



## Interpretive Notice & Formal Opinion (“INFO”) # 6:

Summary: Paid Leave under Colorado’s [Healthy Families & Workplaces Act](#), “HFWA”

### EMPLOYEE PAID LEAVE RIGHTS:

- A. **Accrued leave** — one hour per 30 hours worked, up to 48 per benefit year, for a wide range of needs:
1. inability to work due to a mental or physical **illness, injury, or health condition**;
  2. obtaining **preventive medical care** (including vaccination), or **medical diagnosis/care/treatment**;
  3. needs due to **domestic abuse, sexual assault, or criminal harassment** including medical attention, mental health care or other counseling, legal or other victim services, or relocation;
  4. **care for a family member** who needs the sort of care listed above;
  5. in a **PHE**,<sup>1</sup> a public official closed an employee’s workplace, or school or place of care of their **child**;
  6. bereavement, or financial/legal needs after a **death of a family member\***; or
  7. due to inclement **weather, power/heat/water loss, or other unexpected event**, the employee must
    - (a) **evacuate** their residence,\* or
    - (b) care for a family member whose **school or place of care was closed.\***
- \*Note: #6 and #7 are included as reasons for HFWA leave only as of August 7, 2023.*
- B. **The right is to take leave with full pay, and return to work, without negative consequences:**
1. pay must be given for **all time on leave**, without extra delay, and at the **same pay rate** as time worked;
  2. **not counted against employees** as absences that that may lead to firing or other negative action; and
  3. with a **right to return** to work, without retaliation, or other acts interfering with taking leave and return.
- C. **Notice of HFWA rights from their employers:**
1. Employers must provide **both a poster** in a visible place, and **written notice to each** employee.
  2. The [Colorado Workplace Public Health Rights Poster](#) — available in English, Spanish, and a number of other languages — satisfies both requirements.

### EMPLOYER POLICIES:

- A. **All employers** must provide HFWA leave to **all employees in Colorado** – regardless of the employer’s size, industry, headquarters site, or exemption from other laws.
- B. A **paid time off policy** or **collective bargaining agreement** satisfies HFWA if it **gives all the same rights** – covers all HFWA conditions, at the same pay, with no tougher requirements (documentation, notice, etc.).
- C. If an employee has unused, accrued leave when a need for PHE leave occurs, an employer can count the accrued leave toward the amount of PHE leave it must provide. But employees are **allowed to use PHE leave before using accrued leave**, if the reason for leave qualifies for either accrued or PHE leave.
- D. Employers can require **documentation for accrued leave**, but **not PHE leave**, and (1) only for absences of **four or more consecutive days**, and (2) employees can provide documentation **after their leave ends**.

**FOR ADDITIONAL INFORMATION:** See [INFOs #6B-6C](#) for more detail on these topics and common questions to the Division. Then with further questions, call 303-318-8441, or email [cdle\\_labor\\_standards@state.co.us](mailto:cdle_labor_standards@state.co.us).

<sup>1</sup> During a **public health emergency (“PHE”)**, employees are also entitled to **additional** paid leave, supplementing their unused, accrued leave as of the request: enough PHE leave to ensure they can take up to 2 weeks (80 hours if full-time, less if part-time) for inability to work, testing, quarantining, caring for family in such situations, and related needs. The COVID-19 PHE leave requirement was in effect January 1, 2021 through June 8, 2023; no PHE is now in effect.