

Colorado Healthy Families and Workplaces Act

Extends Paid Sick Leave for COVID-19

Colorado passed SB20-205, also known as the [Healthy Families and Workplaces Act](#) (Healthy Families Act), in July 2020. The Act made changes to Colorado's paid sick leave statutes and provided for COVID-19-specific sick leave.

COVID-19 PROVISIONS

The Act consists of two COVID-19 related sections. First, it requires Colorado employers to comply with the federal Emergency Paid Sick Leave Act (EPSLA) signed into law as part of the Families First Coronavirus Response Act (FFCRA), which grants two weeks of paid sick leave for qualifying COVID-19-related events. The EPSLA applies only to private employers with less than 500 employees; however, the second part of the Colorado Healthy Families Act expands coverage of the EPSLA to Colorado employers of any size, as well as any Colorado employees not covered in the EPSLA, this includes governmental entities like counties. While the paid sick leave rights granted by the EPSLA expired on Dec. 31, 2020, the Healthy Families Act continues to be in effect, so Colorado employers must continue to grant paid leave for any of the qualifying reasons listed below:

1. Employee is subject to a federal, state, or local quarantine or isolation order related to COVID-19;
2. Employee has been advised by a health care provider to self-quarantine related to COVID-19;
3. Employee is experiencing COVID-19 symptoms and is seeking a medical diagnosis;
4. Employee is caring for an individual subject to an order described in (1) or self-quarantine as described in (2);
5. Employee is caring for a child whose school or place of care is closed (or child care provider is unavailable) for reasons related to COVID-19; or
6. Employee is experiencing any other substantially similar condition specified by the Secretary of Health and Human Services, in consultation with the Secretaries of Labor and Treasury.

RATE OF PAY AND LENGTH OF LEAVE

Under the Act, the rate of pay during sick leave and the length of the leave are determined by the reason for the leave. Employers must pay employees their regular pay rate if the employee is taking leave because the government (federal, state, or local) or a health care provider requires them to quarantine or if they are experiencing COVID-19 symptoms and awaiting a diagnosis. The other three reasons for leave require employers to pay employees two-thirds of their regular pay rate. Paid sick leave can only be used for two weeks or 80 hours. COVID-19 leave begins anew for 2021.

WHAT THIS MEANS FOR COUNTIES

The Colorado Healthy Families Act requires all Colorado employers to provide up to two weeks of paid emergency sick leave and up to 10 weeks of paid expanded medical leave for employees unable to work due to a qualifying COVID-19-related event. Counties should review their sick-leave policies and consult with their county attorney to ensure that they comply with the Healthy Families Act. For more information, contact CTSI at 303 861 0507.