in the state provide paid sick leave to their employees as required in the federal Families First Coronavirus Response Act for reasons related to the COVID-19

pandemic through December 31, 2020, and requires employers to provide additional paid sick leave during a declared public health emergency to its employees.

The Colorado Employment Security Act governs the state's unemployment insurance program. *Senate Bill 20-170* and *Senate Bill 20-207* made several changes to the act. *Senate Bill 20-170* eliminates the documentation requirements for workers who are separating from employment due to domestic violence, expands the definition of immediate family to include a minor sibling for whom the individual is legally responsible or a sibling who is incapable of self-care, and clarifies the term "severance allowance" to mean "remuneration."

Senate Bill 20-207 increases the amount of wages a person can earn before their unemployment insurance benefits are reduced until September 1, 2022. The bill also excludes payments to election judges from the definition of wages unless those wages exceed the maximum allowed under federal law. The bill requires the Division of Unemployment within the Department of Labor and Employment to consider factors related to a public health emergency when determining a person's reasons for leaving a job and requires that any unexpended money from the U.S. Coronavirus Aid Relief, and Economic Security (CARES) Act be transferred to the Unemployment Compensation Fund on December 30, 2020. Finally, the bill requires the Office of Future Work to include an assessment of unemployment assistance in its study on the

Labor & Employment (cont'd)

modernization of worker benefits and protections. An initial report on the study is due to the Governor and the General Assembly by January 15, 2021.

Under certain circumstances, current law permits workers who visually witness psychologically traumatic events to qualify for workers' compensation benefits. *Senate Bill 20-026* expands this benefit to include audible exposure to a death or serious bodily injury. To qualify, individuals must be diagnosed with post-traumatic stress disorder by a licensed psychiatrist or psychologist.

Workforce Development

House Bill 20-1002 requires the Department of Higher Education (DHE) to create and implement a plan to award postsecondary academic credit for work-related experience, as well as a statewide system for the guaranteed transfer of that credit between higher education institutions.

House Bill 20-1396 requires the Colorado Workforce Development Council to coordinate with DHE, the Department of Labor and Employment, and the Department of Human Services to create and maintain a free online education and career-planning platform. The council and state agencies may conduct outreach and training for career counselors and raise public awareness of the platform.

Created in 2015, The Skilled Worker Outreach, Recruitment, and Key Training Program (WORK program) supports the marketing and updating of workforce training programs to meet industry needs for outreach and recruitment efforts and to provide training for skilled workers. *House Bill 20-1395* repeals the WORK program on September 30, 2021, after the grant review committee submits its final report to the Governor and the General Assembly.

Discrimination Protections

House Bill 20-1048 clarifies that state law prohibiting discrimination on the basis of race includes hair texture, type, or styles commonly or historically associated with race. Such discrimination is prohibited in public education, employment, housing, public accommodation, and advertising. In addition, school districts and charter schools may not apply for a waiver from state laws related to hair texture discrimination.

As part of a package of bills related to the Covid-19 pandemic during the 2020 legislative session, *House Bill 20-1415* prohibits employers from discriminating or retaliating against an employee who raises concerns about workplace health or safety practices related to a public health emergency. The bill also ensures that employees may voluntarily wear personal protective equipment such as masks, faceguards, or gloves, regardless of workplace policies. Workers may file complaints with the Division of Labor Standards and Statistics in the Department of Labor and Employment or bring action in district court as a whistleblower.