A BILL FOR AN ACT

CONCERNING THE REQUIREMENT THAT EMPLOYERS OFFER PAID SICK LEAVE TO THEIR EMPLOYEES.

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.

As of the effective date of the act through December 31, 2020, employers are required to provide each of their employees paid sick leave for employees to take for reasons related to the COVID-19 pandemic.

Capital letters or bold & italic numbers indicate new material to be added to existing statute.
Dashes through the words indicate deletions from existing statute.
Employers are required to provide up to 2 weeks or 80 hours of paid sick leave at two-thirds of the employee's regular rate of pay for an employee who is:

- Experiencing flu-like or respiratory illness symptoms; and
- Being tested for COVID-19 or under instructions to quarantine or isolate due to a risk of having COVID-19.

The act uses money from the federal "Coronavirus Aid, Relief, and Economic Security Act" to reimburse employers for the direct expense in providing employees paid sick leave wages for leave taken related to COVID-19.

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 sick leave for every 30 hours worked, subject to the following limits:

- For employers employing 50 or more employees, the employer is not required to provide more than a total of 80 hours of paid sick leave in a 12-month period;
- For employers employing 1 to 49 employees, the employer is not required to provide more than a total of 40 hours of paid sick leave in a 12-month period.

An employee:

- Begins accruing paid sick leave when the employee's employment begins; and
- 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, subject to applicable caps on the total amount of leave allowed in a 12-month period.

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 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
3 SECTION 1. In Colorado Revised Statutes, add part 4 to article
4 13.3 of title 8 as follows:
5
6 PART 4
7
8 HEALTHY FAMILIES AND WORKPLACES
9
8-13.3-401. Short title. The short title of this part 4 is the
10 "HEALTHY FAMILIES AND WORKPLACES ACT".

-3- DRAFT
8-13.3-402. **Definitions.** As used in this Part 4, unless the context otherwise requires:

(1) "Director" means the Director of the Division.

(2) "Division" means the Division of Labor Standards and Statistics in the Department of Labor and Employment created in Section 8-1-103.

(3) "Domestic Abuse" has the meaning set forth in Section 13-14-101 (2).

(4) "Employee" has the meaning set forth in Section 8-4-101 (5).

(5) (a) "Employer" has the meaning set forth in Section 8-4-101 (6); except that the term includes the State and its agencies or entities, counties, cities and counties, municipalities, school districts, and any political subdivisions of the State.

(b) "Employer" does not include the federal government.

(6) "Family member" means:

(a) an employee's immediate family member, as defined in Section 2-4-401 (3.7);

(b) a child to whom the employee stands in loco parentis or a person who stood in loco parentis to the employee when the employee was a minor;

(c) a person who resides with the employee and has resided with the employee for more than six months; and

(d) any other individual related by affinity whose close relationship with an employee is equivalent to a family relationship.

(7) "Harassment" has the meaning set forth in Section
18-9-111.

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

(a) COMPENSATED AT THE SAME HOURLY RATE AND WITH THE
SAME BENEFITS, INCLUDING HEALTH CARE BENEFITS, AS THE EMPLOYEE
NORMALLY EARNED DURING HOURS WORKED; AND

(b) PROVIDED BY AN EMPLOYER TO AN EMPLOYEE FOR ONE OR
MORE OF THE PURPOSES DESCRIBED IN SECTION 8-3.3-405.

(9) "RETAIATORY PERSONNEL ACTION" MEANS THE DISCHARGE,
SUSPENSION, DEMOTION, OR OTHER ADVERSE ACTION TAKEN BY THE
EMPLOYER AGAINST AN EMPLOYEE WHO EXERCISES THE EMPLOYEE’S
RIGHTS UNDER THIS PART 4.

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

8-13.3-403. PAID SICK LEAVE - ACCRUAL - CARRY FORWARD TO
SUBSEQUENT CALENDAR YEAR - COMPARABLE LEAVE PROVIDED BY EMPLOYER
- NO PAYMENT FOR UNUSED LEAVE. (1) ALL EMPLOYEES WORKING IN
COLORADO HAVE THE RIGHT TO PAID SICK LEAVE AS SPECIFIED IN THIS
PART 4.

(2) (a) EFFECTIVE JANUARY 1, 2021, AN EMPLOYER SHALL
PROVIDE EACH EMPLOYEE PAID SICK LEAVE AS PROVIDED IN THIS SECTION.

EACH EMPLOYEE EARNED AT LEAST ONE HOUR OF PAID SICK LEAVE FOR
EVERY THIRTY HOURS WORKED BY THE EMPLOYEE; EXCEPT THAT:

(I) AN EMPLOYER THAT EMPLOYS FIFTY OR MORE EMPLOYEES IS
NOT REQUIRED TO PROVIDE ANY EMPLOYEE MORE THAN A TOTAL OF
EIGHTY HOURS OF PAID SICK LEAVE IN A TWELVE-MONTH PERIOD; AND

(II) AN EMPLOYER THAT EMPLOYS BETWEEN ONE AND FORTY-NINE
EMPLOYEES IS NOT REQUIRED TO PROVIDE ANY EMPLOYEE MORE THAN A
TOTAL OF FORTY HOURS OF PAID SICK LEAVE IN A TWELVE-MONTH PERIOD.

(b) Nothing in this Part 4 precludes an employer from providing employees more paid sick leave than the amounts specified in this subsection (2).

(c) An employee who is exempt from overtime requirements under Section 213 (a)(1) of the Federal "Fair Labor Standards Act of 1938", 29 U.S.C. Sec. 201 et seq., as amended, accrues paid sick leave based on the assumption that the employee works forty hours per week. If the employee's normal workweek consists of fewer than forty hours, the employee accrues paid sick leave based upon the number of hours that comprise the employee's normal workweek.

(3) (a) An employee begins to accrue paid sick leave when employment with the employer begins and may use accrued paid sick leave as it is accrued.

(b) Any amount of paid sick leave that an employee accrues in a calendar year but does not use carries forward to, and may be used in, a subsequent calendar year; except that an employer is not required to allow the employee to use more paid sick leave in a twelve-month period than the amounts specified in subsection (2)(a) of this section.

(4) (a) An employer that has a paid leave policy for its employees may satisfy the requirements of this section and is not required to provide additional paid sick leave to its employees if the employer:

(I) Makes available to its employees, through its paid leave policy, an amount of paid leave sufficient to meet the
ACCRUAL REQUIREMENTS OF SUBSECTION (2)(a) OF THIS SECTION; AND

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

(b) THIS SECTION DOES NOT APPLY TO EMPLOYEES IN THE STATE
PERSONNEL SYSTEM IF THE STATE’S LEAVE POLICY PROVIDES AN
EQUIVALENT BENEFIT TO STATE PERSONNEL SYSTEM EMPLOYEES WHO
WOULD OTHERWISE BE COVERED BY THIS PART 4.

(c) THIS SECTION DOES NOT APPLY TO EMPLOYEES OF A LOCAL
GOVERNMENT, AS DEFINED IN SECTION 29-1-102 (13), IF THE LOCAL
GOVERNMENT’S LEAVE POLICY PROVIDES AN EQUIVALENT BENEFIT TO ITS
EMPLOYEES WHO WOULD OTHERWISE BE COVERED BY THIS PART 4.

(5) (a) EXCEPT AS SPECIFIED IN SUBSECTION (5)(b) OF THIS
SECTION, NOTHING IN THIS SECTION REQUIRES AN EMPLOYER TO PROVIDE
FINANCIAL OR OTHER REIMBURSEMENT OF ACCRUED BUT UNUSED PAID
SICK LEAVE TO AN EMPLOYEE UPON TERMINATION, RESIGNATION,
RETIREMENT, OR OTHER SEPARATION FROM EMPLOYMENT.

(b) IF AN EMPLOYEE SEPARATES FROM EMPLOYMENT AND IS
REHIRED BY THE SAME EMPLOYER WITHIN TWELVE MONTHS AFTER THE
SEPARATION, THE EMPLOYER SHALL REINSTALL ANY PAID SICK LEAVE
THAT THE EMPLOYEE HAD ACCRUED BUT NOT USED DURING THE
EMPLOYEE’S PREVIOUS EMPLOYMENT WITH THE EMPLOYER AND THAT HAD
NOT BEEN CONVERTED TO MONETARY COMPENSATION TO THE EMPLOYEE
AT THE TIME OF SEPARATION FROM EMPLOYMENT.

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

8-13.3-404. Additional paid sick leave during a public health

-7-
emergency. (1) Except as provided in subsection (2) of this section, in addition to the paid sick leave required in section 8-13.3-403, on the date the governor declares a public health emergency or a disaster emergency due to a public health concern, each employer in the state shall immediately provide each of its employees with paid sick leave in the following amounts:

(a) For employees who normally work forty or more hours in a week, at least eighty hours;

(b) For employees who normally work fewer than forty hours in a week, 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.

(2) For an employee described in subsection (1)(b) of this section whose schedule varies from week-to-week, the amount of time an employee actually worked on average in a fourteen-day period is:

(a) The average number of hours that the employee was scheduled each day over the six-month period ending on the date on which the employee takes paid sick leave under this section, including hours for which the employee took leave of any type;

or

(b) If the employee did not work over the six-month period ending on the date on which the employee took paid sick leave under this section, the employee’s reasonable expectation of the average number of hours that the employee would normally be
SCHEDULED TO WORK EACH DAY.

(3) IF A PUBLIC HEALTH EMERGENCY WAS DECLARED BEFORE AND REMAINS IN EFFECT ON THE EFFECTIVE DATE OF THIS SECTION, AN EMPLOYER SHALL RETROACTIVELY PROVIDE PAID SICK LEAVE UNDER THIS SECTION TO EMPLOYEES EMPLOYED ON THE EFFECTIVE DATE OF THIS SECTION.

(4) AN EMPLOYEE MAY USE PAID SICK LEAVE UNDER THIS SECTION UNTIL [X] WEEKS FOLLOWING THE OFFICIAL TERMINATION OR SUSPENSION OF THE PUBLIC HEALTH EMERGENCY.

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

(a) AN EMPLOYEE’S NEED TO:

(I) SELF-ISOLATE AND CARE FOR ONESELF BECAUSE THE EMPLOYEE IS DIAGNOSED WITH A COMMUNICABLE ILLNESS RELATED TO A PUBLIC HEALTH EMERGENCY;

(II) SELF-ISOLATE AND CARE FOR ONESELF BECAUSE THE EMPLOYEE IS EXPERIENCING SYMPTOMS OF A COMMUNICABLE ILLNESS RELATED TO A PUBLIC HEALTH EMERGENCY;

(III) SEEK OR OBTAIN MEDICAL DIAGNOSIS, CARE, OR TREATMENT IF EXPERIENCING SYMPTOMS OF A COMMUNICABLE ILLNESS RELATED TO A PUBLIC HEALTH EMERGENCY;

(IV) SEEK PREVENTIVE CARE CONCERNING A COMMUNICABLE ILLNESS RELATED TO A PUBLIC HEALTH EMERGENCY;

(V) CARE FOR A FAMILY MEMBER WHO:

(A) IS SELF-ISOLATING AFTER BEING DIAGNOSED WITH A COMMUNICABLE ILLNESS RELATED TO A PUBLIC HEALTH EMERGENCY;
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(B) IS SELF-ISOLATING DUE TO EXPERIENCING SYMPTOMS OF A COMMUNICABLE ILLNESS RELATED TO A PUBLIC HEALTH EMERGENCY;

(C) NEEDS MEDICAL DIAGNOSIS, CARE, OR TREATMENT IF EXPERIENCING SYMPTOMS OF A COMMUNICABLE ILLNESS RELATED TO A PUBLIC HEALTH EMERGENCY; OR

(D) IS SEEKING PREVENTIVE CARE CONCERNING A COMMUNICABLE ILLNESS RELATED TO A PUBLIC HEALTH EMERGENCY.

(b) A LOCAL, STATE, OR FEDERAL PUBLIC OFFICIAL, A HEALTH AUTHORITY HAVING JURISDICTION, A HEALTH CARE PROVIDER, OR THE EMPLOYEE'S EMPLOYER DETERMINES THAT THE EMPLOYEE'S PRESENCE ON THE JOB OR IN THE COMMUNITY WOULD JEOPARDIZE THE HEALTH OF OTHERS BECAUSE OF THE EMPLOYEE'S EXPOSURE TO A CONTAGIOUS ILLNESS OR BECAUSE THE EMPLOYEE IS EXHIBITING SYMPTOMS OF A CONTAGIOUS ILLNESS, REGARDLESS OF WHETHER THE EMPLOYEE HAS BEEN DIAGNOSED WITH THE CONTAGIOUS ILLNESS;

(c) CARE OF A FAMILY MEMBER AFTER A LOCAL, STATE, OR FEDERAL PUBLIC OFFICIAL, A HEALTH AUTHORITY HAVING JURISDICTION, A HEALTH CARE PROVIDER, OR THE FAMILY MEMBER'S EMPLOYER DETERMINED THAT THE FAMILY MEMBER'S PRESENCE ON THE JOB OR IN THE COMMUNITY WOULD JEOPARDIZE THE HEALTH OF OTHERS BECAUSE OF THE FAMILY MEMBER'S EXPOSURE TO A CONTAGIOUS ILLNESS OR BECAUSE THE FAMILY MEMBER IS EXHIBITING SYMPTOMS OF A CONTAGIOUS ILLNESS, REGARDLESS OF WHETHER THE FAMILY MEMBER HAS BEEN DIAGNOSED WITH THE CONTAGIOUS ILLNESS;

(d) AN EMPLOYEE'S INABILITY TO WORK OR TELEWORK WHILE SUBJECT TO:

(I) AN INDIVIDUAL OR GENERAL LOCAL, STATE, OR FEDERAL
QUARANTINE OR ISOLATION ORDER, INCLUDING A SHELTER-IN-PLACE OR
STAY-AT-HOME ORDER, RELATED TO A PUBLIC HEALTH EMERGENCY; OR

(II) CLOSURE OF THE EMPLOYEE'S PLACE OF BUSINESS BY ORDER
OF A LOCAL, STATE, OR FEDERAL PUBLIC OFFICIAL OR HEALTH AUTHORITY
OR AT THE DISCRETION OF THE EMPLOYER DUE TO A PUBLIC HEALTH
EMERGENCY.

(e) CARE OF A CHILD OR OTHER FAMILY MEMBER WHEN THE
INDIVIDUAL'S CHILD CARE PROVIDER IS UNAVAILABLE DUE TO A PUBLIC
HEALTH EMERGENCY, OR IF THE CHILD'S OR FAMILY MEMBER'S SCHOOL OR
PLACE OF CARE HAS BEEN CLOSED BY A LOCAL, STATE, OR FEDERAL PUBLIC
OFFICIAL OR AT THE DISCRETION OF THE SCHOOL OR PLACE OF CARE DUE
TO A PUBLIC HEALTH EMERGENCY, INCLUDING IF A SCHOOL OR PLACE OF
CARE IS PHYSICALLY CLOSED BUT PROVIDING INSTRUCTION REMOTELY.

(f) AN EMPLOYEE'S INABILITY TO WORK BECAUSE THE EMPLOYEE
HAS A HEALTH CONDITION THAT MAY INCREASE SUSCEPTIBILITY TO OR
RISK OF A COMMUNICABLE ILLNESS RELATED TO THE PUBLIC HEALTH
EMERGENCY.

(6) AN EMPLOYEE MAY USE OTHER PAID LEAVE PROVIDED BY THE
EMPLOYER TO THE EMPLOYEE BEFORE THE EMPLOYEE USES THE PAID SICK
LEAVE PROVIDED UNDER THIS SECTION.

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

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

(b) Documentation is not required to take paid sick leave under
this section.
8-13.3-405. Use of paid sick leave - purposes - time increments.

(1) An employer shall allow an employee to use the employee’s accrued paid sick leave to be absent from work when:

(a) The employee:

(I) Has a mental or physical illness, injury, or health condition that prevents the employee from working;

(II) Needs to obtain a medical diagnosis, care, or treatment of a mental or physical illness, injury, or health condition; or

(III) Needs to obtain preventive medical care;

(b) The employee needs to care for a family member who:

(I) Has a mental or physical illness, injury, or health condition;

(II) Needs to obtain a medical diagnosis, care, or treatment of a mental or physical illness, injury, or health condition; or

(III) Needs to obtain preventive medical care;

(c) The employee or the employee’s family member has been the victim of domestic abuse, sexual assault, or harassment and the use of leave is to:

(I) Seek medical attention for the employee or the employee’s family member to recover from a physical or psychological injury or disability caused by the domestic abuse, sexual assault, or harassment;

(II) Obtain services from a victim services organization;

(III) Obtain psychological or other counseling;

(IV) Seek relocation due to the domestic abuse, sexual
ASSAULT, OR HARASSMENT; OR

(V) TAKE LEGAL ACTION, INCLUDING PREPARATION FOR OR
PARTICIPATION IN A CIVIL OR CRIMINAL PROCEEDING RELATING TO OR
RESULTING FROM THE DOMESTIC ABUSE, SEXUAL ASSAULT, OR
HARASSMENT; OR

(d) DUE TO A PUBLIC HEALTH EMERGENCY, AS SPECIFIED IN
SECTION 8-13.3-404, A PUBLIC OFFICIAL HAS ORDERED CLOSURE OF:

(I) THE EMPLOYEE’S PLACE OF BUSINESS; OR

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

(2) AN EMPLOYER SHALL ALLOW AN EMPLOYEE TO USE PAID SICK
LEAVE UPON ORAL REQUEST MADE BY THE EMPLOYEE. WHEN POSSIBLE,
THE EMPLOYEE SHALL INCLUDE IN THE EMPLOYEE’S REQUEST THE
EXPECTED DURATION OF THE EMPLOYEE’S ABSENCE FROM WORK.

(3) (a) AN EMPLOYEE MAY USE PAID SICK LEAVE IN HOURLY
INCREMENTS OR THE SMALLEST INCREMENT OF TIME THAT THE
EMPLOYER’S PAYROLL SYSTEM USES TO ACCOUNT FOR ABSENCES OR USE
OF OTHER TIME OFF, WHICHERVER IS SMALLER.

(b) AN EMPLOYER THAT EMPLOYS TEN OR MORE EMPLOYEES IS NOT
REQUIRED TO ALLOW AN EMPLOYEE TO USE MORE THAN SEVENTY-TWO
HOURS OF ACCRUED PAID SICK LEAVE IN A TWELVE-MONTH PERIOD.

(c) AN EMPLOYER THAT EMPLOYS FEWER THAN TEN EMPLOYEES IS
NOT REQUIRED TO ALLOW AN EMPLOYEE TO USE MORE THAN FORTY HOURS
OF ACCRUED PAID SICK LEAVE IN A TWELVE-MONTH PERIOD.

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

8-13.3-406. Paid sick leave related to COVID-19 - legislative declaration - employer reimbursement - repeal. (1) Legislative declaration. The general assembly hereby finds and declares that:

(a) Due to the COVID-19 pandemic that spread to Colorado in February of 2020, the governor issued executive order D 2020 003 on March 11, 2020, declaring a disaster emergency in the state;

(b) As the COVID-19 pandemic continued to spread, the governor issued executive order D 2020 013 on March 22, 2020, requiring employers to reduce their in-person workforce by fifty percent;

(c) On March 27, 2020, the federal government enacted the "Coronavirus Aid, Relief, and Economic Security Act", Pub.L. 116-136 (2020), pursuant to which Colorado state government will receive approximately one billion six hundred eighty million dollars from the federal coronavirus relief fund to use for necessary expenditures incurred due to the current COVID-19 public health emergency.

(d) The general assembly finds that distributing a portion of the money that the state receives from the federal coronavirus relief fund to reimburse employers for wages paid to their employees who take paid sick leave for reasons related to the COVID-19 public health emergency is an appropriate and lawful use of the money.
ON AND AFTER THE EFFECTIVE DATE OF THIS SECTION THROUGH DECEMBER 31, 2020, AN EMPLOYER SHALL PROVIDE TWO WEEKS OR EIGHTY HOURS OF PAID SICK LEAVE AT TWO-THIRDS OF THE EMPLOYEE'S REGULAR RATE OF PAY FOR AN EMPLOYEE WHO IS:

(a) EXPERIENCING FLU-LIKE OR RESPIRATORY ILLNESS SYMPTOMS;

AND

(b) BEING TESTED FOR COVID-19 OR IS UNDER INSTRUCTIONS FROM AN AUTHORIZED GOVERNMENT OFFICIAL OR A HEALTH CARE PROVIDER LICENSED, CERTIFIED, OR REGISTERED IN THIS STATE TO QUARANTINE OR ISOLATE DUE TO A RISK OF HAVING COVID-19.

THE PAID SICK LEAVE REQUIRED IN THIS SECTION ENDS IF AN EMPLOYEE RECEIVES A NEGATIVE COVID-19 TEST RESULT AFTER THE EMPLOYEE HAS BEEN WITHOUT A FEVER OR OTHER SYMPTOMS FOR SEVENTY-TWO CONSECUTIVE HOURS, BUT NOT EARLIER THAN SEVEN CALENDAR DAYS OFF FROM WORK OR, FOR HEALTH CARE WORKERS, TEN CALENDAR DAYS OFF FROM WORK.

THIS SECTION DOES NOT REQUIRE AN EMPLOYER TO OFFER ADDITIONAL DAYS OF PAID SICK LEAVE IF THE EMPLOYER ALREADY OFFERS ALL EMPLOYEES AN AMOUNT OF PAID LEAVE SUFFICIENT TO COMPLY WITH THIS SECTION; EXCEPT THAT, IF AN EMPLOYEE WHO HAS EXHAUSTED THE EMPLOYEE'S PAID SICK LEAVE QUALIFIES FOR PAID SICK LEAVE UNDER THIS SECTION, THE EMPLOYER SHALL PROVIDE THE EMPLOYEE THE ADDITIONAL PAID SICK LEAVE AUTHORIZED BY THIS SECTION.

EMPLOYEES SHALL GIVE NOTICE OF THEIR ABSENCE AS SOON AS POSSIBLE. EMPLOYEES SHALL GIVE NOTICE OF GETTING A COVID-19 TEST OR RECEIVING INSTRUCTIONS TO QUARANTINE OR ISOLATE WITHIN TWENTY-FOUR HOURS AFTER BEING PRESCRIBED THE TEST OR
(6) Paid sick leave employer expense reimbursement. (a) The Department may reimburse an employer for the expenses the employer incurred in paying an employee sick leave as required by this section.

(b) The maximum amount that an employer may be reimbursed under this subsection (6) is ____________.

(c) In order to be eligible for paid sick leave expense reimbursement from the department, an employer must:

(d) On or before, the department shall establish procedures and timelines for reimbursement applications; criteria for determining reimbursement amounts; recipient reporting requirements; and any other program policies.

(7) Reporting. On or before February 1, 2021, the department shall submit a report to the finance and the business affairs and labor committees of the house of representatives and to the business, labor, and technology and the finance committees of the senate, or any successor committees, summarizing the employers who received reimbursement under this section and the amount of reimbursement.

(8) Fund. The paid sick leave employer expense reimbursement cash fund is created in the state treasury. The fund consists of ____________.

(9) Repeal. This section is repealed, effective September 1, 2021.


(1) An employee is entitled to:
(a) Use accrued paid sick leave consistent with this part 4;
(b) File a complaint or inform any person about an employer's alleged violation of this part 4;
(c) Cooperate with the division in its investigation of an alleged violation of this part 4; and
(d) Inform any person of the person's potential rights under this part 4.

(2)(a) It is unlawful for an employer or any other person to interfere with, restrain, or deny an employee the right to exercise or attempt to exercise the employee's rights under this part 4.
(b) An employer shall not take a retaliatory personnel action or discriminate against an employee who exercises or attempts to exercise the employee's rights under this part 4.
(c) It is unlawful for an employer to count paid sick leave used by an employee as an absence that may lead to or result in discipline, discharge, demotion, suspension, or any other adverse action against the employee.

(3) A rebuttable presumption of an unlawful retaliatory personnel action is created if an employer takes an adverse action against an employee within ninety days after the employee:
(a) Uses accrued paid sick leave;
(b) Files a complaint with the division or a court alleging a violation of this part 4;
(c) Informs any person about an employer's alleged
VIOLATION OF THIS PART 4;

(d) Cooperates with the Division or another person with enforcement or investigatory authority in the investigation or prosecution of an alleged violation of this Part 4;

(e) Opposes any policy, practice, or act that is unlawful under this Part 4; or

(f) Informs any person of the person's rights under this Part 4.

(4) The protections of this section apply to any person acting in good faith who alleges a violation of this Part 4, even if the allegation is determined to be mistaken.

8-13.3-408. Notice to employees - penalty. (1) An employer shall notify its employees that they are entitled to paid sick leave. The notice must specify the amount of paid sick leave to which employees are entitled and the terms of its use under this Part 4. The notice must also inform employees that employers cannot retaliate against an employee for requesting or using paid sick leave and that an employee has the right to file a complaint or bring a civil action if paid sick leave is denied by the employer or the employer retaliates against the employee for exercising the employee's rights under this Part 4.

(2) An employer complies with the notice requirements of this section by:

(a) Supplying each employee with a written notice containing the information specified in subsection (1) of this section that is in English and in any language that is the first language spoken by at least five percent of the employer's
WORKFORCE; AND

(b) Displaying a poster in a conspicuous and accessible location in each establishment where the employer’s employees work that contains the information required by subsection (1) of this section in English and in any language that is the first language spoken by at least five percent of the employer’s workforce.

(3) The division shall create and make available to employers posters and notices that contain the information required by subsection (1) of this section, and employers shall use the posters and notices to comply with the requirements of this section.

(4) An employer who willfully violates this section is subject to a civil fine not to exceed one hundred dollars for each separate violation. The fine shall be transmitted to the state treasurer, who shall deposit it in the general fund.

8-13.3-409. Employer records. (1) An employer shall retain records for each employee for a five-year period, documenting hours worked, paid sick leave accrued, and paid sick leave used. Upon appropriate notice and at a mutually agreeable time, the employer shall allow the division access to the records for purposes of monitoring compliance with this part 4.

(2) If an issue arises as to an employee’s right to paid sick leave and the employer has not maintained or retained adequate records for that employee or does not allow the division reasonable access to the records, the employer shall be presumed to have violated this part 4 absent clear and
CONVINCING EVIDENCE TO DEMONSTRATE THE EMPLOYER'S COMPLIANCE.

8-13.3-410. Authority of director - rules. The director shall coordinate implementation and enforcement of this Part 4 and shall adopt rules as necessary for such purposes.

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

(1) The director and the division have jurisdiction over the enforcement of this Part 4 and may exercise all powers granted under Article 1 of this Title 8 to enforce this Part 4.

(2) Pursuant to section 8-1-130, any findings, awards, or orders issued by the director with respect to enforcement of this Part 4 constitute final agency action, and any person affected by such final agency action may seek judicial review as provided in section 24-4-106.

8-13.3-412. Confidentiality of employee information - definition. (1) An employer shall not require an employee, as a condition of using paid sick leave, to disclose the details of:

(a) The employee's or family member's medical condition;

or

(b) Any domestic abuse, sexual assault, or harassment that gives rise to the use of the paid sick leave.

(2)(a) If an employer has an employee's or family member's health information or information pertaining to an employee's or family member's domestic abuse, sexual assault, or harassment, the employer shall treat the information as confidential and shall not disclose the information except to the affected employee or with the permission of the affected employee.
(b) As used in this subsection (2), "affected employee" means the employee:

(I) about whom the health information pertains or who is the victim of the domestic abuse, sexual assault, or harassment;

or

(II) whose family member is the subject of the health information or is the victim of the domestic abuse, sexual assault, or harassment.

8-13.3-413. Employers encouraged to provide more generous paid sick leave. (1) Nothing in this part 4 discourages or prohibits an employer from adopting or continuing a paid sick leave policy that is more generous than the paid sick leave policy required by this part 4.

(2) Nothing in this part 4 diminishes the obligation of an employer to comply with any contract, collective bargaining agreement, employment benefit plan, or other agreement providing employees with a more generous paid sick leave policy than the paid sick leave policy required by this part 4.

(3) Nothing in this part 4 diminishes the rights of public employees regarding paid sick leave or the use of paid sick leave.

8-13.3-414. Other legal requirements applicable. This part 4 provides minimum requirements pertaining to paid sick leave and does not preempt, limit, or otherwise affect the applicability of any other law, rule, requirement, policy, or standard that provides for greater accrual or use of paid or unpaid sick leave by employees or that extends other protections to employees.

8-13.3-415. Collective bargaining agreements. This part 4
DOES NOT APPLY TO EMPLOYEES COVERED BY A BONA FIDE COLLECTIVE BARGAINING AGREEMENT TO THE EXTENT THAT THE REQUIREMENTS OF THIS PART 4 ARE EXPRESSLY WAIVED IN THE COLLECTIVE BARGAINING AGREEMENT IN CLEAR AND UNAMBIGUOUS TERMS AND THE COLLECTIVE BARGAINING AGREEMENT PROVIDES FOR AN EQUIVALENT OR MORE GENEROUS BENEFIT FOR THE EMPLOYEES COVERED BY THE AGREEMENT.

SECTION 2. Applicability. This act applies to conduct occurring on or after the effective date of this act.

SECTION 3. Safety clause. The general assembly hereby finds, determines, and declares that this act is necessary for the immediate preservation of the public peace, health, or safety.