THE HEALTHY FAMILIES & WORKPLACES ACT (“HFWA”): Paid Leave Rights

Coverage: Employers with at least 16 employees are required to provide paid leave under the HFWA

- Employees earn 1 hour of paid leave per 30 hours worked (“accrued leave”), up to 48 hours a year.
- Up to 80 hours of supplemental leave applies in a public health emergency (PHE), until 4 weeks after the PHE ends.
- Regular hours and pay set the rate of accrual and compensation for leave, during which benefits continue.
- Up to 48 hours of unused accrued leave carries over for use the next year.
- Regular hours and pay set the rate of accrual and compensation for leave, during which benefits continue.
- Up to 80 hours of supplemental leave applies in a public health emergency (PHE), until 4 weeks after the PHE ends.

Employees can use accrued leave for the following safety or health needs:

1. A mental or physical illness, injury, or health condition that prevents work, including diagnosis or preventive care;
2. Domestic abuse, sexual assault, or criminal harassment leading to health, relocation, legal, or other services needs;
3. A family member experiencing a condition described in category (1) or (2); or
4. A public official closed the workplace, or the school or place of care of the employee’s child.

In a public health emergency (PHE), employees can use supplemental PHE leave for the following needs:

1. Self-isolating or work exclusion due to exposure, symptoms, or diagnosis of the communicable illness in the PHE;
2. Seeking a diagnosis, treatment, or care (including preventive care) of such an illness;
3. Being unable to work due to a health condition that may increase susceptibility to or risk of such an illness;
4. Caring for a child or other family in category (1) or (2), or whose school or child care is unavailable due to the PHE.

During a PHE, employees still earn up to 48 hours of accrued leave and may use supplemental leave before accrued leave.

Employer Policies (Notice; Documentation; Incremental Use; Privacy; and Paid Leave Records)

- Written notice and posters. Employers must (1) provide notice to new employees no later than other onboarding documents/policies; and (2) display updated posters, and provide updated notices to current employees, by end of year.
- Notice for “foreseeable” leave. Employers may adopt “reasonable procedures” in writing as to how employees should provide notice if they require “foreseeable” leave, but cannot deny paid leave for noncompliance with such a policy.
- An employer can require documentation to show that leave was for a qualifying reason only if leave was taken for four or more consecutive work days (i.e. days on which an employee would have worked, not calendar days).
- Documentation is not required to take paid leave, but can be required as soon as an employer can provide it after returning to work or separating from work (whichever is sooner). No documentation can be required for PHE leave.
- To document leave for an employee’s (or an employee’s family member’s) health-related need, an employer may provide: (1) a document from a health or social services provider if services were received and document can be obtained in reasonable time and without added expense; otherwise (2) the employee’s own writing.
- To document that an employee (or an employee’s family member) required leave for a need related to domestic abuse, sexual assault, or criminal harassment, an employer may provide: a document or writing under (1) above (e.g. from a provider of legal or shelter services) or (2) above, or a legal document (e.g., a restraining order or police report).
- If an employer reasonably deems an employee’s documentation deficient, the employer must: (A) notify the employee within seven days of either receiving the documentation or the employee’s return to work or separation (whichever is sooner), and (B) give the employee at least seven days to cure the deficiency.

THE PUBLIC HEALTH EMERGENCY WHISTLEBLOWING LAW (“PHEW”): Worker Rights to Express Workplace Health Concerns & Use Protective Equipment

Coverage: All Employers and Employees, plus Certain Independent Contractors

- PHEW covers not just “employers” and “employees,” but all “principals” (an employer or a business with at least 5 independent contractors) and “workers” (employees or independent contractors at a “principal”).

Worker Rights to Oppose Workplace Health/Safety Violations During Public Health Emergencies:

- It is unlawful to retaliate against, or interfere with, the following acts during, and related to, a public health emergency:
  1. Raising reasonable concerns, including informally, to the principal, other workers, the government, or the public, about workplace violations of government health or safety rules, or a significant workplace health or safety threat;
  2. Opposing or testifying, assisting, or participating in an investigation or proceeding about retaliation for, or interference with, the above-listed conduct.

A principal need not address a worker’s PHEW-related concern, but it still cannot fire or take other action against the worker for that reason, as long as the concern was reasonable and in good-faith.

Workers’ Rights to Use Their Own Personal Protective Equipment (“PPE”):

- A worker must be allowed to voluntarily wear their own PPE (mask, faceguard, gloves, etc.) if the PPE (1) provides more protection than equipment provided at the workplace, (2) is recommended by a government health agency (federal, state, or local), and (3) does not make the worker unable to do the job.

COMPLAINT RIGHTS (under both HFWA & PHEW):

- Violations may be reported to the Division as complaints or anonymous tips, or may be filed as in court after exhausting pre-lawsuit remedies.

This Poster summarizes two Colorado workplace public health laws, SB 20-205 (paid leave) and HB 20-1415 (whistleblowing and personal protective equipment). It does not cover other health or safety laws, rules, and orders, including under the federal Occupational Safety and Health Act (OSHA), from the Colorado Department of Public Health andEnvironment (CDPHE), orfrom local public health agencies. Contact those agencies for such health and safety information.

This poster must be displayed where it is easily accessible to workers, shared with remote workers, provided in languages other than English as needed, and replaced annually.

For full versions of these laws, more detailed fact sheets, or questions, information, or complaints as to these or other labor laws, contact: Division of Labor Standards and Statistics, coloradolaborstandards@state.co.us, 303-318-8441 / 888-390-7936.