

Healthy Families and Workplace Act - Supplemental Paid Leave

[The Healthy Families and Workplace Act](#) (HFWA), signed into law in July 2020, gave Coloradans 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, which the HFWA defines as “an act of bioterrorism, a pandemic influenza, or an epidemic caused by a novel and highly fatal infectious agent for which an emergency is declared by the governor or a federal, state, or local public health agency; or a highly infectious illness or agent with epidemic or pandemic potential for which a disaster emergency is declared by the governor.” CRS § 8-13.3-402(9).

HOW MUCH LEAVE TO ALLOW

In the event of a public health emergency, the HFWA requires employers to provide supplemental sick leave in addition to basic paid sick leave. A full-time employee who works 40 or more hours per week is allowed 80 hours; other employees should receive leave equal to or greater than the hours they usually work in a 14-day period. For a full-time employee, 48 of the 80 hours may be the basic paid sick leave and used for any HFWA purpose. The remaining 32 hours of supplemental sick leave would be reserved for emergency-related purposes.”

The supplemental leave is available from the start of the public health emergency until four weeks after it ends. Leave may only be used once during the emergency, no matter how long it lasts or how many times it is extended, reinstated, amended, or prolonged. Also, “an employer may count an employee’s unused accrued paid sick leave [...] toward(s) the supplemental paid sick leave ...” CRS § 8-13.3-405(2)(a).

WHEN LEAVE CAN BE USED

An employee can take supplemental leave if they or a family member need to self-isolate, seek a diagnosis or medical care, or seek preventive care concerning the cause of the public health emergency. Leave may also be taken to care for a child whose child care provider is unavailable or whose school has been closed due to the public health emergency. This includes instances where the school is physically closed but is providing remote learning. Employees may also take supplemental leave if they have a health condition that makes them more susceptible to the cause of the health emergency, such as cancer or an immune disease.

Employees do not need to provide documentation to take supplemental leave; however, they should notify their employer of the need to take the leave as soon as possible.

WHAT THIS MEANS FOR COUNTIES

Counties should review their sick-leave policies to ensure they meet HFWA standards, including provisions for supplemental paid leave. This update cannot cover all aspects of the HFWA, so please consult your county attorneys for questions on implementing the HFWA. The basic paid sick leave provisions are discussed in [Technical Update Vol. 26 no. 2 – Healthy Families and Workplace Act](#). As always, CTSI is here to assist our members. Please direct questions to CTSI at 303 861 0507.