

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

REVISED

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

LLS NO. 20-1189.01 Yelana Love x2295

SENATE BILL 20-205

SENATE SPONSORSHIP

Fenberg and Bridges, Fields, Foote, Garcia, Ginal, Gonzales, Hansen, Lee, Moreno, Pettersen, Priola, Story, Todd, Winter, Zenzinger

HOUSE SPONSORSHIP

Becker and Caraveo,

Senate Committees

State, Veterans, & Military Affairs
Appropriations

House Committees

Health & Insurance
Appropriations

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.**

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
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

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.