

The HFWA: Raising the Floor

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Understand
the basic
HFWA
provisions of
for 2020
and 2021
respectively

Understand
how the HFWA
interacts with
existing
company leave
policies

Understand
how to apply
the HFWA

Objectives



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Healthy Families and Workplaces Act

In 2020

- ▲ Employers must comply with the FFCRA.
- ▲ Employers with over 500 employees must provide leave comparable to the FFCRA.



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Healthy Families and Workplaces Act

In 2021

- ▲ Employers must provide up to 48 hours of paid sick leave.
- ▲ A wide variety of absences, some of which many policies don't currently include.
- ▲ Accrual rate of at least one hour of for each 30 hours worked.



Healthy Families and Workplaces Act

- ▲ Sick leave must be available for use as soon as it accrues. No waiting periods.
- ▲ Employers must offer up to 80 TOTAL hours of leave for declared public health emergencies.
- ▲ But there is some good news...



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Employers who already provide at least 48 hours of paid leave that can be used for the purposes listed in the HFWA do NOT need to establish a new leave bank or provide 48 more hours in addition to the leave already provided.



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Question

Do we need to grant 80 hours of FFCRA-like leave in 2020 if employees already took FFCRA leave or leave for COVID-related reasons before the HFWA passed?

Answer

NO.

- Credit for providing leave that HFWA requires,
- Under federal law, state law, or its own leave policy
- One of the three COVID-related conditions that HFWA covers.

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Question

What ARE the three
COVID-related
conditions the HFWA
covers?

Answer

1. COVID-19 symptoms and seeking a medical diagnosis.
2. Quarantine or isolate due to a risk of COVID-19.
3. Taking care of someone else due to COVID-19 precautions.



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Question

Can we ask for documentation of the reason for leave?

Answer

YES. In 2020...

Leave in categories
1 and 2 must include:

1. The date(s) for which leave is requested.
2. The qualifying reason for leave.

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Question

Can we ask for documentation of the reason for leave?

Answer

3. A statement that the employee is unable to work or telework
4. The name of the health care worker who advised the employee or family member to isolate or quarantine.



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Question

Can we ask for documentation of the reason for leave?

Answer

5. The identity of the government entity ordering isolation or quarantine.

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Question

Can we ask for
documentation of the
reason for leave?

Answer

In 2021...

“Reasonable
documentation”



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Question

Can we ask for documentation of the reason for leave?

Answer

In 2021...

- Only if leave is four or more consecutive work days.
- not more than needed to show a valid reason for leave
- Reasonable time frame



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Question

For what reasons can employees take paid sick leave in 2021 and beyond?

Answer

Mental or physical illness, injury, or health condition that prevents the employee from working.



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Question

For what reasons can employees take paid sick leave in 2021 and beyond?

Answer

Preventive medical care, or to get a medical diagnosis, care, or treatment, of any mental or physical illness, injury, or health condition.



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Question

For what reasons can employees take paid sick leave in 2021 and beyond?

Answer

To care for a family member who has a mental or physical illness, injury, or health condition, or who needs the sort of care listed above.

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Question

For what reasons can employees take paid sick leave in 2021 and beyond?

Answer

Victim of domestic abuse, sexual assault, or criminal harassment, and needing leave.

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Question

For what reasons can employees take paid sick leave in 2021 and beyond?

Answer

Care of a child during a public health emergency.



THANK YOU

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