

Things to know:

- The HFWA requires that covered employers provide one hour of paid sick leave for every 30 hours worked by an employee, capping at 48 hours of paid sick leave per year.
- The time can be accrued by hours worked, or given in a lump amount.
- For full-time, exempt employees, employers should assume a 40 hour workweek for the purpose of accruing paid sick time.
- For part-time exempt employees (those who work fewer than 40 hours in a workweek), employers should calculate sick time base on the hours each employee normally works.
- Paid sick time begins to accrue when employment begins.
- Employers must allow employees to carry over up to 48 hours of sick leave into the following year, but are not required to allow employees to accrue over 48 hours.
- Employers are not required to pay out unused sick leave on termination
- If an employee leaves employment and is rehired within six months, employers must reinstate all the previously available sick leave unless sick leave was paid out upon the employee's separation.
- If employers already provide paid sick leave that meets or exceeds those requirements, no action is needed.
- Nothing in the Act prevents an employer from providing more than the legal requirements.

Employers must allow employees to use accrued paid sick leave when:

- The employee or employee's family member:
 - Has a mental or physical illness, injury, or health condition that prevents the employee from working
 - Seeks a doctor's care or diagnosis
 - Needs to obtain preventative medical care
 - Seeks medical attention, victim services, mental health services, or legal services as a result of domestic abuse, sexual harassment, or harassment.
- If a public official has ordered school or business closures due to a public health emergency.

Employers must allow an employee to use paid sick leave on request.

- The request may be oral, in writing, electronic, or by any other means acceptable to the employer.
- When possible, employees should give advanced notice of the need for leave and the expected duration of the leave.
- Employers can create a written policy.
- Employees must use paid sick leave in hourly increments.
 - Employers can allow smaller increments

In addition to the paid sick leave above, in the event of a declared public health emergency, covered employers must supplement employees' accrued sick leave by adding hours to current available accrued time to equal:

- 80 hours of sick leave for employees who normally work at least 40 hours in a workweek.
- At least the greater of either the amount of time the employee is scheduled to work in a fourteen-day period or the amount of time the employee actually works on average in a fourteen-day period for employees who normally work fewer than 40 hours in a workweek.

Additionally under this section:

- An employee may use the supplemental sick leave until four weeks after the suspension of the public health emergency.
- Employees may use paid sick time if they need to self-isolate, seek medical attention, or care for a family member due to a diagnosis, symptoms, or exposure to the cause of the public health emergency.

Posting and recordkeeping

- Employers are required to notify employees that they are entitled to paid sick leave. Colorado will create and release a poster. The notice must:
 - Specify the amount of paid sick leave to which employees are entitled.
 - The terms of using paid sick leave.
 - State that employers cannot retaliate against an employee for requesting or using paid sick leave.
- Employers must:
 - Supply each employee with a written notice. This can be done by adding a handbook policy, or giving each employee a stand-alone policy.
 - Display a poster in a conspicuous location
- Employers must retain for two years records for of hours worked, paid sick leave accrued, and paid sick leave used for each employee.

Even though the HFWA applies to employers with 16 or more employees to start, all employers with Colorado employees should begin working towards compliance, as they will be covered starting January 1, 2022. Things to do:

- Work with your payroll company to be sure their accrual methods will be compliant with the Act.
- Update your handbook sick policies to be sure they are compliant as well.
- Have Employers Council perform a handbook review. All members receive one free legal and HR review per membership year.
- Communicate with employees, so they understand the upcoming changes.