



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

Summary: Paid Leave under Colorado’s [Healthy Families & Workplaces Act](#), “HFWA”
HFWA’s requirements are detailed in [INFO #6B-6C](#); this INFO gives a summary overview of key points.

(1) WHAT HFWA REQUIRES

- 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 – or diagnosis, care, or treatment of – any physical or mental illness, injury, or health condition
 2. preventive care, including vaccination
 3. needs due to domestic violence, sexual abuse, or criminal harassment, or
 4. caring for family with any such needs
- B. **“Public Health Emergency (“PHE”) leave”** — up to 2 weeks (80 hours if full-time, less if part-time) for:
1. needing to self-isolate due to a diagnosis, or symptoms, of the PHE communicable illness;
 2. seeking diagnosis, treatment, or care of the illness, including preventive care like vaccination;
 3. exclusion from work by a government health official, or an employer, due exposure to, or symptoms of, the illness (whether or not are actually diagnosed with the illness);
 4. inability to work due to a health condition that may increase susceptibility to, or risk of, the illness; or
 5. caring for a child or other family member in category (1)-(3), or whose school, child care provider, or other care provider is unavailable, closed, or providing remote instruction due to the PHE.
- C. **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.
- D. **Employer notice to employees of HFWA rights** – a poster in a visible place, and written notice to each employee. The [Colorado Paid Leave & Whistleblower Poster](#) satisfies both requirements.

(2) WHO MUST PROVIDE HFWA LEAVE

- 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.¹
- B. **The PHE leave requirement has been in effect from January 1, 2021 and will end June 8, 2023** (4 weeks after all federal and state PHEs end).

(3) EMPLOYER POLICIES

- A. 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.).
- B. 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.
- C. 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 [INFORMATIONS #6B-6C](#), which answer most HFWA questions the Division has received. Then, with any further questions, call 303-318-8441, or email cdle_labor_standards@state.co.us.

¹ **Small employers** were exempt from *accrued* leave until 1/1/2022, but no longer are. Some employers have been exempt from **federal leave laws** (FMLA, or federal paid leave in 2020), but that never exempted them from HFWA.