

COLORADO PAID SICK LEAVE ACT

Beginning on January 1, 2021, **employers with 16 or more employees** must provide employees with paid sick leave to be used for one or more of the following:

1. Employees' mental or physical illnesses, need for diagnosis or treatment, or preventative care.
2. Caring for sick family members (defined as a person who is related by blood, marriage, civil union, or adoption; a child to whom the employee stands in loco parentis or a person who stood *in loco parentis* to the employee when the employee was a minor; or a person for whom the employee is responsible for providing or arranging health-or safety-related care) requiring diagnosis, treatment, or preventative care.
3. Victims of domestic violence, harassment, or sexual abuse or need to assist family members who are victims of such conduct, and seek medical attention or counseling relating to such abuse; or
4. Instances where a public health official has ordered the closure of the employee's place of business or the employee's child's school or place of care due to a public health emergency and the employee must therefore provide care to the child.

All employers will begin to be covered under the Act beginning January 1, 2022.

Beginning on the date of hire (or the applicable effective date of the Act, whichever is later), covered employees will accrue one hour of paid sick leave for every 30 hours worked, up to 48 hours, or six eight-hour workdays of accrued time. Employees can roll over unused paid sick time, though employers can limit use of leave to 48 hours in any given year. Employers alternatively may elect to frontload the full annual allotment of paid sick leave to an employee at the beginning of each year.

As an employer you have some options surrounding the management and usage of the allotted hours under this act:

- ✓ You may require the employee to use paid sick leave in hourly increments unless the employer specifically allows paid sick leave to be taken in smaller increments of time.
- ✓ If an employee uses paid sick leave for four or more consecutive work-days, the employer may require reasonable documentation that the paid sick leave is for a purpose that is authorized by the Act.
- ✓ You are not required to pay out unused, accrued paid sick leave upon termination, resignation, retirement, or other separation from employment.
- ✓ Employers will be required to post notices to inform employees about their rights under the Act and to document and track sick time that is accrued and used.

Notice of Liability: The information contained in this communication is to provide information as it is found in the Colorado Paid Sick Leave Act provision as it is written by the Colorado General Assembly. This information should not be considered legal advice or counsel on the part of Altitude Payroll LLC. For a legal interpretation and application to your specific business, please consult with your attorney or the Colorado Department of Labor.

Notice to Employees

Employers must notify its employees, in writing, that they are entitled to paid sick leave, in accordance with the rules that are set forth by the Colorado Department of Labor. Employers must immediately post the [Colorado Workplace Public Health Rights Poster](#) and distribute to employees the [Division's Interpretive Notice & Formal Opinion #6A](#). Employers also must provide notices and posters in any language that is the first language spoken by at least five percent of its workforce.

Altitude Payroll will provide updated Federal and State Compliance posters as part of our service but until you receive your updated poster you should post the above documents in an area where all employees have access.

Public Health Emergency Leave (PHEL) Provisions

The Act also contains provisions relating to public health emergencies. On December 23, 2020, the Colorado Department of Labor provided clarifying guidance and instruction on the PHEL portion of the act. Under these provisions the act will require employers to supplement employees' otherwise available paid sick leave such that employees may take up to two weeks (80 hours) of paid sick leave during a public health emergency (i.e. Covid-19), even if sick leave under the general provisions has been exhausted. For example, if an employee used 80 hours of emergency sick time in 2020 under the CARES act, this provision allows the employee to receive another 80 hour allotment in 2021. However, employers may count an employee's accrued but unused time under the Paid Sick Leave portion of the act toward this supplemental public health emergency sick leave requirement.

****An important note about the PHEL provision. Unlike the Paid Sick Leave Act for 2021, ALL employers are subject to the PHEL provisions of providing 80 hours regardless of their size (employee count).**

The supplemental leave will be available until four weeks after the official termination or suspension of the public health emergency and may be used by employees:

- Self-isolating due to a positive diagnosis, experiencing symptoms, seeking medical treatment or preventative care with respect to the illness causing the public health emergency.
- Suffering from a preexisting condition that would make the employee more susceptible to serious harm if infected with the illness causing the public health emergency.
- Where public health officials or the employer have deemed it to be unsafe for the employee to come to work due the employee's exposure to, or displaying symptoms of, the illness causing the public health emergency; or
- If caring for a family member in the above circumstances, or if they must care for a child or other family member whose school or child-care facility is closed due to the public health emergency.

IMPORTANT NOTE FOR COMPLIANCE: Unlike the use of paid sick leave for the general reasons discussed above, an employer **MAY NOT** require an employee to provide documentation in order to take supplemental paid sick leave under the public health emergency provisions of the Act.

Altitude Payroll can assist employers with tracking of the Colorado Paid Sick Leave. If you would like to request this service, please click the link below and complete the attached form. Your payroll specialist will reach out to you during setup or once it is complete and ready.

[COLORADO PAID SICK LEAVE REQUEST FORM](#)