

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

PREAMENDED

*This Unofficial Version Includes Committee
Amendments Not Yet Adopted on Second Reading*

LLS NO. 20-1189.01 Yelana Love x2295

SENATE BILL 20-205

SENATE SPONSORSHIP

Fenberg and Bridges,

HOUSE SPONSORSHIP

Becker and Caraveo,

Senate Committees

State, Veterans, & Military Affairs
Appropriations

House Committees

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.

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.

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 A:
2 (a) PUBLIC HEALTH EMERGENCY DECLARED BY A FEDERAL, STATE,
3 OR LOCAL PUBLIC HEALTH AGENCY; OR
4 (b) A DISASTER EMERGENCY DUE TO A PUBLIC HEALTH CONCERN
5 DECLARED BY THE GOVERNOR.

6 (10) "RETALIATORY PERSONNEL ACTION" MEANS:
7 (a) THE DENIAL OF ANY RIGHT GUARANTEED UNDER THIS PART 4;
8 OR

9 (b) ANY ADVERSE ACTION AGAINST AN EMPLOYEE FOR
10 EXERCISING ANY RIGHT GUARANTEED IN THIS PART 4, INCLUDING:

11 (I) ANY THREAT, DISCIPLINE, DISCHARGE, SUSPENSION, DEMOTION,
12 REDUCTION OF HOURS, OR REPORTING OR THREATENING TO REPORT AN
13 EMPLOYEE'S SUSPECTED CITIZENSHIP OR IMMIGRATION STATUS OR THE
14 SUSPECTED CITIZENSHIP OR IMMIGRATION STATUS OF A FAMILY MEMBER
15 OF THE EMPLOYEE TO A FEDERAL, STATE, OR LOCAL AGENCY; OR

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

18 (III) INTERFERENCE WITH OR PUNISHMENT FOR PARTICIPATING IN
19 OR ASSISTING, IN ANY MANNER, AN INVESTIGATION, PROCEEDING, OR
20 HEARING UNDER THIS PART 4.

21 (11) "SEXUAL ASSAULT" HAS THE MEANING SET FORTH IN SECTION
22 18-3-402.

23 "YEAR" MEANS A REGULAR AND CONSECUTIVE
24 TWELVE-MONTH PERIOD AS DETERMINED BY AN EMPLOYER; EXCEPT THAT
25 FOR THE PURPOSES OF SECTION 8-13.3-411, "YEAR" MEANS A CALENDAR
26 YEAR.

27 **8-13.3-403. Paid sick leave - accrual - carry forward to**

1 **subsequent ___ year - comparable leave provided by employer - no**
2 **payment for unused leave.** (1) ALL EMPLOYEES WORKING IN COLORADO
3 HAVE THE RIGHT TO PAID SICK LEAVE AS SPECIFIED IN THIS PART 4.

4 (2) (a) EFFECTIVE JANUARY 1, 2021, AN EMPLOYER SHALL
5 PROVIDE EACH EMPLOYEE PAID SICK LEAVE AS PROVIDED IN THIS SECTION.
6 EACH EMPLOYEE EARNS AT LEAST ONE HOUR OF PAID SICK LEAVE FOR
7 EVERY THIRTY HOURS WORKED BY THE EMPLOYEE; EXCEPT THAT AN
8 EMPLOYER IS NOT REQUIRED TO PROVIDE ANY EMPLOYEE MORE THAN A
9 TOTAL OF FORTY-EIGHT HOURS OF PAID SICK LEAVE IN A TWELVE-MONTH
10 PERIOD. THIS SUBSECTION (2)(a) DOES NOT LIMIT THE ABILITY OF AN
11 EMPLOYEE TO USE PAID SICK LEAVE AS PROVIDED IN SECTION 8-13.3-405.

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

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

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

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

1 FORTY-EIGHT HOURS OF PAID SICK LEAVE IN A YEAR.

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

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

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

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

21 (b) IF AN EMPLOYEE SEPARATES FROM EMPLOYMENT AND IS
22 REHIRED BY THE SAME EMPLOYER WITHIN SIX MONTHS AFTER THE
23 SEPARATION, THE EMPLOYER SHALL REINSTATE ANY PAID SICK LEAVE
24 THAT THE EMPLOYEE HAD ACCRUED BUT NOT USED DURING THE
25 EMPLOYEE'S PREVIOUS EMPLOYMENT WITH THE EMPLOYER AND THAT HAD
26 NOT BEEN CONVERTED TO MONETARY COMPENSATION TO THE EMPLOYEE
27 AT THE TIME OF SEPARATION FROM EMPLOYMENT.

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

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

8 (8) IF A NEW EMPLOYER SUCCEEDS OR TAKES THE PLACE OF AN
9 ORIGINAL EMPLOYER, ALL EMPLOYEES OF THE ORIGINAL EMPLOYER WHO
10 REMAIN EMPLOYED BY THE SUCCESSOR EMPLOYER ARE ENTITLED TO ALL
11 PAID SICK LEAVE THAT THE EMPLOYEES ACCRUED WHEN EMPLOYED BY
12 THE ORIGINAL EMPLOYER AND ARE ENTITLED TO USE PREVIOUSLY
13 ACCRUED PAID SICK LEAVE AS SPECIFIED IN SECTION 8-13.3-404.

14 **8-13.3-404. Use of paid sick leave - purposes - time increments.**

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

17 (a) THE EMPLOYEE:

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

20 (II) NEEDS TO OBTAIN A MEDICAL DIAGNOSIS, CARE, OR
21 TREATMENT OF A MENTAL OR PHYSICAL ILLNESS, INJURY, OR HEALTH
22 CONDITION; OR

23 (III) NEEDS TO OBTAIN PREVENTIVE MEDICAL CARE;

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

25 (I) HAS A MENTAL OR PHYSICAL ILLNESS, INJURY, OR HEALTH
26 CONDITION;

27 (II) NEEDS TO OBTAIN A MEDICAL DIAGNOSIS, CARE, OR

1 TREATMENT OF A MENTAL OR PHYSICAL ILLNESS, INJURY, OR HEALTH
2 CONDITION; OR

3 (III) NEEDS TO OBTAIN PREVENTIVE MEDICAL CARE;

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

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

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

12 (III) OBTAIN MENTAL HEALTH OR OTHER COUNSELING;

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

15 (V) SEEK LEGAL SERVICES, INCLUDING PREPARATION FOR OR
16 PARTICIPATION IN A CIVIL OR CRIMINAL PROCEEDING RELATING TO OR
17 RESULTING FROM THE DOMESTIC ABUSE, SEXUAL ASSAULT, OR
18 HARASSMENT; OR

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

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

22 (II) THE SCHOOL OR PLACE OF CARE OF THE EMPLOYEE'S CHILD
23 AND THE EMPLOYEE NEEDS TO BE ABSENT FROM WORK TO CARE FOR THE
24 EMPLOYEE'S CHILD.

25 (2) AN EMPLOYER SHALL ALLOW AN EMPLOYEE TO USE PAID SICK
26 LEAVE UPON THE REQUEST OF AN EMPLOYEE. THE REQUEST MAY BE MADE
27 ORALLY, IN WRITING, ELECTRONICALLY, OR BY ANY OTHER MEANS

1 ACCEPTABLE TO THE EMPLOYER. WHEN POSSIBLE, THE EMPLOYEE SHALL
2 INCLUDE THE EXPECTED DURATION OF THE ABSENCE. AN EMPLOYER MAY
3 PROVIDE A WRITTEN POLICY THAT CONTAINS REASONABLE PROCEDURES
4 FOR THE EMPLOYEE TO PROVIDE NOTICE WHEN THE USE OF PAID SICK
5 LEAVE TAKEN UNDER THIS SECTION IS FORESEEABLE. AN EMPLOYER SHALL
6 NOT DENY PAID SICK LEAVE TO THE EMPLOYEE BASED ON NONCOMPLIANCE
7 WITH SUCH A POLICY.

8 (3) AN EMPLOYEE MAY USE PAID SICK LEAVE IN HOURLY
9 INCREMENTS OR THE SMALLEST INCREMENT OF TIME THAT THE
10 EMPLOYER'S PAYROLL SYSTEM USES TO ACCOUNT FOR ABSENCES OR USE
11 OF OTHER TIME OFF, WHICHEVER IS SMALLER.

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

16 (5) WHEN THE USE OF PAID SICK LEAVE TAKEN UNDER THIS
17 SECTION IS FORESEEABLE, THE EMPLOYEE SHALL MAKE A GOOD-FAITH
18 EFFORT TO PROVIDE NOTICE OF THE NEED FOR PAID SICK LEAVE TO THE
19 EMPLOYEE'S EMPLOYER IN ADVANCE OF THE USE OF THE PAID SICK LEAVE
20 AND SHALL MAKE A REASONABLE EFFORT TO SCHEDULE THE USE OF PAID
21 SICK LEAVE IN A MANNER THAT DOES NOT UNDULY DISRUPT THE
22 OPERATIONS OF THE EMPLOYER.

23 **8-13.3-405. Additional paid sick leave during a public health**
24 **emergency.** (1) DURING A PUBLIC HEALTH EMERGENCY, EACH EMPLOYER
25 IN THE STATE SHALL SUPPLEMENT EACH EMPLOYEE'S ACCRUED PAID SICK
26 LEAVE AS NECESSARY TO ENSURE THAT AN EMPLOYEE MAY TAKE THE
27 FOLLOWING AMOUNTS OF PAID SICK LEAVE FOR THE PURPOSES SPECIFIED

1 IN SUBSECTION (3) OF THIS SECTION:

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

4 (b) FOR EMPLOYEES WHO NORMALLY WORK FEWER THAN FORTY
5 HOURS IN A WEEK, AT LEAST THE GREATER OF EITHER THE AMOUNT OF
6 TIME THE EMPLOYEE IS SCHEDULED TO WORK IN A FOURTEEN-DAY PERIOD
7 OR THE AMOUNT OF TIME THE EMPLOYEE ACTUALLY WORKS ON AVERAGE
8 IN A FOURTEEN-DAY PERIOD.

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

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

15 (a) AN EMPLOYEE'S NEED TO:

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

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

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

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

27 (V) CARE FOR A FAMILY MEMBER WHO:

1 (A) IS SELF-ISOLATING AFTER BEING DIAGNOSED WITH A
2 COMMUNICABLE ILLNESS THAT IS THE CAUSE OF A PUBLIC HEALTH
3 EMERGENCY;

4 (B) IS SELF-ISOLATING DUE TO EXPERIENCING SYMPTOMS OF A
5 COMMUNICABLE ILLNESS THAT IS THE CAUSE OF A PUBLIC HEALTH
6 EMERGENCY;

7 (C) NEEDS MEDICAL DIAGNOSIS, CARE, OR TREATMENT IF
8 EXPERIENCING SYMPTOMS OF A COMMUNICABLE ILLNESS THAT IS THE
9 CAUSE OF A PUBLIC HEALTH EMERGENCY; OR

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

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

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

23 (II) CARE OF A FAMILY MEMBER AFTER A LOCAL, STATE, OR
24 FEDERAL PUBLIC OFFICIAL OR HEALTH AUTHORITY HAVING JURISDICTION
25 OVER THE LOCATION IN WHICH THE FAMILY MEMBER'S PLACE OF
26 EMPLOYMENT IS LOCATED OR THE FAMILY MEMBER'S EMPLOYER
27 DETERMINES THAT THE FAMILY MEMBER'S PRESENCE ON THE JOB OR IN THE

1 COMMUNITY WOULD JEOPARDIZE THE HEALTH OF OTHERS BECAUSE OF THE
2 FAMILY MEMBER'S EXPOSURE TO THE COMMUNICABLE ILLNESS OR
3 BECAUSE THE FAMILY MEMBER IS EXHIBITING SYMPTOMS OF THE
4 COMMUNICABLE ILLNESS, REGARDLESS OF WHETHER THE FAMILY MEMBER
5 HAS BEEN DIAGNOSED WITH THE COMMUNICABLE ILLNESS;

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7 (c) CARE OF A CHILD OR OTHER FAMILY MEMBER WHEN THE
8 INDIVIDUAL'S CHILD CARE PROVIDER IS UNAVAILABLE DUE TO A PUBLIC
9 HEALTH EMERGENCY, OR IF THE CHILD'S OR FAMILY MEMBER'S SCHOOL OR
10 PLACE OF CARE HAS BEEN CLOSED BY A LOCAL, STATE, OR FEDERAL PUBLIC
11 OFFICIAL OR AT THE DISCRETION OF THE SCHOOL OR PLACE OF CARE DUE
12 TO A PUBLIC HEALTH EMERGENCY, INCLUDING IF A SCHOOL OR PLACE OF
13 CARE IS PHYSICALLY CLOSED BUT PROVIDING INSTRUCTION REMOTELY;

14 (d) AN EMPLOYEE'S INABILITY TO WORK BECAUSE THE EMPLOYEE
15 HAS A HEALTH CONDITION THAT MAY INCREASE SUSCEPTIBILITY TO OR
16 RISK OF A COMMUNICABLE ILLNESS THAT IS THE CAUSE OF THE PUBLIC
17 HEALTH EMERGENCY.

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

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

24 (b) DOCUMENTATION IS NOT REQUIRED TO TAKE PAID SICK LEAVE
25 UNDER THIS SECTION.

26 **8-13.3-406. Paid sick leave related to COVID-19 - repeal.**

27 (1) EMPLOYERS IN THE STATE SHALL COMPLY WITH THE FEDERAL

1 "EMERGENCY PAID SICK LEAVE ACT" IN THE "FAMILIES FIRST
2 CORONAVIRUS RESPONSE ACT", PUB. L. 116-127.

3 (2) ON AND AFTER THE EFFECTIVE DATE OF THIS SECTION THROUGH
4 DECEMBER 31, 2020, EACH EMPLOYER IN THE STATE, REGARDLESS OF SIZE,
5 SHALL PROVIDE PAID SICK LEAVE IN THE AMOUNT AND FOR THE PURPOSES
6 PROVIDED IN THE FEDERAL "EMERGENCY PAID SICK LEAVE ACT" IN THE
7 "FAMILIES FIRST CORONAVIRUS RESPONSE ACT", PUB. L. 116-127, TO
8 EACH EMPLOYEE WHO IS NOT COVERED UNDER THE "EMERGENCY PAID
9 SICK LEAVE ACT".

10 **8-13.3-407. Employee rights protected - retaliation prohibited.**

11 (1) AN EMPLOYEE IS ENTITLED TO:

- 12 (a) USE PAID SICK LEAVE CONSISTENT WITH THIS PART 4;
- 13 (b) FILE A COMPLAINT OR INFORM ANY PERSON ABOUT AN
14 EMPLOYER'S ALLEGED VIOLATION OF THIS PART 4;
- 15 (c) COOPERATE WITH THE DIVISION IN ITS INVESTIGATION OF AN
16 ALLEGED VIOLATION OF THIS PART 4; AND
- 17 (d) INFORM ANY PERSON OF THE PERSON'S POTENTIAL RIGHTS
18 UNDER THIS PART 4.

19 (2) (a) AN EMPLOYER SHALL NOT TAKE RETALIATORY PERSONNEL
20 ACTION OR DISCRIMINATE AGAINST AN EMPLOYEE OR FORMER EMPLOYEE
21 BECAUSE THE PERSON HAS EXERCISED, ATTEMPTED TO EXERCISE, OR
22 SUPPORTED THE EXERCISE OF RIGHTS PROTECTED UNDER THIS PART 4,
23 INCLUDING THE RIGHT TO REQUEST OR USE PAID SICK LEAVE PURSUANT TO
24 THIS PART 4; THE RIGHT TO FILE A COMPLAINT WITH THE DIVISION OR
25 COURT OR INFORM ANY PERSON ABOUT ANY EMPLOYER'S ALLEGED
26 VIOLATION OF THIS PART 4; THE RIGHT TO PARTICIPATE IN AN
27 INVESTIGATION, HEARING, OR PROCEEDING OR COOPERATE WITH OR ASSIST

1 THE DIVISION IN ITS INVESTIGATIONS OF ALLEGED VIOLATIONS OF THIS
2 PART 4; AND THE RIGHT TO INFORM ANY PERSON OF THE PERSON'S
3 POTENTIAL RIGHTS UNDER THIS PART 4.

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

9 (3) A REBUTTABLE PRESUMPTION OF AN UNLAWFUL RETALIATORY
10 PERSONNEL ACTION IS CREATED IF AN EMPLOYER TAKES AN ADVERSE
11 ACTION AGAINST AN EMPLOYEE WITHIN NINETY DAYS AFTER THE
12 EMPLOYEE:

13 (a) FILES A COMPLAINT WITH THE DIVISION OR A COURT ALLEGING
14 A VIOLATION OF THIS PART 4;

15 (b) INFORMS ANY PERSON ABOUT AN EMPLOYER'S ALLEGED
16 VIOLATION OF THIS PART 4;

17 (c) COOPERATES WITH THE DIVISION OR ANOTHER PERSON WITH
18 ENFORCEMENT OR INVESTIGATIVE AUTHORITY IN THE INVESTIGATION OR
19 PROSECUTION OF AN ALLEGED VIOLATION OF THIS PART 4;

20 (d) OPPOSES ANY POLICY, PRACTICE, OR ACT THAT IS UNLAWFUL
21 UNDER THIS PART 4; OR

22 (e) INFORMS ANY PERSON OF THE PERSON'S RIGHTS UNDER THIS
23 PART 4.

24 (4) THE PROTECTIONS OF THIS SECTION APPLY TO ANY PERSON
25 ACTING IN GOOD FAITH WHO ALLEGES A VIOLATION OF THIS PART 4, EVEN
26 IF THE ALLEGATION IS DETERMINED TO BE MISTAKEN.

27 (5) THE DIVISION SHALL INVESTIGATE EACH CLAIM OF DENIAL OF

1 PAID SICK LEAVE IN VIOLATION OF THIS PART 4. THE DIVISION MAY
2 INVESTIGATE CLAIMS OF RETALIATION IN VIOLATION OF THIS PART 4.

3

4 (6) IF AN INVESTIGATION OF EMPLOYER RETALIATION OR
5 INTERFERENCE WITH EMPLOYEE RIGHTS YIELDS A DETERMINATION THAT:

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

9 (b) A VIOLATION COST AN EMPLOYEE THE EMPLOYEE'S JOB OR PAY,
10 THE DETERMINATION MAY INCLUDE AN ORDER TO REINSTATE THE
11 EMPLOYEE, TO PAY THE EMPLOYEE'S LOST PAY UNTIL REINSTATEMENT OR
12 FOR A REASONABLE PERIOD IF REINSTATEMENT IS DETERMINED NOT TO BE
13 FEASIBLE, OR BOTH.

14 (7) DETERMINATIONS MADE BY THE DIVISION UNDER THIS SECTION
15 ARE APPEALABLE PURSUANT TO SECTION 8-4-111.5 AND RULES
16 PROMULGATED BY THE DEPARTMENT REGARDING APPEALS AND STRATEGIC
17 ENFORCEMENT.

18 **8-13.3-408. Notice to employees - penalty.** (1) AN EMPLOYER
19 SHALL, UPON HIRING OR WITHIN THIRTY DAYS AFTER THE EFFECTIVE DATE
20 OF THIS SECTION, NOTIFY ITS EMPLOYEES THAT THEY ARE ENTITLED TO
21 PAID SICK LEAVE. THE NOTICE MUST SPECIFY THE AMOUNT OF PAID SICK
22 LEAVE TO WHICH EMPLOYEES ARE ENTITLED AND THE TERMS OF ITS USE
23 UNDER THIS PART 4. THE NOTICE MUST ALSO INFORM EMPLOYEES THAT
24 EMPLOYERS CANNOT RETALIATE AGAINST AN EMPLOYEE FOR REQUESTING
25 OR USING PAID SICK LEAVE AND THAT AN EMPLOYEE HAS THE RIGHT TO
26 FILE A COMPLAINT OR BRING A CIVIL ACTION IF PAID SICK LEAVE IS DENIED
27 BY THE EMPLOYER OR THE EMPLOYER RETALIATES AGAINST THE

1 EMPLOYEE FOR EXERCISING THE EMPLOYEE'S RIGHTS UNDER THIS PART 4.

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

4 (a) SUPPLYING EACH EMPLOYEE WITH A WRITTEN NOTICE
5 CONTAINING THE INFORMATION SPECIFIED IN SUBSECTION (1) OF THIS
6 SECTION THAT IS IN ENGLISH AND IN ANY LANGUAGE THAT IS THE FIRST
7 LANGUAGE SPOKEN BY AT LEAST FIVE PERCENT OF THE EMPLOYER'S
8 WORKFORCE; AND

9 (b) DISPLAYING A POSTER CREATED PURSUANT TO SUBSECTION (3)
10 OF THIS SECTION IN A CONSPICUOUS AND ACCESSIBLE LOCATION IN EACH
11 ESTABLISHMENT WHERE THE EMPLOYER'S EMPLOYEES WORK THAT
12 CONTAINS THE INFORMATION REQUIRED BY SUBSECTION (1) OF THIS
13 SECTION IN ENGLISH AND IN ANY LANGUAGE THAT IS THE FIRST LANGUAGE
14 SPOKEN BY AT LEAST FIVE PERCENT OF THE EMPLOYER'S WORKFORCE.

15 (3) THE DIVISION SHALL CREATE AND MAKE AVAILABLE TO
16 EMPLOYERS POSTERS AND NOTICES THAT CONTAIN THE INFORMATION
17 REQUIRED BY SUBSECTION (1) OF THIS SECTION, AND EMPLOYERS MAY USE
18 THE POSTERS AND NOTICES TO COMPLY WITH THE REQUIREMENTS OF THIS
19 SECTION.

20 (4) AN EMPLOYER WHO WILLFULLY VIOLATES THIS SECTION IS
21 SUBJECT TO A CIVIL FINE NOT TO EXCEED ONE HUNDRED DOLLARS FOR
22 EACH SEPARATE VIOLATION. THE FINE SHALL BE TRANSMITTED TO THE
23 STATE TREASURER, WHO SHALL DEPOSIT IT IN THE GENERAL FUND.

24 (5) IF AN EMPLOYER'S BUSINESS IS CLOSED DUE TO A PUBLIC
25 HEALTH EMERGENCY OR A DISASTER EMERGENCY DUE TO A PUBLIC
26 HEALTH CONCERN, THE NOTICE AND POSTING REQUIREMENTS OF THIS
27 SECTION ARE WAIVED FOR THE PERIOD DURING WHICH THE PLACE OF

1 BUSINESS IS CLOSED.

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

7 **8-13.3-409. Employer records.** (1) AN EMPLOYER SHALL RETAIN
8 RECORDS FOR EACH EMPLOYEE FOR A THREE-YEAR PERIOD, DOCUMENTING
9 HOURS WORKED, PAID SICK LEAVE ACCRUED, AND PAID SICK LEAVE USED.
10 UPON APPROPRIATE NOTICE AND AT A MUTUALLY AGREEABLE TIME, THE
11 EMPLOYER SHALL ALLOW THE DIVISION ACCESS TO THE RECORDS FOR
12 PURPOSES OF MONITORING COMPLIANCE WITH THIS PART 4.

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

19 **8-13.3-410. Authority of director - rules.** THE DIRECTOR MAY
20 COORDINATE IMPLEMENTATION AND ENFORCEMENT OF THIS PART 4 AND
21 ADOPT RULES AS NECESSARY FOR SUCH PURPOSES.

22 **8-13.3-411. Enforcement - judicial review of director's actions.**

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

26 (2) THE DIVISION MAY ENFORCE THE REQUIREMENTS OF THIS PART
27 4.

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

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

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

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

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

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

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

26 **8-13.3-412. Confidentiality of employee information -**
27 **definition.** (1) AN EMPLOYER SHALL NOT REQUIRE DISCLOSURE OF

1 DETAILS RELATING TO DOMESTIC VIOLENCE, SEXUAL ASSAULT, OR
2 STALKING OR THE DETAILS OF AN EMPLOYEE'S OR AN EMPLOYEE'S FAMILY
3 MEMBER'S HEALTH INFORMATION AS A CONDITION OF PROVIDING PAID SICK
4 LEAVE UNDER THIS PART 4.

5 (2) ANY HEALTH OR SAFETY INFORMATION POSSESSED BY AN
6 EMPLOYER REGARDING AN EMPLOYEE OR EMPLOYEE'S FAMILY MEMBER
7 MUST:

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

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

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

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

15 (a) ABOUT WHOM THE HEALTH INFORMATION PERTAINS OR WHO IS
16 THE VICTIM OF THE DOMESTIC ABUSE, SEXUAL ASSAULT, OR HARASSMENT;
17 OR

18 (b) WHOSE FAMILY MEMBER IS THE SUBJECT OF THE HEALTH
19 INFORMATION OR IS THE VICTIM OF THE DOMESTIC ABUSE, SEXUAL
20 ASSAULT, OR HARASSMENT.

21 **8-13.3-413. Employers encouraged to provide more generous**
22 **paid sick leave.** (1) NOTHING IN THIS PART 4 DISCOURAGES OR PROHIBITS
23 AN EMPLOYER FROM ADOPTING OR CONTINUING A PAID SICK LEAVE POLICY
24 THAT IS MORE GENEROUS THAN THE PAID SICK LEAVE POLICY REQUIRED BY
25 THIS PART 4.

26 (2) NOTHING IN THIS PART 4 DIMINISHES:

27 (a) THE OBLIGATION OF AN EMPLOYER TO COMPLY WITH ANY

1 CONTRACT, COLLECTIVE BARGAINING AGREEMENT, EMPLOYMENT BENEFIT
2 PLAN, OR OTHER AGREEMENT PROVIDING EMPLOYEES WITH A MORE
3 GENEROUS PAID SICK LEAVE POLICY THAN THE PAID SICK LEAVE POLICY
4 REQUIRED BY THIS PART 4; OR

5 (b) THE RIGHTS, PRIVILEGES, OR REMEDIES OF AN EMPLOYEE
6 UNDER A COLLECTIVE BARGAINING OR PARTNERSHIP AGREEMENT,
7 EMPLOYER POLICY, OR EMPLOYMENT CONTRACT.

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

11 **8-13.3-414. Other legal requirements applicable.** THIS PART 4
12 PROVIDES MINIMUM REQUIREMENTS PERTAINING TO PAID SICK LEAVE AND
13 DOES NOT PREEMPT, LIMIT, OR OTHERWISE AFFECT THE APPLICABILITY OF
14 ANY OTHER LAW, REGULATION, REQUIREMENT, POLICY, OR STANDARD
15 THAT PROVIDES FOR A GREATER AMOUNT, ACCRUAL, OR USE BY
16 EMPLOYEES OF PAID SICK LEAVE OR THAT EXTENDS OTHER PROTECTIONS
17 TO EMPLOYEES.

18 **8-13.3-415. Collective bargaining agreements.** THIS PART 4 ___
19 DOES NOT APPLY TO AN EMPLOYEE IN THE BUILDING AND CONSTRUCTION
20 INDUSTRY WHO IS COVERED BY A COLLECTIVE BARGAINING AGREEMENT
21 IF THE COLLECTIVE BARGAINING AGREEMENT:

22 (a) EXPRESSLY PROVIDES FOR PAID SICK DAYS, PAID LEAVE, OR A
23 PAID TIME OFF POLICY THAT PERMITS THE USE OF SICK DAYS FOR THOSE
24 EMPLOYEES; OR

25 (b) WAIVES THE REQUIREMENTS OF THIS PART 4 IN CLEAR AND
26 UNAMBIGUOUS TERMS.

27 **8-13.3-416. Employer policies.** AN EMPLOYER POLICY ADOPTED

1 OR RETAINED MUST NOT DIMINISH AN EMPLOYEE'S RIGHT TO PAID SICK
2 LEAVE UNDER THIS PART 4. ANY AGREEMENT BY AN EMPLOYEE TO WAIVE
3 THE EMPLOYEE'S RIGHTS UNDER THIS PART 4 IS VOID AS AGAINST PUBLIC
4 POLICY.

5 **8-13.3-417. Severability.** IF ANY PROVISION OF THIS PART 4 OR
6 APPLICATION THEREOF TO ANY PERSON OR CIRCUMSTANCE IS JUDGED
7 INVALID, THE INVALIDITY DOES NOT AFFECT OTHER PROVISIONS OR
8 APPLICATIONS OF THIS PART 4 THAT CAN BE GIVEN EFFECT WITHOUT THE
9 INVALID PROVISION OR APPLICATION, AND TO THIS END THE PROVISIONS OF
10 THIS PART 4 ARE DECLARED SEVERABLE.

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

13 **8-4-101. Definitions.** As used in this article 4, unless the context
14 otherwise requires:

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

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

18 **SECTION 3. Appropriation.** For the 2020-21 state fiscal year,
19 \$206,566 is appropriated to the department of labor and employment for
20 use by the division of labor standards and statistics. This appropriation is
21 from the general fund and is based on an assumption that the division will
22 require an additional 2.7 FTE. To implement this act, the division may
23 use this appropriation for program costs related to labor standards.

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

26 **SECTION 5. Safety clause.** The general assembly hereby finds,

- 1 determines, and declares that this act is necessary for the immediate
- 2 preservation of the public peace, health, or safety.