

Healthy Families and Workplace Act

When Governor Polis signed [The Healthy Families and Workplace Act](#) (HFWA) into law in July 2020, Colorado became one of 14 states and Washington DC to require paid sick leave. The HFWA requires almost all public and private employers in Colorado to provide basic sick leave, plus an additional two weeks of supplemental leave should a public health emergency be declared.

The HFWA's basic paid sick leave provision went into effect on January 1, 2021, for employers with 16 or more employees. As of January 1, 2022, the HFWA also applies to employers with 15 or fewer employees expanding coverage to almost all in-state employers. All full-time and part-time employees within the United States, employees on leave, and employees in separate establishments or divisions of the business count when determining the number of employees. Federal employees and those subject to the Railroad Unemployment Insurance Act are exempt from the HFWA.

BASIC PAID SICK LEAVE

Employees accrue one hour of sick leave for every 30 hours worked up to 48 hours per year. Accrual begins upon employment, and sick leave hours can be used immediately. Employers may allow employees to use sick leave before its accrual. Unless the employer agrees to smaller increments, employees must use sick leave in hourly increments. Also, up to 48 hours of unused sick leave may roll at the end of the year. Note that employers may choose to offer more sick leave or a faster accrual rate than required in the HFWA. Unused sick leave does not need to be paid out upon the end of employment, "except that an individual may recover paid sick leave as a remedy for a retaliatory personnel action that prevented the individual from using paid sick leave." 5(a)

RATE OF PAY

The accrual for exempt employees assumes a 40-hour workweek; however, if an employee normally works less than 40 hours per week, the accrual rate should use the number of hours in their normal workweek. Leave should be paid at the same hourly rate or salary as non-leave hours and with the same benefits. Over time, bonuses or holiday pay do not need to be included when calculating the hourly or salaried rate.

WHEN LEAVE CAN BE TAKEN

Leave may be used for any of the following reasons:

- any mental or physical illness, injury, or health condition that prevents work;
- diagnosis, care, or treatment of such conditions;
- preventive care (including vaccination);
- needs due to suffering domestic violence, sexual abuse, or criminal harassment; or caring for family with such conditions or needs.

WHAT THIS MEANS FOR COUNTIES

The HFWA makes sweeping changes to how sick leave is treated in Colorado and applies to state governmental entities. Counties should review their sick-leave policies to ensure they meet HFWA standards. This update is unable to cover all aspects of the HFWA, so please consult your county attorneys for questions on implementing the HFWA. A future update will cover Supplemental Paid Leave in the HFWA. As always, CTSI is here to assist our members. Please direct questions to CTSI at 303 861 0507.