



Coronavirus Disease 2019

COVID-19

Paid Leave and Unemployment FAQ

My hours and wages have been reduced, but I plan on returning to my previous job. What resources are available to me?

- You might be eligible for unemployment benefits depending on the circumstances of your reduced wages or hours. The CARES Act provides additional benefits to those who have exhausted their regular unemployment benefits and to those who are gig workers, self-employed, or otherwise might not qualify for unemployment benefits. It also provides an additional \$600/week, through July, for all eligible unemployment claimants in addition to unemployment benefits which are up to more than half of a worker's weekly wages.
- More information on the types of unemployment available can be found [here](#).
- To file a claim visit www.coloradoui.gov.

What if my employer is requiring me to return to work but I don't feel safe?

- Per Safer at Home Executive Order D 2020 044, no vulnerable individuals can be compelled by their employer to return to work if their work requires in person work near others.
- Employers must accommodate vulnerable individuals with remote work options, if the work can be done remotely.
- If you refuse to return to work due to unsatisfactory or hazardous working conditions based on your status as a member of a vulnerable group, you may continue to be eligible for benefits based on the risk to your health.
- If you refuse to return to work due to unsatisfactory or hazardous working conditions because you reside with a person who is a member of a vulnerable group, you may continue to be eligible for benefits based on the risk to the health of your co-inhabitant.
- If an employer requires work from an employee entitled to paid leave (due to illness or a quarantine/isolation order) under the Colorado HELP Rules, that would be unlawful under those rules, and should be reported to the contact information at the bottom of these FAQs.
- Any other possible violations of social distancing, or other health and safety orders, should be reported to the federal Occupational Safety and Health Administration or County health officials.
<https://www.osha.gov/contactus/bystate/CO/areaoffice>

I am a vulnerable population that the Governor has mandated to continue to stay home, but my employer wants me to come back to work.

- Per Safer at Home Executive Order D 2020 044, no vulnerable individuals can be compelled by their employer to return to work if their work requires in person work near others.
- If the workplace is particularly unsafe -- e.g., if it had an outbreak -- unemployment benefits might be available, depending on the facts, and OSHA safety rules might limit requirements to return.

Can my employer discriminate against me for being a vulnerable population?

- No, it's illegal to discriminate against a vulnerable individual based on disability, age, or pregnancy, and employers should offer accommodations such as telework where possible.
- Anyone believing they have been discriminated against or not accommodated should contact Colorado Civil Rights Division or the Equal Employment Opportunity Commission.

My workplace wants me to come back but with schools closed I have no childcare, what are my options?

- Per Safer at Home Executive Order D 2020 044, employers must make accommodations to the greatest extent possible for workers who are experiencing a lack of childcare due to school closures—such accommodations include but are not limited to remote work options and or flexible scheduling.
- Federal law now provides up to 12 weeks of paid leave for childcare needs due to a coronavirus-related closure of a school or childcare establishment.
- The CARES Act also provides unemployment benefits under Pandemic Unemployment Assistance to those unable to work due to COVID-19.

Am I eligible for paid leave for possible COVID-19 or quarantine/isolation orders?

- Federal law requires up to two weeks paid leave for those at employers with fewer than 500 employees (though some employers with 50 or fewer employees may be exempt). The Colorado Health Emergency Leave with Pay Rules (“Colorado HELP Rules”) adds coverage for all workers in the following, regardless of employer size:
 - leisure and hospitality (arts, entertainment, recreation, hotels/motels, and other accommodations).
 - food services (restaurants, coffee shops, bars, caterers, cafeterias, etc.).
 - retail establishments (of all kinds).
 - real estate sales and leasing.
 - other office workers (both employers that operate entirely in offices and, at mainly non-office employers (e.g., factories), the subset of employees who are office workers).
 - elective medical, dental, and health services.
 - personal care services (defined as hair, beauty, spas, massage, tattoos, pet care, or substantially similar services).
 - food and beverage manufacturing.
 - child care.
 - education at all levels (including related services, including but not limited to cafeterias and transportation to, from, and on campuses).
 - home health care working with elderly, disabled, ill, or otherwise high-risk individuals.
 - nursing homes and community living facilities.

What conditions qualify for paid leave?

- Employees with flu-like or respiratory illness symptoms who are either (1) being tested for COVID-19 or (2) under instructions from a health care provider or authorized government official to quarantine or isolate due to a risk of having COVID-19. The requirement to provide paid sick leave ends if an employee receives a negative COVID-19 test result.
- Federal law provides paid leave for child care needs due to coronavirus-caused closures of schools or child care establishments, or the need to care for an individual subject to quarantine.

How much paid leave is required?

- If the federal paid leave rules apply (for most employees at employers with fewer than 500 employees): Two weeks of pay (up to 80 hours) at the employee's regular pay rate.
- If the federal paid leave rules do not apply (for employers above 500 employees, and some below 50), but the Colorado HELP Rules do: Two weeks of pay (up to 80 hours) at two-thirds of the employee's regular pay rate.
- Federal law provides two weeks of pay at two-thirds of the employee's regular rate for child care needs due to coronavirus-caused closures of schools or child care establishments, or the need to care for an individual subject to quarantine. An additional 10 weeks of expanded family and medical leave at two-thirds of the employee's regular rate is available for child care needs due to coronavirus-caused closures of schools or child care establishments.

Where can I learn more or ask questions about paid leave, discrimination/accommodation, or workplace safety?

- For the federal paid leave rules applicable to employers with fewer than 500 employees: read this [U.S. Department of Labor information page](#), then call 1-866-487-9243 or (720) 264-3250 with any remaining questions.
- For the Colorado HELP Rules applicable to employers of all size in the industries listed above: read this [Colorado Department of Labor and Employment page on the Colorado HELP Rules](#), then call (303) 318-8441 or email cdle_labor_standards@state.co.us with any remaining questions.
- For information on workplace discrimination and accommodation, contact the [Colorado Civil Rights Division](#) or the local office of the [U.S. Equal Employment Opportunity Commission](#).
- For workplace safety issues and violations, contact the local office of the [U.S. Occupational Safety and Health Administration](#).