

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

**ENGROSSED**

*This Version Includes All Amendments Adopted  
on Second Reading in the House of Introduction*

LLS NO. 20-1189.01 Yelana Love x2295

**SENATE BILL 20-205**

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**SENATE SPONSORSHIP**

**Fenberg and Bridges,**

**HOUSE SPONSORSHIP**

**Becker and Caraveo,**

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**Senate Committees**

State, Veterans, & Military Affairs  
Appropriations

**House Committees**

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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.

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 (6) "FAMILY MEMBER" MEANS:

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

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

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

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

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

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

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

26 (b) "PAID SICK LEAVE" IS "WAGES" AS DEFINED IN SECTION 8-4-101  
27 (14).

1                   (9) "PUBLIC HEALTH EMERGENCY" MEANS:  
2                   (a) AN ACT OF BIOTERRORISM, A PANDEMIC INFLUENZA, OR AN  
3                   EPIDEMIC CAUSED BY A NOVEL AND HIGHLY FATAL INFECTIOUS AGENT,  
4                   FOR WHICH:  
5                   (I) AN EMERGENCY IS DECLARED BY A FEDERAL, STATE, OR LOCAL  
6                   PUBLIC HEALTH AGENCY; OR  
7                   (II) A DISASTER EMERGENCY IS DECLARED BY THE GOVERNOR; OR  
8                   (b) A HIGHLY INFECTIOUS ILLNESS OR AGENT WITH EPIDEMIC OR  
9                   PANDEMIC POTENTIAL FOR WHICH A DISASTER EMERGENCY IS DECLARED  
10                  BY THE GOVERNOR.  
11                  (10) "RETALIATORY PERSONNEL ACTION" MEANS:  
12                  (a) THE DENIAL OF ANY RIGHT GUARANTEED UNDER THIS PART 4;  
13                  OR  
14                  (b) ANY ADVERSE ACTION AGAINST AN EMPLOYEE FOR  
15                  EXERCISING ANY RIGHT GUARANTEED IN THIS PART 4, INCLUDING:  
16                  (I) ANY THREAT, DISCIPLINE, DISCHARGE, SUSPENSION, DEMOTION,  
17                  REDUCTION OF HOURS, OR REPORTING OR THREATENING TO REPORT AN  
18                  EMPLOYEE'S SUSPECTED CITIZENSHIP OR IMMIGRATION STATUS OR THE  
19                  SUSPECTED CITIZENSHIP OR IMMIGRATION STATUS OF A FAMILY MEMBER  
20                  OF THE EMPLOYEE TO A FEDERAL, STATE, OR LOCAL AGENCY; OR  
21                  (II) ANY SANCTIONS AGAINST AN EMPLOYEE WHO IS THE RECIPIENT  
22                  OF PUBLIC BENEFITS FOR RIGHTS GUARANTEED UNDER THIS PART 4; OR  
23                  (III) INTERFERENCE WITH OR PUNISHMENT FOR PARTICIPATING IN  
24                  OR ASSISTING, IN ANY MANNER, AN INVESTIGATION, PROCEEDING, OR  
25                  HEARING UNDER THIS PART 4.  
26                  (11) "SEXUAL ASSAULT" HAS THE MEANING SET FORTH IN SECTION  
27                  18-3-402.

1           (12) "YEAR" MEANS A REGULAR AND CONSECUTIVE  
2 TWELVE-MONTH PERIOD AS DETERMINED BY AN EMPLOYER; EXCEPT THAT  
3 FOR THE PURPOSES OF SECTION 8-13.3-411, "YEAR" MEANS A CALENDAR  
4 YEAR.

5           **8-13.3-403. Paid sick leave - accrual - carry forward to**  
6 **subsequent \_\_\_ year - comparable leave provided by employer - no**  
7 **payment for unused leave - rules.** (1) ALL EMPLOYEES WORKING IN  
8 COLORADO HAVE THE RIGHT TO PAID SICK LEAVE AS SPECIFIED IN THIS  
9 PART 4.

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

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

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

7 (3) (a) AN EMPLOYEE BEGINS TO ACCRUE PAID SICK LEAVE WHEN  
8 EMPLOYMENT WITH THE EMPLOYER BEGINS AND MAY USE ACCRUED PAID  
9 SICK LEAVE AS IT IS ACCRUED.

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

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

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

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

26 (5) (a) EXCEPT AS SPECIFIED IN SUBSECTION (5)(b) OF THIS  
27 SECTION, AND NOTWITHSTANDING SECTION 8-4-101 (14)(a)(IV), NOTHING

1 IN THIS SECTION REQUIRES AN EMPLOYER TO PROVIDE FINANCIAL OR  
2 OTHER REIMBURSEMENT OF   UNUSED PAID SICK LEAVE TO AN EMPLOYEE  
3 UPON TERMINATION, RESIGNATION, RETIREMENT, OR OTHER SEPARATION  
4 FROM EMPLOYMENT; EXCEPT THAT AN INDIVIDUAL MAY RECOVER PAID  
5 SICK LEAVE AS A REMEDY FOR A RETALIATORY PERSONNEL ACTION THAT  
6 PREVENTED THE INDIVIDUAL FROM USING PAID SICK LEAVE.

7 (b) IF AN EMPLOYEE SEPARATES FROM EMPLOYMENT AND IS  
8 REHIRED BY THE SAME EMPLOYER WITHIN SIX MONTHS AFTER THE  
9 SEPARATION, THE EMPLOYER SHALL REINSTATE ANY PAID SICK LEAVE  
10 THAT THE EMPLOYEE HAD ACCRUED BUT NOT USED DURING THE  
11 EMPLOYEE'S PREVIOUS EMPLOYMENT WITH THE EMPLOYER AND THAT HAD  
12 NOT BEEN CONVERTED TO MONETARY COMPENSATION TO THE EMPLOYEE  
13 AT THE TIME OF SEPARATION FROM EMPLOYMENT.

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

16 (7) IF AN EMPLOYEE IS TRANSFERRED TO A SEPARATE DIVISION,  
17 ENTITY, OR LOCATION BUT REMAINS EMPLOYED BY THE SAME EMPLOYER,  
18 THE EMPLOYEE IS ENTITLED TO ALL PAID SICK LEAVE ACCRUED AT THE  
19 PRIOR DIVISION, ENTITY, OR LOCATION AND IS ENTITLED TO USE ALL PAID  
20 SICK LEAVE AS PROVIDED IN THIS SECTION.

21 (8) IF A NEW EMPLOYER SUCCEEDS OR TAKES THE PLACE OF AN  
22 ORIGINAL EMPLOYER, ALL EMPLOYEES OF THE ORIGINAL EMPLOYER WHO  
23 REMAIN EMPLOYED BY THE SUCCESSOR EMPLOYER ARE ENTITLED TO ALL  
24 PAID SICK LEAVE THAT THE EMPLOYEES ACCRUED WHEN EMPLOYED BY  
25 THE ORIGINAL EMPLOYER AND ARE ENTITLED TO USE PREVIOUSLY  
26 ACCRUED PAID SICK LEAVE AS SPECIFIED IN SECTION 8-13.3-404.

27 (9) THE DIVISION SHALL PROMULGATE RULES REGARDING



1     COMPENSATION AND ACCRUAL OF PAID SICK LEAVE FOR EMPLOYEES  
2     EMPLOYED AND COMPENSATED ON A FEE-FOR-SERVICE BASIS.

3             **8-13.3-404. Use of paid sick leave - purposes - time increments.**

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

6             (a) THE EMPLOYEE:

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

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

12                 (III) NEEDS TO OBTAIN PREVENTIVE MEDICAL CARE;

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

14                 (I) HAS A MENTAL OR PHYSICAL ILLNESS, INJURY, OR HEALTH  
15    CONDITION;

16                 (II) NEEDS TO OBTAIN A MEDICAL DIAGNOSIS, CARE, OR  
17    TREATMENT OF A MENTAL OR PHYSICAL ILLNESS, INJURY, OR HEALTH  
18    CONDITION; OR

19                 (III) NEEDS TO OBTAIN PREVENTIVE MEDICAL CARE;

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

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

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

1 (III) OBTAIN MENTAL HEALTH OR OTHER COUNSELING;

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

4 (V) SEEK LEGAL SERVICES, INCLUDING PREPARATION FOR OR  
5 PARTICIPATION IN A CIVIL OR CRIMINAL PROCEEDING RELATING TO OR  
6 RESULTING FROM THE DOMESTIC ABUSE, SEXUAL ASSAULT, OR  
7 HARASSMENT; OR

8 (d) DUE TO A PUBLIC HEALTH EMERGENCY, A PUBLIC OFFICIAL HAS  
9 ORDERED CLOSURE OF:

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

11 (II) THE SCHOOL OR PLACE OF CARE OF THE EMPLOYEE'S CHILD  
12 AND THE EMPLOYEE NEEDS TO BE ABSENT FROM WORK TO CARE FOR THE  
13 EMPLOYEE'S CHILD.

14 (2) AN EMPLOYER SHALL ALLOW AN EMPLOYEE TO USE PAID SICK  
15 LEAVE UPON THE REQUEST OF AN EMPLOYEE. THE REQUEST MAY BE MADE  
16 ORALLY, IN WRITING, ELECTRONICALLY, OR BY ANY OTHER MEANS  
17 ACCEPTABLE TO THE EMPLOYER. WHEN POSSIBLE, THE EMPLOYEE SHALL  
18 INCLUDE THE EXPECTED DURATION OF THE ABSENCE. AN EMPLOYER MAY  
19 PROVIDE A WRITTEN POLICY THAT CONTAINS REASONABLE PROCEDURES  
20 FOR THE EMPLOYEE TO PROVIDE NOTICE WHEN THE USE OF PAID SICK  
21 LEAVE TAKEN UNDER THIS SECTION IS FORESEEABLE. AN EMPLOYER SHALL  
22 NOT DENY PAID SICK LEAVE TO THE EMPLOYEE BASED ON NONCOMPLIANCE  
23 WITH SUCH A POLICY.

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

27 (4) AN EMPLOYER SHALL NOT REQUIRE, AS A CONDITION OF

1 PROVIDING PAID SICK LEAVE UNDER THIS PART 4, AN EMPLOYEE WHO USES  
2 PAID SICK LEAVE TO SEARCH FOR OR FIND A REPLACEMENT WORKER TO  
3 COVER THE TIME DURING WHICH THE EMPLOYEE IS ABSENT FROM WORK.

4 (5) WHEN THE USE OF PAID SICK LEAVE TAKEN UNDER THIS  
5 SECTION IS FORESEEABLE, THE EMPLOYEE SHALL MAKE A GOOD-FAITH  
6 EFFORT TO PROVIDE NOTICE OF THE NEED FOR PAID SICK LEAVE TO THE  
7 EMPLOYEE'S EMPLOYER IN ADVANCE OF THE USE OF THE PAID SICK LEAVE  
8 AND SHALL MAKE A REASONABLE EFFORT TO SCHEDULE THE USE OF PAID  
9 SICK LEAVE IN A MANNER THAT DOES NOT UNDULY DISRUPT THE  
10 OPERATIONS OF THE EMPLOYER.

11 (6) EXCEPT AS PROVIDED IN SECTION 8-13.3-405 (5)(b), FOR PAID  
12 SICK LEAVE OF FOUR OR MORE CONSECUTIVE WORK DAYS, AN EMPLOYER  
13 MAY REQUIRE REASONABLE DOCUMENTATION THAT THE PAID SICK LEAVE  
14 IS FOR A PURPOSE AUTHORIZED BY THIS PART 4.

15 **8-13.3-405. Additional paid sick leave during a public health**  
16 **emergency.** (1) DURING A PUBLIC HEALTH EMERGENCY, EACH EMPLOYER  
17 IN THE STATE SHALL SUPPLEMENT EACH EMPLOYEE'S ACCRUED PAID SICK  
18 LEAVE AS NECESSARY TO ENSURE THAT AN EMPLOYEE MAY TAKE THE  
19 FOLLOWING AMOUNTS OF PAID SICK LEAVE FOR THE PURPOSES SPECIFIED  
20 IN SUBSECTION (3) OF THIS SECTION:

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

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

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

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

7           (a) AN EMPLOYEE'S NEED TO:

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

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

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

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

19           (V) CARE FOR A FAMILY MEMBER WHO:

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

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

26           (C) NEEDS MEDICAL DIAGNOSIS, CARE, OR TREATMENT IF  
27 EXPERIENCING SYMPTOMS OF A COMMUNICABLE ILLNESS THAT IS THE

1 CAUSE OF A PUBLIC HEALTH EMERGENCY; OR

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

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

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

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

25 == ==

26 (c) CARE OF A CHILD OR OTHER FAMILY MEMBER WHEN THE  
27 INDIVIDUAL'S CHILD CARE PROVIDER IS UNAVAILABLE DUE TO A PUBLIC

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

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

10     

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

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

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

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

22 **8-13.3-406. Paid sick leave related to COVID-19 - repeal.**

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

26 (2) ON AND AFTER THE EFFECTIVE DATE OF THIS SECTION THROUGH  
27 DECEMBER 31, 2020, EACH EMPLOYER IN THE STATE, REGARDLESS OF SIZE,

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

6 **8-13.3-407. Employee rights protected - retaliation prohibited.**

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

1 TAKEN BY AN EMPLOYEE PURSUANT TO THIS PART 4 AS AN ABSENCE THAT  
2 MAY LEAD TO OR RESULT IN DISCIPLINE, DISCHARGE, DEMOTION,  
3 SUSPENSION, OR ANY OTHER RETALIATORY PERSONNEL ACTION AGAINST  
4 THE EMPLOYEE.

5  
6 (3) THE PROTECTIONS OF THIS SECTION APPLY TO ANY PERSON  
7 ACTING IN GOOD FAITH WHO ALLEGES A VIOLATION OF THIS PART 4, EVEN  
8 IF THE ALLEGATION IS DETERMINED TO BE MISTAKEN.

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

12       
13 (5) IF AN INVESTIGATION OF EMPLOYER RETALIATION OR  
14 INTERFERENCE WITH EMPLOYEE RIGHTS YIELDS A DETERMINATION THAT:

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

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

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

27 **8-13.3-408. Notice to employees - penalty - rules. (1) EACH**



1 EMPLOYER SHALL NOTIFY ITS EMPLOYEES THAT THEY ARE ENTITLED TO  
2 PAID SICK LEAVE, PURSUANT TO RULES PROMULGATED BY THE DIVISION.

3 THE RULES MUST REQUIRE THE NOTICE TO:

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

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

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

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

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

26 (3) THE DIVISION SHALL CREATE AND MAKE AVAILABLE TO  
27 EMPLOYERS POSTERS AND NOTICES THAT CONTAIN THE INFORMATION

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

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

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

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

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

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

23 **8-13.3-409. Employer records.** (1) AN EMPLOYER SHALL RETAIN  
24 RECORDS FOR EACH EMPLOYEE FOR A THREE-YEAR PERIOD, DOCUMENTING  
25 HOURS WORKED, PAID SICK LEAVE ACCRUED, AND PAID SICK LEAVE USED.  
26 UPON APPROPRIATE NOTICE AND AT A MUTUALLY AGREEABLE TIME, THE  
27 EMPLOYER SHALL ALLOW THE DIVISION ACCESS TO THE RECORDS FOR

1 PURPOSES OF MONITORING COMPLIANCE WITH THIS PART 4.

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

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

11 **8-13.3-411. Enforcement - judicial review of director's actions.**

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

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

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

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

27 (b) AFTER JANUARY 1, 2021, AN EMPLOYER WHO VIOLATES THIS

1 PART 4 IS LIABLE FOR BACK PAY AND ANY OTHER RELIEF AS PROVIDED BY  
2 SECTION 8-5-104 (2)(a) AND (2)(b).

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

5 (d) BEFORE COMMENCING ANY CIVIL ACTION UNDER THIS SECTION,  
6 AN AGGRIEVED PERSON MUST, IN ACCORDANCE WITH ARTICLE 4 OF THIS  
7 TITLE 8, SUBMIT A COMPLAINT TO THE DIVISION OR MAKE A WRITTEN  
8 DEMAND FOR PAYMENT TO THE EMPLOYER.

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

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

15 **8-13.3-412. Confidentiality of employee information -**  
16 **definition.** (1) AN EMPLOYER SHALL NOT REQUIRE DISCLOSURE OF  
17 DETAILS RELATING TO DOMESTIC VIOLENCE, SEXUAL ASSAULT, OR  
18 STALKING OR THE DETAILS OF AN EMPLOYEE'S OR AN EMPLOYEE'S FAMILY  
19 MEMBER'S HEALTH INFORMATION AS A CONDITION OF PROVIDING PAID SICK  
20 LEAVE UNDER THIS PART 4.

21 (2) ANY HEALTH OR SAFETY INFORMATION POSSESSED BY AN  
22 EMPLOYER REGARDING AN EMPLOYEE OR EMPLOYEE'S FAMILY MEMBER  
23 MUST:

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

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

27 (c) NOT BE DISCLOSED EXCEPT TO THE AFFECTED EMPLOYEE OR

1 WITH THE EXPRESS PERMISSION OF THE AFFECTED EMPLOYEE.

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

4 (a) ABOUT WHOM THE HEALTH INFORMATION PERTAINS OR WHO IS  
5 THE VICTIM OF THE DOMESTIC ABUSE, SEXUAL ASSAULT, OR HARASSMENT;  
6 OR

7 (b) WHOSE FAMILY MEMBER IS THE SUBJECT OF THE HEALTH  
8 INFORMATION OR IS THE VICTIM OF THE DOMESTIC ABUSE, SEXUAL  
9 ASSAULT, OR HARASSMENT.

10 **8-13.3-413. Employers encouraged to provide more generous**  
11 **paid sick leave.** (1) NOTHING IN THIS PART 4 DISCOURAGES OR PROHIBITS  
12 AN EMPLOYER FROM ADOPTING OR CONTINUING A PAID SICK LEAVE POLICY  
13 THAT IS MORE GENEROUS THAN THE PAID SICK LEAVE POLICY REQUIRED BY  
14 THIS PART 4.

15 (2) NOTHING IN THIS PART 4 DIMINISHES:

16 (a) THE OBLIGATION OF AN EMPLOYER TO COMPLY WITH ANY  
17 CONTRACT, COLLECTIVE BARGAINING AGREEMENT, EMPLOYMENT BENEFIT  
18 PLAN, OR OTHER AGREEMENT PROVIDING EMPLOYEES WITH A MORE  
19 GENEROUS PAID SICK LEAVE POLICY THAN THE PAID SICK LEAVE POLICY  
20 REQUIRED BY THIS PART 4; OR

21 (b) THE RIGHTS, PRIVILEGES, OR REMEDIES OF AN EMPLOYEE  
22 UNDER A COLLECTIVE BARGAINING OR PARTNERSHIP AGREEMENT,  
23 EMPLOYER POLICY, OR EMPLOYMENT CONTRACT.

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

27 **8-13.3-414. Other legal requirements applicable.** (1) THIS PART

1 4 PROVIDES MINIMUM REQUIREMENTS PERTAINING TO PAID SICK LEAVE  
2 AND DOES NOT PREEMPT, LIMIT, OR OTHERWISE AFFECT THE APPLICABILITY  
3 OF ANY OTHER LAW, REGULATION, REQUIREMENT, POLICY, OR STANDARD  
4 THAT PROVIDES FOR A GREATER AMOUNT, ACCRUAL, OR USE BY  
5 EMPLOYEES OF PAID SICK LEAVE OR THAT EXTENDS OTHER PROTECTIONS  
6 TO EMPLOYEES.

7 (2) TO THE EXTENT ALLOWABLE AND NOT IN CONFLICT WITH  
8 FEDERAL LAW, ANY PAID SICK LEAVE PROVIDED TO AN EMPLOYEE OF A  
9 FEDERAL CONTRACTOR AS REQUIRED BY FEDERAL EXECUTIVE ORDER  
10 13706, "ESTABLISHING PAID SICK LEAVE FOR FEDERAL CONTRACTORS",  
11 AS PUBLISHED IN 81 FED. REG. 67598 (2016), IS CONSIDERED PAID SICK  
12 LEAVE PROVIDED UNDER THIS PART 4.

13 **8-13.3-415. Collective bargaining agreements.** (1) WITH  
14 AGREEMENT OF THE FUND TRUSTEES, AN EMPLOYER SIGNATORY TO A  
15 MULTIEMPLOYER COLLECTIVE BARGAINING AGREEMENT MAY FULFILL ITS  
16 OBLIGATIONS UNDER THIS PART 4 BY MAKING CONTRIBUTIONS TO A  
17 MULTIEMPLOYER PAID SICK LEAVE FUND, PLAN, OR PROGRAM BASED ON  
18 THE HOURS EACH OF ITS EMPLOYEES ACCRUES PURSUANT TO THIS PART 4  
19 WHILE WORKING UNDER THE MULTIEMPLOYER COLLECTIVE BARGAINING  
20 AGREEMENT, PROVIDED THAT THE FUND, PLAN, OR PROGRAM ENABLES  
21 EMPLOYEES TO COLLECT PAID SICK LEAVE FROM THE FUND, PLAN, OR  
22 PROGRAM BASED ON HOURS THEY HAVE WORKED UNDER THE  
23 MULTIEMPLOYER COLLECTIVE BARGAINING AGREEMENT AND FOR THE  
24 PURPOSES SPECIFIED UNDER THIS PART 4.

25 (2) EMPLOYEES WHO WORK UNDER A MULTIEMPLOYER  
26 COLLECTIVE BARGAINING AGREEMENT INTO WHICH THEIR EMPLOYERS  
27 MAKE CONTRIBUTIONS AS PROVIDED IN SUBSECTION (1) OF THIS SECTION

1 MAY COLLECT FROM THE PAID SICK LEAVE FUND, PLAN, OR PROGRAM  
2 BASED ON HOURS THEY HAVE WORKED UNDER THE MULTIEMPLOYER  
3 COLLECTIVE BARGAINING AGREEMENT AND FOR THE PURPOSES SPECIFIED  
4 UNDER THIS PART 4.

5 **8-13.3-416. Employer policies.** AN EMPLOYER POLICY ADOPTED  
6 OR RETAINED MUST NOT DIMINISH AN EMPLOYEE'S RIGHT TO PAID SICK  
7 LEAVE UNDER THIS PART 4. ANY AGREEMENT BY AN EMPLOYEE TO WAIVE  
8 THE EMPLOYEE'S RIGHTS UNDER THIS PART 4 IS VOID AS AGAINST PUBLIC  
9 POLICY.

10 **8-13.3-417. Severability.** IF ANY PROVISION OF THIS PART 4 OR  
11 APPLICATION THEREOF TO ANY PERSON OR CIRCUMSTANCE IS JUDGED  
12 INVALID, THE INVALIDITY DOES NOT AFFECT OTHER PROVISIONS OR  
13 APPLICATIONS OF THIS PART 4 THAT CAN BE GIVEN EFFECT WITHOUT THE  
14 INVALID PROVISION OR APPLICATION, AND TO THIS END THE PROVISIONS OF  
15 THIS PART 4 ARE DECLARED SEVERABLE.

16 **8-13.3-418. Employer authorized to take disciplinary action.**  
17 NOTHING IN THIS PART 4 PROHIBITS AN EMPLOYER FROM TAKING  
18 DISCIPLINARY ACTION AGAINST AN EMPLOYEE WHO USES PAID SICK LEAVE  
19 PROVIDED UNDER THIS PART 4 FOR PURPOSES OTHER THAN THOSE  
20 DESCRIBED IN THIS PART 4.

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

23 **8-4-101. Definitions.** As used in this article 4, unless the context  
24 otherwise requires:

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

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

1           **SECTION 3. Appropriation.** For the 2020-21 state fiscal year,  
2           \$206,566 is appropriated to the department of labor and employment for  
3           use by the division of labor standards and statistics. This appropriation is  
4           from the general fund and is based on an assumption that the division will  
5           require an additional 2.7 FTE. To implement this act, the division may  
6           use this appropriation for program costs related to labor standards.

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

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