

**Second Regular Session  
Seventy-second General Assembly  
STATE OF COLORADO**

**REREVISED**

*This Version Includes All Amendments  
Adopted in the Second House*

LLS NO. 20-1189.01 Yelana Love x2295

**SENATE BILL 20-205**

**SENATE SPONSORSHIP**

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**Senate Committees**

State, Veterans, & Military Affairs  
Appropriations

**House Committees**

Health & Insurance  
Appropriations

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**A BILL FOR AN ACT**

101    **CONCERNING THE REQUIREMENT THAT EMPLOYERS OFFER SICK LEAVE**  
102            **TO THEIR EMPLOYEES, AND, IN CONNECTION THEREWITH,**  
103            **MAKING AN APPROPRIATION.**

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**Bill Summary**

*(Note: This summary applies to this bill as introduced and does not reflect any amendments that may be subsequently adopted. If this bill passes third reading in the house of introduction, a bill summary that applies to the reengrossed version of this bill will be available at <http://leg.colorado.gov>.)*

The bill creates the "Healthy Families and Workplaces Act" (act), which requires employers to provide paid sick leave to employees under various circumstances.

On and after the effective date of the act through December 31, 2020, employers are required to provide each of their employees paid sick

Shading denotes HOUSE amendment. Double underlining denotes SENATE amendment.  
*Capital letters or bold & italic numbers indicate new material to be added to existing statute.*  
*Dashes through the words indicate deletions from existing statute.*

HOUSE  
3rd Reading Unamended  
June 13, 2020

HOUSE  
Amended 2nd Reading  
June 12, 2020

SENATE  
Amended 3rd Reading  
June 9, 2020

SENATE  
Amended 2nd Reading  
June 8, 2020

leave for employees to take for reasons related to the COVID-19 pandemic in the amounts and for the purposes specified in the federal "Emergency Paid Sick Leave Act" in the "Families First Coronavirus Response Act".

Additionally, beginning January 1, 2021, the act requires all employers in Colorado to provide paid sick leave to their employees, accrued at one hour of paid sick leave for every 30 hours worked, up to a maximum of 48 hours.

An employee:

- ! Begins accruing paid sick leave when the employee's employment begins;
- ! May use paid sick leave as it is accrued; and
- ! May carry forward and use in subsequent calendar years paid sick leave that is not used in the year in which it is accrued.

Employees may use accrued paid sick leave to be absent from work for the following purposes:

- ! The employee has a mental or physical illness, injury, or health condition; needs a medical diagnosis, care, or treatment related to such illness, injury, or condition; or needs to obtain preventive medical care;
- ! The employee needs to care for a family member who has a mental or physical illness, injury, or health condition; needs a medical diagnosis, care, or treatment related to such illness, injury, or condition; or needs to obtain preventive medical care;
- ! The employee or family member has been the victim of domestic abuse, sexual assault, or harassment and needs to be absent from work for purposes related to such crime; or
- ! A public official has ordered the closure of the school or place of care of the employee's child or of the employee's place of business due to a public health emergency, necessitating the employee's absence from work.

In addition to the paid sick leave accrued by an employee, the act requires an employer to provide its employees an additional amount of paid sick leave during a public health emergency in an amount based on the number of hours the employee works.

The act prohibits an employer from retaliating against an employee who uses the employee's paid sick leave or otherwise exercises the employee's rights under the act. Employers are required to notify employees of their rights under the act by providing employees with a written notice of their rights and displaying a poster, developed by the division of labor standards and statistics (division) in the department of labor and employment, detailing employees' rights under the act.

Employers must retain records documenting, by employee, the

hours worked, paid sick leave accrued, and paid sick leave used and make such records available to the division to monitor compliance with the act.

The director of the division will implement and enforce the act and adopt rules necessary for such purposes. The act treats an employee's information about the employee's or a family member's health condition or domestic abuse, sexual assault, or harassment case as confidential and prohibits an employer from disclosing such information or requiring the employee to disclose such information as a condition of using paid sick leave.

Employers, including public employers, that provide comparable paid leave to their employees and allow employees to use that leave as permitted under the act are not required to provide additional paid sick leave to their employees.

Employees covered by a collective bargaining agreement would not be entitled to paid sick leave under the act if the collective bargaining agreement expressly waives the requirements of the act and provides an equivalent benefit to covered employees.

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1 *Be it enacted by the General Assembly of the State of Colorado:*

2 **SECTION 1.** In Colorado Revised Statutes, **add** part 4 to article  
3 13.3 of title 8 as follows:

4 **PART 4**

5 **HEALTHY FAMILIES AND WORKPLACES**

6 **8-13.3-401. Short title.** THE SHORT TITLE OF THIS PART 4 IS THE  
7 "HEALTHY FAMILIES AND WORKPLACES ACT".

8 **8-13.3-402. Definitions.** AS USED IN THIS PART 4, UNLESS THE  
9 CONTEXT OTHERWISE REQUIRES:

10 (1) "DIRECTOR" MEANS THE DIRECTOR OF THE DIVISION.

11 (2) "DIVISION" MEANS THE DIVISION OF LABOR STANDARDS AND  
12 STATISTICS IN THE DEPARTMENT OF LABOR AND EMPLOYMENT CREATED IN  
13 SECTION 8-1-103.

14 (3) "DOMESTIC ABUSE" HAS THE MEANING SET FORTH IN SECTION  
15 13-14-101 (2).

16 (4) "EMPLOYEE" HAS THE MEANING SET FORTH IN SECTION 8-4-101

1 (5). "EMPLOYEE" DOES NOT INCLUDE AN "EMPLOYEE" AS DEFINED IN 45  
2 U.S.C. SEC. 351 (d) WHO IS SUBJECT TO THE FEDERAL "RAILROAD  
3 UNEMPLOYMENT INSURANCE ACT", 45 U.S.C. SEC. 351 ET SEQ.

4 (5) (a) "EMPLOYER" HAS THE MEANING SET FORTH IN SECTION  
5 8-4-101 (6); EXCEPT THAT THE TERM INCLUDES THE STATE AND ITS  
6 AGENCIES OR ENTITIES, COUNTIES, CITIES AND COUNTIES, MUNICIPALITIES,  
7 SCHOOL DISTRICTS, AND ANY POLITICAL SUBDIVISIONS OF THE STATE.

8 (b) "EMPLOYER" DOES NOT INCLUDE THE FEDERAL GOVERNMENT  
9 OR AN EMPLOYER WITH FIFTEEN OR FEWER EMPLOYEES.

10 (6) "FAMILY MEMBER" MEANS:

11 (a) AN EMPLOYEE'S IMMEDIATE FAMILY MEMBER, AS DEFINED IN  
12 SECTION 2-4-401 (3.7);

13 (b) A CHILD TO WHOM THE EMPLOYEE STANDS IN LOCO PARENTIS  
14 OR A PERSON WHO STOOD IN LOCO PARENTIS TO THE EMPLOYEE WHEN THE  
15 EMPLOYEE WAS A MINOR; OR

16 (c) A PERSON FOR WHOM THE EMPLOYEE IS RESPONSIBLE FOR  
17 PROVIDING OR ARRANGING HEALTH- OR SAFETY-RELATED CARE.

18 (7) "HARASSMENT" HAS THE MEANING SET FORTH IN SECTION  
19 18-9-111.

20 (8) (a) (I) "PAID SICK LEAVE" MEANS TIME OFF FROM WORK THAT  
21 IS:

22 (A) COMPENSATED AT THE SAME HOURLY RATE OR SALARY AND  
23 WITH THE SAME BENEFITS, INCLUDING HEALTH CARE BENEFITS, AS THE  
24 EMPLOYEE NORMALLY EARNS DURING HOURS WORKED; AND

25 (B) PROVIDED BY AN EMPLOYER TO AN EMPLOYEE FOR ONE OR  
26 MORE OF THE PURPOSES DESCRIBED IN SECTIONS 8-13.3-404 TO  
27 8-13.3-406.

1 (II) FOR PURPOSES OF SUBSECTION (8)(a)(I)(A) OF THIS SECTION:

2 (A) "SAME HOURLY RATE OR SALARY" UNDER THIS PART 4 DOES  
3 NOT INCLUDE OVERTIME, BONUSES, OR HOLIDAY PAY.

4 (B) FOR EMPLOYEES PAID ON COMMISSION BASIS ONLY, "SAME  
5 HOURLY RATE OR SALARY" MEANS A RATE OF NO LESS THAN THE  
6 APPLICABLE MINIMUM WAGE.

7 (C) FOR EMPLOYEES PAID AN HOURLY, WEEKLY, OR MONTHLY  
8 WAGE AND ALSO PAID ON A COMMISSION BASIS, "SAME HOURLY RATE OR  
9 SALARY" MEANS THE RATE OF PAY EQUIVALENT TO THE EMPLOYEE'S  
10 HOURLY, WEEKLY, OR MONTHLY WAGE OR THE APPLICABLE MINIMUM  
11 WAGE, WHICHEVER IS GREATER.

12 (b) "PAID SICK LEAVE" IS "WAGES" AS DEFINED IN SECTION 8-4-101  
13 (14).

14 (9) "PUBLIC HEALTH EMERGENCY" MEANS:

15 (a) AN ACT OF BIOTERRORISM, A PANDEMIC INFLUENZA, OR AN  
16 EPIDEMIC CAUSED BY A NOVEL AND HIGHLY FATAL INFECTIOUS AGENT,  
17 FOR WHICH:

18 (I) AN EMERGENCY IS DECLARED BY A FEDERAL, STATE, OR LOCAL  
19 PUBLIC HEALTH AGENCY; OR

20 (II) A DISASTER EMERGENCY IS DECLARED BY THE GOVERNOR; OR

21 (b) A HIGHLY INFECTIOUS ILLNESS OR AGENT WITH EPIDEMIC OR  
22 PANDEMIC POTENTIAL FOR WHICH A DISASTER EMERGENCY IS DECLARED  
23 BY THE GOVERNOR.

24 (10) "RETALIATORY PERSONNEL ACTION" MEANS:

25 (a) THE DENIAL OF ANY RIGHT GUARANTEED UNDER THIS PART 4;

26 OR

27 (b) ANY ADVERSE ACTION AGAINST AN EMPLOYEE FOR

1 EXERCISING ANY RIGHT GUARANTEED IN THIS PART 4, INCLUDING:

2 (I) ANY THREAT, DISCIPLINE, DISCHARGE, SUSPENSION, DEMOTION,  
3 REDUCTION OF HOURS, OR REPORTING OR THREATENING TO REPORT AN  
4 EMPLOYEE'S SUSPECTED CITIZENSHIP OR IMMIGRATION STATUS OR THE  
5 SUSPECTED CITIZENSHIP OR IMMIGRATION STATUS OF A FAMILY MEMBER  
6 OF THE EMPLOYEE TO A FEDERAL, STATE, OR LOCAL AGENCY; OR

7 (II) ANY SANCTIONS AGAINST AN EMPLOYEE WHO IS THE RECIPIENT  
8 OF PUBLIC BENEFITS FOR RIGHTS GUARANTEED UNDER THIS PART 4; OR

9 (III) INTERFERENCE WITH OR PUNISHMENT FOR PARTICIPATING IN  
10 OR ASSISTING, IN ANY MANNER, AN INVESTIGATION, PROCEEDING, OR  
11 HEARING UNDER THIS PART 4.

12 (11) "SEXUAL ASSAULT" HAS THE MEANING SET FORTH IN SECTION  
13 18-3-402.

14 (12) "SUCCESSOR EMPLOYER" MEANS AN EMPLOYING UNIT,  
15 WHETHER OR NOT AN EMPLOYING UNIT AT THE TIME OF ACQUISITION, THAT  
16 BECOMES AN EMPLOYER SUBJECT TO THIS PART 4 BECAUSE IT ACQUIRES  
17 ALL OF AN ORGANIZATION, A TRADE, OR A BUSINESS OR SUBSTANTIALLY  
18 ALL OF THE ASSETS OF ONE OR MORE EMPLOYERS SUBJECT TO THIS PART  
19 4.

20 (13) "YEAR" MEANS A REGULAR AND CONSECUTIVE  
21 TWELVE-MONTH PERIOD AS DETERMINED BY AN EMPLOYER; EXCEPT THAT  
22 FOR THE PURPOSES OF SECTION 8-13.3-411, "YEAR" MEANS A CALENDAR  
23 YEAR.

24 **8-13.3-403. Paid sick leave - accrual - carry forward to**  
25 **subsequent \_\_\_ year - comparable leave provided by employer - no**  
26 **payment for unused leave - rules.** (1) ALL EMPLOYEES WORKING IN  
27 COLORADO HAVE THE RIGHT TO PAID SICK LEAVE AS SPECIFIED IN THIS

1 PART 4.

2 (2) (a) EFFECTIVE JANUARY 1, 2021, AN EMPLOYER SHALL  
3 PROVIDE EACH EMPLOYEE PAID SICK LEAVE AS PROVIDED IN THIS SECTION.  
4 EACH EMPLOYEE EARNS AT LEAST ONE HOUR OF PAID SICK LEAVE FOR  
5 EVERY THIRTY HOURS WORKED BY THE EMPLOYEE; EXCEPT THAT AN  
6 EMPLOYEE IS NOT ENTITLED UNDER THIS SECTION TO EARN OR USE MORE  
7 THAN FORTY-EIGHT HOURS OF PAID SICK LEAVE EACH YEAR, UNLESS THE  
8 EMPLOYER SELECTS A HIGHER LIMIT. AN EMPLOYER MAY SATISFY THE  
9 ACCRUAL REQUIREMENTS OF THIS SECTION BY PROVIDING THE EMPLOYEE  
10 WITH AN AMOUNT OF PAID SICK LEAVE THAT MEETS OR EXCEEDS THE  
11 REQUIREMENTS OF THIS SECTION AT THE BEGINNING OF THE YEAR.  
12 NOTHING IN THIS SECTION DISCOURAGES OR PROHIBITS AN EMPLOYER  
13 FROM PROVIDING PAID SICK LEAVE THAT ACCRUES AT A FASTER OR MORE  
14 GENEROUS RATE THAN REQUIRED BY THIS SECTION. THIS SUBSECTION  
15 (2)(a) DOES NOT LIMIT THE ABILITY OF AN EMPLOYEE TO USE PAID SICK  
16 LEAVE AS PROVIDED IN SECTION 8-13.3-405.

17 (b) NOTHING IN THIS PART 4 PRECLUDES AN EMPLOYER FROM  
18 PROVIDING EMPLOYEES MORE PAID SICK LEAVE THAN THE AMOUNTS  
19 SPECIFIED IN THIS SUBSECTION (2).

20 (c) AN EMPLOYEE WHO IS EXEMPT FROM OVERTIME REQUIRED IN  
21 SECTION 8-6-111 (4) ACCRUES PAID SICK LEAVE BASED ON THE  
22 ASSUMPTION THAT THE EMPLOYEE WORKS FORTY HOURS PER WEEK. IF THE  
23 EMPLOYEE'S NORMAL WORKWEEK CONSISTS OF FEWER THAN FORTY  
24 HOURS, THE EMPLOYEE ACCRUES PAID SICK LEAVE BASED UPON THE  
25 NUMBER OF HOURS THAT COMPRISE THE EMPLOYEE'S NORMAL WORKWEEK.

26 (3) (a) AN EMPLOYEE BEGINS TO ACCRUE PAID SICK LEAVE WHEN  
27 EMPLOYMENT WITH THE EMPLOYER BEGINS AND MAY USE ACCRUED PAID

1 SICK LEAVE AS IT IS ACCRUED.

2 (b) UP TO FORTY-EIGHT HOURS OF PAID SICK LEAVE THAT AN  
3 EMPLOYEE ACCRUES IN A YEAR BUT DOES NOT USE CARRIES FORWARD TO,  
4 AND MAY BE USED IN, A SUBSEQUENT YEAR; EXCEPT THAT AN EMPLOYER  
5 IS NOT REQUIRED TO ALLOW THE EMPLOYEE TO USE MORE THAN  
6 FORTY-EIGHT HOURS OF PAID SICK LEAVE IN A YEAR.

7 (4) AN EMPLOYER THAT HAS A PAID LEAVE POLICY FOR ITS  
8 EMPLOYEES MAY SATISFY THE REQUIREMENTS OF THIS SECTION AND  
9 SECTION 8-13.3-405 AND IS NOT REQUIRED TO PROVIDE ADDITIONAL PAID  
10 SICK LEAVE TO ITS EMPLOYEES IF THE EMPLOYER:

11 (a) MAKES AVAILABLE TO ITS EMPLOYEES, THROUGH ITS PAID  
12 LEAVE POLICY, AN AMOUNT OF PAID LEAVE SUFFICIENT TO SATISFY  
13 SECTION 8-13.3-405 AND MEET THE ACCRUAL REQUIREMENTS OF  
14 SUBSECTION (2)(a) OF THIS SECTION; AND

15 (b) ALLOWS ITS EMPLOYEES TO USE THE PAID LEAVE FOR THE SAME  
16 PURPOSES AND UNDER THE SAME CONDITIONS AS THOSE APPLICABLE TO  
17 PAID SICK LEAVE UNDER THIS PART 4.

18 (5) (a) EXCEPT AS SPECIFIED IN SUBSECTION (5)(b) OF THIS  
19 SECTION, AND NOTWITHSTANDING SECTION 8-4-101 (14)(a)(IV), NOTHING  
20 IN THIS SECTION REQUIRES AN EMPLOYER TO PROVIDE FINANCIAL OR  
21 OTHER REIMBURSEMENT OF UNUSED PAID SICK LEAVE TO AN EMPLOYEE  
22 UPON TERMINATION, RESIGNATION, RETIREMENT, OR OTHER SEPARATION  
23 FROM EMPLOYMENT; EXCEPT THAT AN INDIVIDUAL MAY RECOVER PAID  
24 SICK LEAVE AS A REMEDY FOR A RETALIATORY PERSONNEL ACTION THAT  
25 PREVENTED THE INDIVIDUAL FROM USING PAID SICK LEAVE.

26 (b) IF AN EMPLOYEE SEPARATES FROM EMPLOYMENT AND IS  
27 REHIRED BY THE SAME EMPLOYER WITHIN SIX MONTHS AFTER THE



1 SEPARATION, THE EMPLOYER SHALL REINSTATE ANY PAID SICK LEAVE  
2 THAT THE EMPLOYEE HAD ACCRUED BUT NOT USED DURING THE  
3 EMPLOYEE'S PREVIOUS EMPLOYMENT WITH THE EMPLOYER AND THAT HAD  
4 NOT BEEN CONVERTED TO MONETARY COMPENSATION TO THE EMPLOYEE  
5 AT THE TIME OF SEPARATION FROM EMPLOYMENT.

6 (6) AN EMPLOYER MAY LOAN PAID SICK LEAVE TO AN EMPLOYEE  
7 IN ADVANCE OF ACCRUAL OF PAID SICK LEAVE BY THE EMPLOYEE.

8 (7) IF AN EMPLOYEE IS TRANSFERRED TO A SEPARATE DIVISION,  
9 ENTITY, OR LOCATION BUT REMAINS EMPLOYED BY THE SAME EMPLOYER,  
10 THE EMPLOYEE IS ENTITLED TO ALL PAID SICK LEAVE ACCRUED AT THE  
11 PRIOR DIVISION, ENTITY, OR LOCATION AND IS ENTITLED TO USE ALL PAID  
12 SICK LEAVE AS PROVIDED IN THIS SECTION.

13 (8) IF A SUCCESSOR EMPLOYER SUCCEEDS AN ORIGINAL EMPLOYER,  
14 ALL EMPLOYEES OF THE ORIGINAL EMPLOYER WHO REMAIN EMPLOYED BY  
15 THE SUCCESSOR EMPLOYER ARE ENTITLED TO ALL PAID SICK LEAVE THAT  
16 THE EMPLOYEES ACCRUED WHEN EMPLOYED BY THE ORIGINAL EMPLOYER  
17 AND ARE ENTITLED TO USE PREVIOUSLY ACCRUED PAID SICK LEAVE AS  
18 SPECIFIED IN SECTION 8-13.3-404.

19 (9) THE DIVISION SHALL PROMULGATE RULES REGARDING  
20 COMPENSATION AND ACCRUAL OF PAID SICK LEAVE FOR EMPLOYEES  
21 EMPLOYED AND COMPENSATED ON A FEE-FOR-SERVICE BASIS.

22 **8-13.3-404. Use of paid sick leave - purposes - time increments.**

23 (1) AN EMPLOYER SHALL ALLOW AN EMPLOYEE TO USE THE EMPLOYEE'S  
24 ACCRUED PAID SICK LEAVE TO BE ABSENT FROM WORK WHEN:

25 (a) THE EMPLOYEE:

26 (I) HAS A MENTAL OR PHYSICAL ILLNESS, INJURY, OR HEALTH  
27 CONDITION THAT PREVENTS THE EMPLOYEE FROM WORKING;

1 (II) NEEDS TO OBTAIN A MEDICAL DIAGNOSIS, CARE, OR  
2 TREATMENT OF A MENTAL OR PHYSICAL ILLNESS, INJURY, OR HEALTH  
3 CONDITION; OR

4 (III) NEEDS TO OBTAIN PREVENTIVE MEDICAL CARE;

5 (b) THE EMPLOYEE NEEDS TO CARE FOR A FAMILY MEMBER WHO:

6 (I) HAS A MENTAL OR PHYSICAL ILLNESS, INJURY, OR HEALTH  
7 CONDITION;

8 (II) NEEDS TO OBTAIN A MEDICAL DIAGNOSIS, CARE, OR  
9 TREATMENT OF A MENTAL OR PHYSICAL ILLNESS, INJURY, OR HEALTH  
10 CONDITION; OR

11 (III) NEEDS TO OBTAIN PREVENTIVE MEDICAL CARE;

12 (c) THE EMPLOYEE OR THE EMPLOYEE'S FAMILY MEMBER HAS BEEN  
13 THE VICTIM OF DOMESTIC ABUSE, SEXUAL ASSAULT, OR HARASSMENT AND  
14 THE USE OF LEAVE IS TO:

15 (I) SEEK MEDICAL ATTENTION FOR THE EMPLOYEE OR THE  
16 EMPLOYEE'S FAMILY MEMBER TO RECOVER FROM A MENTAL OR PHYSICAL  
17 ILLNESS, INJURY, OR HEALTH CONDITION CAUSED BY THE DOMESTIC  
18 ABUSE, SEXUAL ASSAULT, OR HARASSMENT;

19 (II) OBTAIN SERVICES FROM A VICTIM SERVICES ORGANIZATION;

20 (III) OBTAIN MENTAL HEALTH OR OTHER COUNSELING;

21 (IV) SEEK RELOCATION DUE TO THE DOMESTIC ABUSE, SEXUAL  
22 ASSAULT, OR HARASSMENT; OR

23 (V) SEEK LEGAL SERVICES, INCLUDING PREPARATION FOR OR  
24 PARTICIPATION IN A CIVIL OR CRIMINAL PROCEEDING RELATING TO OR  
25 RESULTING FROM THE DOMESTIC ABUSE, SEXUAL ASSAULT, OR  
26 HARASSMENT; OR

27 (d) DUE TO A PUBLIC HEALTH EMERGENCY, A PUBLIC OFFICIAL HAS

1 ORDERED CLOSURE OF:

2 (I) THE EMPLOYEE'S PLACE OF BUSINESS; OR

3 (II) THE SCHOOL OR PLACE OF CARE OF THE EMPLOYEE'S CHILD  
4 AND THE EMPLOYEE NEEDS TO BE ABSENT FROM WORK TO CARE FOR THE  
5 EMPLOYEE'S CHILD.

6 (2) AN EMPLOYER SHALL ALLOW AN EMPLOYEE TO USE PAID SICK  
7 LEAVE UPON THE REQUEST OF AN EMPLOYEE. THE REQUEST MAY BE MADE  
8 ORALLY, IN WRITING, ELECTRONICALLY, OR BY ANY OTHER MEANS  
9 ACCEPTABLE TO THE EMPLOYER. WHEN POSSIBLE, THE EMPLOYEE SHALL  
10 INCLUDE THE EXPECTED DURATION OF THE ABSENCE. AN EMPLOYER MAY  
11 PROVIDE A WRITTEN POLICY THAT CONTAINS REASONABLE PROCEDURES  
12 FOR THE EMPLOYEE TO PROVIDE NOTICE WHEN THE USE OF PAID SICK  
13 LEAVE TAKEN UNDER THIS SECTION IS FORESEEABLE. AN EMPLOYER SHALL  
14 NOT DENY PAID SICK LEAVE TO THE EMPLOYEE BASED ON NONCOMPLIANCE  
15 WITH SUCH A POLICY.

16 (3) AN EMPLOYEE MUST USE PAID SICK LEAVE IN HOURLY  
17 INCREMENTS UNLESS THE EMPLOYEE'S EMPLOYER ALLOWS PAID SICK  
18 LEAVE TO BE TAKEN IN SMALLER INCREMENTS OF TIME.

19 (4) AN EMPLOYER SHALL NOT REQUIRE, AS A CONDITION OF  
20 PROVIDING PAID SICK LEAVE UNDER THIS PART 4, AN EMPLOYEE WHO USES  
21 PAID SICK LEAVE TO SEARCH FOR OR FIND A REPLACEMENT WORKER TO  
22 COVER THE TIME DURING WHICH THE EMPLOYEE IS ABSENT FROM WORK.

23 (5) WHEN THE USE OF PAID SICK LEAVE TAKEN UNDER THIS  
24 SECTION IS FORESEEABLE, THE EMPLOYEE SHALL MAKE A GOOD-FAITH  
25 EFFORT TO PROVIDE NOTICE OF THE NEED FOR PAID SICK LEAVE TO THE  
26 EMPLOYEE'S EMPLOYER IN ADVANCE OF THE USE OF THE PAID SICK LEAVE  
27 AND SHALL MAKE A REASONABLE EFFORT TO SCHEDULE THE USE OF PAID

1 SICK LEAVE IN A MANNER THAT DOES NOT UNDULY DISRUPT THE  
2 OPERATIONS OF THE EMPLOYER.

3 (6) NOTWITHSTANDING SECTION 8-13.3-405 (4)(b), FOR PAID SICK  
4 LEAVE OF FOUR OR MORE CONSECUTIVE WORK DAYS, AN EMPLOYER MAY  
5 REQUIRE REASONABLE DOCUMENTATION THAT THE PAID SICK LEAVE IS FOR  
6 A PURPOSE AUTHORIZED BY THIS PART 4. ADDITIONALLY, AN EMPLOYER  
7 OF A SEASONAL EMPLOYEE IN THE OUTDOOR RECREATION INDUSTRY MAY  
8 REQUEST REASONABLE DOCUMENTATION AFTER ONE WORK DAY IF THE  
9 EMPLOYER HAS A REASONABLE BELIEF THAT THE EMPLOYEE HAS USED THE  
10 PAID SICK LEAVE IN VIOLATION OF THIS PART 4.

11 **8-13.3-405. Additional paid sick leave during a public health**  
12 **emergency.** (1) IN ADDITION TO PAID SICK LEAVE ACCRUED UNDER  
13 SECTION 8-13.3-403, ON THE DATE A PUBLIC HEALTH EMERGENCY IS  
14 DECLARED, EACH EMPLOYER IN THE STATE SHALL SUPPLEMENT EACH  
15 EMPLOYEE'S ACCRUED PAID SICK LEAVE AS NECESSARY TO ENSURE THAT  
16 AN EMPLOYEE MAY TAKE THE FOLLOWING AMOUNTS OF PAID SICK LEAVE  
17 FOR THE PURPOSES SPECIFIED IN SUBSECTION (3) OF THIS SECTION:

18 (a) FOR EMPLOYEES WHO NORMALLY WORK FORTY OR MORE  
19 HOURS IN A WEEK, AT LEAST EIGHTY HOURS;

20 (b) FOR EMPLOYEES WHO NORMALLY WORK FEWER THAN FORTY  
21 HOURS IN A WEEK, AT LEAST THE GREATER OF EITHER THE AMOUNT OF  
22 TIME THE EMPLOYEE IS SCHEDULED TO WORK IN A FOURTEEN-DAY PERIOD  
23 OR THE AMOUNT OF TIME THE EMPLOYEE ACTUALLY WORKS ON AVERAGE  
24 IN A FOURTEEN-DAY PERIOD.

25 (2) (a) AN EMPLOYER MAY COUNT AN EMPLOYEE'S UNUSED  
26 ACCRUED PAID SICK LEAVE UNDER SECTION 8-13.3-403 TOWARD THE  
27 SUPPLEMENTAL PAID SICK LEAVE REQUIRED IN SUBSECTION (1) OF THIS

1     SECTION.

2             **(b)** AN EMPLOYEE MAY USE PAID SICK LEAVE UNDER THIS SECTION  
3 UNTIL FOUR WEEKS AFTER THE OFFICIAL TERMINATION OR SUSPENSION OF  
4 THE PUBLIC HEALTH EMERGENCY.

5             (3) AN EMPLOYER SHALL PROVIDE ITS EMPLOYEES THE PAID SICK  
6 LEAVE REQUIRED IN SUBSECTION (1) OF THIS SECTION FOR THE FOLLOWING  
7 ABSENCES RELATED TO A PUBLIC HEALTH EMERGENCY:

8             (a) AN EMPLOYEE'S NEED TO:

9             (I) SELF-ISOLATE AND CARE FOR ONESELF BECAUSE THE EMPLOYEE  
10 IS DIAGNOSED WITH A COMMUNICABLE ILLNESS THAT IS THE CAUSE OF A  
11 PUBLIC HEALTH EMERGENCY;

12            (II) SELF-ISOLATE AND CARE FOR ONESELF BECAUSE THE  
13 EMPLOYEE IS EXPERIENCING SYMPTOMS OF A COMMUNICABLE ILLNESS  
14 THAT IS THE CAUSE OF A PUBLIC HEALTH EMERGENCY;

15            (III) SEEK OR OBTAIN MEDICAL DIAGNOSIS, CARE, OR TREATMENT  
16 IF EXPERIENCING SYMPTOMS OF A COMMUNICABLE ILLNESS THAT IS THE  
17 CAUSE OF A PUBLIC HEALTH EMERGENCY;

18            (IV) SEEK PREVENTIVE CARE CONCERNING A COMMUNICABLE  
19 ILLNESS THAT IS THE CAUSE OF A PUBLIC HEALTH EMERGENCY; OR

20            (V) CARE FOR A FAMILY MEMBER WHO:

21            (A) IS SELF-ISOLATING AFTER BEING DIAGNOSED WITH A  
22 COMMUNICABLE ILLNESS THAT IS THE CAUSE OF A PUBLIC HEALTH  
23 EMERGENCY;

24            (B) IS SELF-ISOLATING DUE TO EXPERIENCING SYMPTOMS OF A  
25 COMMUNICABLE ILLNESS THAT IS THE CAUSE OF A PUBLIC HEALTH  
26 EMERGENCY;

27            (C) NEEDS MEDICAL DIAGNOSIS, CARE, OR TREATMENT IF

1 EXPERIENCING SYMPTOMS OF A COMMUNICABLE ILLNESS THAT IS THE  
2 CAUSE OF A PUBLIC HEALTH EMERGENCY; OR

3 (D) IS SEEKING PREVENTIVE CARE CONCERNING A COMMUNICABLE  
4 ILLNESS THAT IS THE CAUSE OF A PUBLIC HEALTH EMERGENCY;

5 (b) WITH RESPECT TO A COMMUNICABLE ILLNESS THAT IS THE  
6 CAUSE OF A PUBLIC HEALTH EMERGENCY:

7 (I) A LOCAL, STATE, OR FEDERAL PUBLIC OFFICIAL OR HEALTH  
8 AUTHORITY HAVING JURISDICTION OVER THE LOCATION IN WHICH THE  
9 EMPLOYEE'S PLACE OF EMPLOYMENT IS LOCATED OR THE EMPLOYEE'S  
10 EMPLOYER DETERMINES THAT THE EMPLOYEE'S PRESENCE ON THE JOB OR  
11 IN THE COMMUNITY WOULD JEOPARDIZE THE HEALTH OF OTHERS BECAUSE  
12 OF THE EMPLOYEE'S EXPOSURE TO THE COMMUNICABLE ILLNESS OR  
13 BECAUSE THE EMPLOYEE IS EXHIBITING SYMPTOMS OF THE  
14 COMMUNICABLE ILLNESS, REGARDLESS OF WHETHER THE EMPLOYEE HAS  
15 BEEN DIAGNOSED WITH THE COMMUNICABLE ILLNESS; OR

16 (II) CARE OF A FAMILY MEMBER AFTER A LOCAL, STATE, OR  
17 FEDERAL PUBLIC OFFICIAL OR HEALTH AUTHORITY HAVING JURISDICTION  
18 OVER THE LOCATION IN WHICH THE FAMILY MEMBER'S PLACE OF  
19 EMPLOYMENT IS LOCATED OR THE FAMILY MEMBER'S EMPLOYER  
20 DETERMINES THAT THE FAMILY MEMBER'S PRESENCE ON THE JOB OR IN THE  
21 COMMUNITY WOULD JEOPARDIZE THE HEALTH OF OTHERS BECAUSE OF THE  
22 FAMILY MEMBER'S EXPOSURE TO THE COMMUNICABLE ILLNESS OR  
23 BECAUSE THE FAMILY MEMBER IS EXHIBITING SYMPTOMS OF THE  
24 COMMUNICABLE ILLNESS, REGARDLESS OF WHETHER THE FAMILY MEMBER  
25 HAS BEEN DIAGNOSED WITH THE COMMUNICABLE ILLNESS;

26 == ==

27 (c) CARE OF A CHILD OR OTHER FAMILY MEMBER WHEN THE

1 INDIVIDUAL'S CHILD CARE PROVIDER IS UNAVAILABLE DUE TO A PUBLIC  
2 HEALTH EMERGENCY, OR IF THE CHILD'S OR FAMILY MEMBER'S SCHOOL OR  
3 PLACE OF CARE HAS BEEN CLOSED BY A LOCAL, STATE, OR FEDERAL PUBLIC  
4 OFFICIAL OR AT THE DISCRETION OF THE SCHOOL OR PLACE OF CARE DUE  
5 TO A PUBLIC HEALTH EMERGENCY, INCLUDING IF A SCHOOL OR PLACE OF  
6 CARE IS PHYSICALLY CLOSED BUT PROVIDING INSTRUCTION REMOTELY;

7 (d) AN EMPLOYEE'S INABILITY TO WORK BECAUSE THE EMPLOYEE  
8 HAS A HEALTH CONDITION THAT MAY INCREASE SUSCEPTIBILITY TO OR  
9 RISK OF A COMMUNICABLE ILLNESS THAT IS THE CAUSE OF THE PUBLIC  
10 HEALTH EMERGENCY.

11         
12 (4) NOTWITHSTANDING ANY OTHER PROVISION IN THIS PART 4:

13 (a) AN EMPLOYEE SHALL NOTIFY THE EMPLOYEE'S EMPLOYER OF  
14 THE NEED FOR PAID SICK LEAVE UNDER THIS SECTION AS SOON AS  
15 PRACTICABLE WHEN THE NEED FOR PAID SICK LEAVE IS FORESEEABLE AND  
16 THE EMPLOYER'S PLACE OF BUSINESS HAS NOT BEEN CLOSED;       

17 (b) DOCUMENTATION IS NOT REQUIRED TO TAKE PAID SICK LEAVE  
18 UNDER THIS SECTION; AND

19 (c) EMPLOYEES ARE ONLY ELIGIBLE FOR PAID SICK LEAVE IN THE  
20 AMOUNT DESCRIBED IN SUBSECTION (1) OF THIS SECTION ONCE DURING  
21 THE ENTIRETY OF A PUBLIC HEALTH EMERGENCY EVEN IF SUCH PUBLIC  
22 HEALTH EMERGENCY IS AMENDED, EXTENDED, RESTATED, OR PROLONGED.

23 **8-13.3-406. Paid sick leave related to COVID-19 - repeal.**

24 (1) EMPLOYERS IN THE STATE SHALL COMPLY WITH THE FEDERAL  
25 "EMERGENCY PAID SICK LEAVE ACT" IN THE "FAMILIES FIRST  
26 CORONAVIRUS RESPONSE ACT", PUB. L. 116-127.

27 (2) ON AND AFTER THE EFFECTIVE DATE OF THIS SECTION THROUGH

1 DECEMBER 31, 2020, EACH EMPLOYER IN THE STATE, REGARDLESS OF SIZE,  
2 SHALL PROVIDE PAID SICK LEAVE IN THE AMOUNT AND FOR THE PURPOSES  
3 PROVIDED IN THE FEDERAL "EMERGENCY PAID SICK LEAVE ACT" IN THE  
4 "FAMILIES FIRST CORONAVIRUS RESPONSE ACT", PUB. L. 116-127, TO  
5 EACH EMPLOYEE WHO IS NOT COVERED UNDER THE "EMERGENCY PAID  
6 SICK LEAVE ACT".

7 **8-13.3-407. Employee rights protected - retaliation prohibited.**

- 8 (1) AN EMPLOYEE IS ENTITLED TO:
- 9 (a) USE PAID SICK LEAVE CONSISTENT WITH THIS PART 4;
  - 10 (b) FILE A COMPLAINT OR INFORM ANY PERSON ABOUT AN  
11 EMPLOYER'S ALLEGED VIOLATION OF THIS PART 4;
  - 12 (c) COOPERATE WITH THE DIVISION IN ITS INVESTIGATION OF AN  
13 ALLEGED VIOLATION OF THIS PART 4; AND
  - 14 (d) INFORM ANY PERSON OF THE PERSON'S POTENTIAL RIGHTS  
15 UNDER THIS PART 4.
- 16 (2) (a) AN EMPLOYER SHALL NOT TAKE RETALIATORY PERSONNEL  
17 ACTION OR DISCRIMINATE AGAINST AN EMPLOYEE OR FORMER EMPLOYEE  
18 BECAUSE THE PERSON HAS EXERCISED, ATTEMPTED TO EXERCISE, OR  
19 SUPPORTED THE EXERCISE OF RIGHTS PROTECTED UNDER THIS PART 4,  
20 INCLUDING THE RIGHT TO REQUEST OR USE PAID SICK LEAVE PURSUANT TO  
21 THIS PART 4; THE RIGHT TO FILE A COMPLAINT WITH THE DIVISION OR  
22 COURT OR INFORM ANY PERSON ABOUT ANY EMPLOYER'S ALLEGED  
23 VIOLATION OF THIS PART 4; THE RIGHT TO PARTICIPATE IN AN  
24 INVESTIGATION, HEARING, OR PROCEEDING OR COOPERATE WITH OR ASSIST  
25 THE DIVISION IN ITS INVESTIGATIONS OF ALLEGED VIOLATIONS OF THIS  
26 PART 4; AND THE RIGHT TO INFORM ANY PERSON OF THE PERSON'S  
27 POTENTIAL RIGHTS UNDER THIS PART 4.



1 (b) IT IS UNLAWFUL FOR AN EMPLOYER TO COUNT PAID SICK LEAVE  
2 TAKEN BY AN EMPLOYEE PURSUANT TO THIS PART 4 AS AN ABSENCE THAT  
3 MAY LEAD TO OR RESULT IN DISCIPLINE, DISCHARGE, DEMOTION,  
4 SUSPENSION, OR ANY OTHER RETALIATORY PERSONNEL ACTION AGAINST  
5 THE EMPLOYEE.

6 ==  
7 (3) THE PROTECTIONS OF THIS SECTION APPLY TO ANY PERSON  
8 ACTING IN GOOD FAITH WHO ALLEGES A VIOLATION OF THIS PART 4, EVEN  
9 IF THE ALLEGATION IS DETERMINED TO BE MISTAKEN.

10 (4) THE DIVISION SHALL INVESTIGATE EACH CLAIM OF DENIAL OF  
11 PAID SICK LEAVE IN VIOLATION OF THIS PART 4. THE DIVISION MAY  
12 INVESTIGATE CLAIMS OF RETALIATION IN VIOLATION OF THIS PART 4. ==

13 ==  
14 (5) IF AN INVESTIGATION OF EMPLOYER RETALIATION OR  
15 INTERFERENCE WITH EMPLOYEE RIGHTS YIELDS A DETERMINATION THAT:

16 (a) RIGHTS OF MULTIPLE EMPLOYEES HAVE BEEN VIOLATED, THE  
17 VIOLATION AS TO EACH EMPLOYEE IS A SEPARATE VIOLATION FOR  
18 PURPOSES OF FINES, PENALTIES, OR OTHER REMEDIES;

19 (b) A VIOLATION COST AN EMPLOYEE THE EMPLOYEE'S JOB OR PAY,  
20 THE DETERMINATION MAY INCLUDE AN ORDER TO REINSTATE THE  
21 EMPLOYEE, TO PAY THE EMPLOYEE'S LOST PAY UNTIL REINSTATEMENT OR  
22 FOR A REASONABLE PERIOD IF REINSTATEMENT IS DETERMINED NOT TO BE  
23 FEASIBLE, OR BOTH.

24 (6) DETERMINATIONS MADE BY THE DIVISION UNDER THIS SECTION  
25 ARE APPEALABLE PURSUANT TO SECTION 8-4-111.5 AND RULES  
26 PROMULGATED BY THE DEPARTMENT REGARDING APPEALS AND STRATEGIC  
27 ENFORCEMENT.

1           **8-13.3-408. Notice to employees - penalty - rules.** (1) EACH  
2           EMPLOYER SHALL NOTIFY ITS EMPLOYEES THAT THEY ARE ENTITLED TO  
3           PAID SICK LEAVE, PURSUANT TO RULES PROMULGATED BY THE DIVISION.

4           THE RULES MUST REQUIRE THE NOTICE TO:

5           (a) SPECIFY THE AMOUNT OF PAID SICK LEAVE TO WHICH  
6           EMPLOYEES ARE ENTITLED AND THE TERMS OF ITS USE UNDER THIS PART  
7           4; AND

8           (b) NOTIFY EMPLOYEES THAT EMPLOYERS CANNOT RETALIATE  
9           AGAINST AN EMPLOYEE FOR REQUESTING OR USING PAID SICK LEAVE AND  
10           THAT AN EMPLOYEE HAS THE RIGHT TO FILE A COMPLAINT OR BRING A  
11           CIVIL ACTION IF PAID SICK LEAVE IS DENIED BY THE EMPLOYER OR THE  
12           EMPLOYER RETALIATES AGAINST THE EMPLOYEE FOR EXERCISING THE  
13           EMPLOYEE'S RIGHTS UNDER THIS PART 4.

14           (2) AN EMPLOYER COMPLIES WITH THE NOTICE REQUIREMENTS OF  
15           THIS SECTION BY:

16           (a) SUPPLYING EACH EMPLOYEE WITH A WRITTEN NOTICE  
17           CONTAINING THE INFORMATION SPECIFIED IN SUBSECTION (1) OF THIS  
18           SECTION THAT IS IN ENGLISH AND IN ANY LANGUAGE THAT IS THE FIRST  
19           LANGUAGE SPOKEN BY AT LEAST FIVE PERCENT OF THE EMPLOYER'S  
20           WORKFORCE; AND

21           (b) DISPLAYING A POSTER CREATED PURSUANT TO SUBSECTION (3)  
22           OF THIS SECTION IN A CONSPICUOUS AND ACCESSIBLE LOCATION IN EACH  
23           ESTABLISHMENT WHERE THE EMPLOYER'S EMPLOYEES WORK THAT  
24           CONTAINS THE INFORMATION REQUIRED BY SUBSECTION (1) OF THIS  
25           SECTION IN ENGLISH AND IN ANY LANGUAGE THAT IS THE FIRST LANGUAGE  
26           SPOKEN BY AT LEAST FIVE PERCENT OF THE EMPLOYER'S WORKFORCE.

27           (3) THE DIVISION SHALL CREATE AND MAKE AVAILABLE TO

1 EMPLOYERS POSTERS AND NOTICES THAT CONTAIN THE INFORMATION  
2 REQUIRED BY SUBSECTION (1) OF THIS SECTION, AND EMPLOYERS MAY USE  
3 THE POSTERS AND NOTICES TO COMPLY WITH THE REQUIREMENTS OF THIS  
4 SECTION.

5 (4) (a) AN EMPLOYER WHO WILLFULLY VIOLATES SUBSECTION  
6 (2)(a) OR (6) OF THIS SECTION IS SUBJECT TO A CIVIL FINE NOT TO EXCEED  
7 ONE HUNDRED DOLLARS FOR EACH SEPARATE VIOLATION.

8 (b) AN EMPLOYER WHO WILLFULLY VIOLATES SUBSECTION (2)(b)  
9 OF THIS SECTION IS SUBJECT TO A CIVIL FINE NOT TO EXCEED ONE  
10 HUNDRED DOLLARS.

11 (c) THE FINES COLLECTED UNDER THIS SUBSECTION (4) SHALL BE  
12 TRANSMITTED TO THE STATE TREASURER, WHO SHALL DEPOSIT THE FINES  
13 IN THE GENERAL FUND.

14 (5) IF AN EMPLOYER'S BUSINESS IS CLOSED DUE TO A PUBLIC  
15 HEALTH EMERGENCY OR A DISASTER EMERGENCY DUE TO A PUBLIC  
16 HEALTH CONCERN, THE NOTICE AND POSTING REQUIREMENTS OF THIS  
17 SECTION ARE WAIVED FOR THE PERIOD DURING WHICH THE PLACE OF  
18 BUSINESS IS CLOSED.

19 (6) IF AN EMPLOYER DOES NOT MAINTAIN A PHYSICAL WORKPLACE,  
20 OR AN EMPLOYEE TELEWORKS OR PERFORMS WORK THROUGH A  
21 WEB-BASED PLATFORM, THE EMPLOYER SHALL PROVIDE THE NOTICE  
22 REQUIRED IN THIS SECTION THROUGH ELECTRONIC COMMUNICATION OR A  
23 CONSPICUOUS POSTING IN THE WEB-BASED PLATFORM.

24 **8-13.3-409. Employer records.** (1) AN EMPLOYER SHALL RETAIN  
25 RECORDS FOR EACH EMPLOYEE FOR A TWO-YEAR PERIOD, DOCUMENTING  
26 HOURS WORKED, PAID SICK LEAVE ACCRUED, AND PAID SICK LEAVE USED.  
27 UPON APPROPRIATE NOTICE AND AT A MUTUALLY AGREEABLE TIME, THE

1 EMPLOYER SHALL ALLOW THE DIVISION ACCESS TO THE RECORDS FOR  
2 PURPOSES OF MONITORING COMPLIANCE WITH THIS PART 4.

3 (2) IF AN ISSUE ARISES AS TO AN EMPLOYEE'S RIGHT TO PAID SICK  
4 LEAVE AND THE EMPLOYER HAS NOT MAINTAINED OR RETAINED ADEQUATE  
5 RECORDS FOR THAT EMPLOYEE OR DOES NOT ALLOW THE DIVISION  
6 REASONABLE ACCESS TO THE RECORDS, THE EMPLOYER SHALL BE  
7 PRESUMED TO HAVE VIOLATED THIS PART 4 UNLESS THE EMPLOYER  
8 DEMONSTRATES COMPLIANCE BY A PREPONDERANCE OF THE EVIDENCE.

9 **8-13.3-410. Authority of director - rules.** THE DIRECTOR MAY  
10 COORDINATE IMPLEMENTATION AND ENFORCEMENT OF THIS PART 4 AND  
11 ADOPT RULES AS NECESSARY FOR SUCH PURPOSES.

12 **8-13.3-411. Enforcement - judicial review of director's actions.**

13 (1) THE DIRECTOR AND THE DIVISION HAVE JURISDICTION OVER THE  
14 ENFORCEMENT OF THIS PART 4 AND MAY EXERCISE ALL POWERS GRANTED  
15 UNDER ARTICLE 1 OF THIS TITLE 8 TO ENFORCE THIS PART 4.

16 (2) THE DIVISION MAY ENFORCE THE REQUIREMENTS OF THIS PART  
17 4.

18 (3) PURSUANT TO SECTION 8-1-130, ANY FINDINGS, AWARDS, OR  
19 ORDERS ISSUED BY THE DIRECTOR WITH RESPECT TO ENFORCEMENT OF  
20 THIS PART 4 CONSTITUTE FINAL AGENCY ACTION, AND ANY PERSON  
21 AFFECTED BY SUCH FINAL AGENCY ACTION MAY SEEK JUDICIAL REVIEW AS  
22 PROVIDED IN SECTION 24-4-106.

23 (4) (a) A PERSON AGGRIEVED BY A VIOLATION OF THIS PART 4 MAY  
24 COMMENCE A CIVIL ACTION IN DISTRICT COURT NO LATER THAN TWO  
25 YEARS AFTER THE VIOLATION OCCURS. A VIOLATION OF THIS PART 4  
26 OCCURS ON EACH OCCASION THAT A PERSON IS AFFECTED BY A FAILURE TO  
27 PROVIDE PAID SICK LEAVE OR RETALIATION RELATED TO PAID SICK LEAVE.

1           (b) AFTER JANUARY 1, 2021, AN EMPLOYER WHO VIOLATES THIS  
2           PART 4 IS LIABLE FOR BACK PAY AND ANY OTHER RELIEF AS PROVIDED BY  
3           SECTION 8-5-104 (2)(a) AND (2)(b).

4           (c) IF A CIVIL ACTION IS COMMENCED UNDER THIS SECTION, ANY  
5           PARTY TO THE CIVIL ACTION MAY DEMAND A TRIAL BY JURY.

6           (d) BEFORE COMMENCING ANY CIVIL ACTION UNDER THIS SECTION,  
7           AN AGGRIEVED PERSON MUST, IN ACCORDANCE WITH ARTICLE 4 OF THIS  
8           TITLE 8, SUBMIT A COMPLAINT TO THE DIVISION OR MAKE A WRITTEN  
9           DEMAND FOR COMPENSATION OR OTHER RELIEF TO THE EMPLOYER. AN  
10          EMPLOYER HAS FOURTEEN DAYS TO RESPOND AFTER RECEIVING EITHER A  
11          NOTICE FROM THE DIVISION THAT A COMPLAINT HAS BEEN FILED WITH THE  
12          DIVISION OR A WRITTEN DEMAND FROM THE AGGRIEVED PERSON FOR  
13          COMPENSATION OR OTHER RELIEF UNDER THIS PART 4.

14          (e) IF A PERSON AGGRIEVED BY A VIOLATION OF THIS PART 4 FILES  
15          A CIVIL ACTION TO ENFORCE A JUDGMENT MADE UNDER THIS SECTION, THE  
16          COURT SHALL WAIVE ANY FILING FEE REQUIRED UNDER ARTICLE 32 OF  
17          TITLE 13.

18          (f) NOTHING IN THIS SECTION PREVENTS AN AGGRIEVED PERSON  
19          FROM FILING A CHARGE WITH THE DIVISION PURSUANT TO THIS SECTION.

20          **8-13.3-412. Confidentiality of employee information -**  
21          **definition.** (1) AN EMPLOYER SHALL NOT REQUIRE DISCLOSURE OF  
22          DETAILS RELATING TO DOMESTIC VIOLENCE, SEXUAL ASSAULT, OR  
23          STALKING OR THE DETAILS OF AN EMPLOYEE'S OR AN EMPLOYEE'S FAMILY  
24          MEMBER'S HEALTH INFORMATION AS A CONDITION OF PROVIDING PAID SICK  
25          LEAVE UNDER THIS PART 4.

26          (2) ANY HEALTH OR SAFETY INFORMATION POSSESSED BY AN  
27          EMPLOYER REGARDING AN EMPLOYEE OR EMPLOYEE'S FAMILY MEMBER

1 MUST:

2 (a) BE MAINTAINED ON A SEPARATE FORM AND IN A SEPARATE FILE  
3 FROM OTHER PERSONNEL INFORMATION;

4 (b) BE TREATED AS CONFIDENTIAL MEDICAL RECORDS; AND

5 (c) NOT BE DISCLOSED EXCEPT TO THE AFFECTED EMPLOYEE OR  
6 WITH THE EXPRESS PERMISSION OF THE AFFECTED EMPLOYEE.

7 (3) AS USED IN THIS SECTION, "AFFECTED EMPLOYEE" MEANS THE  
8 EMPLOYEE:

9 (a) ABOUT WHOM THE HEALTH INFORMATION PERTAINS OR WHO IS  
10 THE VICTIM OF THE DOMESTIC ABUSE, SEXUAL ASSAULT, OR HARASSMENT;  
11 OR

12 (b) WHOSE FAMILY MEMBER IS THE SUBJECT OF THE HEALTH  
13 INFORMATION OR IS THE VICTIM OF THE DOMESTIC ABUSE, SEXUAL  
14 ASSAULT, OR HARASSMENT.

15 **8-13.3-413. Employers encouraged to provide more generous**  
16 **paid sick leave.** (1) NOTHING IN THIS PART 4 DISCOURAGES OR PROHIBITS  
17 AN EMPLOYER FROM ADOPTING OR CONTINUING A PAID SICK LEAVE POLICY  
18 THAT IS MORE GENEROUS THAN THE PAID SICK LEAVE POLICY REQUIRED BY  
19 THIS PART 4.

20 (2) NOTHING IN THIS PART 4 DIMINISHES:

21 (a) THE OBLIGATION OF AN EMPLOYER TO COMPLY WITH ANY  
22 CONTRACT, COLLECTIVE BARGAINING AGREEMENT, EMPLOYMENT BENEFIT  
23 PLAN, OR OTHER AGREEMENT PROVIDING EMPLOYEES WITH A MORE  
24 GENEROUS PAID SICK LEAVE POLICY THAN THE PAID SICK LEAVE POLICY  
25 REQUIRED BY THIS PART 4; OR

26 (b) THE RIGHTS, PRIVILEGES, OR REMEDIES OF AN EMPLOYEE  
27 UNDER A COLLECTIVE BARGAINING OR PARTNERSHIP AGREEMENT.

1 EMPLOYER POLICY, OR EMPLOYMENT CONTRACT.

2 (3) NOTHING IN THIS PART 4 DIMINISHES THE RIGHTS OF PUBLIC  
3 EMPLOYEES REGARDING PAID SICK LEAVE OR THE USE OF PAID SICK LEAVE  
4 AS PROVIDED IN SECTION 24-50-104 (7).

5 **8-13.3-414. Other legal requirements applicable.** (1) THIS PART  
6 4 PROVIDES MINIMUM REQUIREMENTS PERTAINING TO PAID SICK LEAVE  
7 AND DOES NOT PREEMPT, LIMIT, OR OTHERWISE AFFECT THE APPLICABILITY  
8 OF ANY OTHER LAW, REGULATION, REQUIREMENT, POLICY, OR STANDARD  
9 THAT PROVIDES FOR A GREATER AMOUNT, ACCRUAL, OR USE BY  
10 EMPLOYEES OF PAID SICK LEAVE OR THAT EXTENDS OTHER PROTECTIONS  
11 TO EMPLOYEES.

12 (2) TO THE EXTENT ALLOWABLE AND NOT IN CONFLICT WITH  
13 FEDERAL LAW, ANY PAID SICK LEAVE PROVIDED TO AN EMPLOYEE OF A  
14 FEDERAL CONTRACTOR AS REQUIRED BY FEDERAL EXECUTIVE ORDER  
15 13706, "ESTABLISHING PAID SICK LEAVE FOR FEDERAL CONTRACTORS",  
16 AS PUBLISHED IN 81 FED. REG. 67598 (2016), IS CONSIDERED PAID SICK  
17 LEAVE PROVIDED UNDER THIS PART 4.

18 **8-13.3-415. Collective bargaining agreements.** (1) WITH  
19 AGREEMENT OF THE FUND TRUSTEES, AN EMPLOYER SIGNATORY TO A  
20 MULTIEMPLOYER COLLECTIVE BARGAINING AGREEMENT MAY FULFILL ITS  
21 OBLIGATIONS UNDER THIS PART 4 BY MAKING CONTRIBUTIONS TO A  
22 MULTIEMPLOYER PAID SICK LEAVE FUND, PLAN, OR PROGRAM BASED ON  
23 THE HOURS EACH OF ITS EMPLOYEES ACCRUES PURSUANT TO THIS PART 4  
24 WHILE WORKING UNDER THE MULTIEMPLOYER COLLECTIVE BARGAINING  
25 AGREEMENT, PROVIDED THAT THE FUND, PLAN, OR PROGRAM ENABLES  
26 EMPLOYEES TO COLLECT PAID SICK LEAVE FROM THE FUND, PLAN, OR  
27 PROGRAM BASED ON HOURS THEY HAVE WORKED UNDER THE

1 MULTIEMPLOYER COLLECTIVE BARGAINING AGREEMENT AND FOR THE  
2 PURPOSES SPECIFIED UNDER THIS PART 4.

3 (2) EMPLOYEES WHO WORK UNDER A MULTIEMPLOYER  
4 COLLECTIVE BARGAINING AGREEMENT INTO WHICH THEIR EMPLOYERS  
5 MAKE CONTRIBUTIONS AS PROVIDED IN SUBSECTION (1) OF THIS SECTION  
6 MAY COLLECT FROM THE PAID SICK LEAVE FUND, PLAN, OR PROGRAM  
7 BASED ON HOURS THEY HAVE WORKED UNDER THE MULTIEMPLOYER  
8 COLLECTIVE BARGAINING AGREEMENT AND FOR THE PURPOSES SPECIFIED  
9 UNDER THIS PART 4.

10 **8-13.3-416. Employer policies.** AN EMPLOYER POLICY ADOPTED  
11 OR RETAINED MUST NOT DIMINISH AN EMPLOYEE'S RIGHT TO PAID SICK  
12 LEAVE UNDER THIS PART 4. ANY AGREEMENT BY AN EMPLOYEE TO WAIVE  
13 THE EMPLOYEE'S RIGHTS UNDER THIS PART 4 IS VOID AS AGAINST PUBLIC  
14 POLICY.

15 **8-13.3-417. Severability.** IF ANY PROVISION OF THIS PART 4 OR  
16 APPLICATION THEREOF TO ANY PERSON OR CIRCUMSTANCE IS JUDGED  
17 INVALID, THE INVALIDITY DOES NOT AFFECT OTHER PROVISIONS OR  
18 APPLICATIONS OF THIS PART 4 THAT CAN BE GIVEN EFFECT WITHOUT THE  
19 INVALID PROVISION OR APPLICATION, AND TO THIS END THE PROVISIONS OF  
20 THIS PART 4 ARE DECLARED SEVERABLE.

21 **8-13.3-418. Employer authorized to take disciplinary action.**  
22 NOTHING IN THIS PART 4 PROHIBITS AN EMPLOYER FROM TAKING  
23 DISCIPLINARY ACTION AGAINST AN EMPLOYEE WHO USES PAID SICK LEAVE  
24 PROVIDED UNDER THIS PART 4 FOR PURPOSES OTHER THAN THOSE  
25 DESCRIBED IN THIS PART 4.

26 **SECTION 2.** In Colorado Revised Statutes, 8-4-101, **add**  
27 (14)(a)(IV) as follows:



1           **8-4-101. Definitions.** As used in this article 4, unless the context  
2 otherwise requires:

3           (14) (a) "Wages" or "compensation" means:

4           (IV) "PAID SICK LEAVE" AS PROVIDED IN PART 4 OF ARTICLE 13.3  
5 OF THIS TITLE 8.

6           **SECTION 3. Appropriation.** For the 2020-21 state fiscal year,  
7 \$206,566 is appropriated to the department of labor and employment for  
8 use by the division of labor standards and statistics. This appropriation is  
9 from the general fund and is based on an assumption that the division will  
10 require an additional 2.7 FTE. To implement this act, the division may  
11 use this appropriation for program costs related to labor standards.

12           **SECTION 4. Applicability.** This act applies to conduct occurring  
13 on or after the effective date of this act.

14           **SECTION 5. Safety clause.** The general assembly hereby finds,  
15 determines, and declares that this act is necessary for the immediate  
16 preservation of the public peace, health, or safety.