

PAID SICK LEAVE FREQUENTLY ASKED QUESTIONS

This document covers two laws regarding paid leave: CO's local act and federal acts. In Colorado, you now have more easily accessible paid leave up to 48 hours and temporary COVID-19 relief. On a federal level, you might have limited access to paid leave and more extensive access to temporary COVID-19 relief.

COLORADO

DO I QUALIFY FOR PAID LEAVE UNDER THE COLORADO HEALTHY FAMILIES AND WORKPLACE ACT?

Starting on January 1, 2021, this law will provide you with paid leave, if your employer has at least 16 people. Starting on January 1, 2022, more people will be covered regardless of how many employees your employer has.

FOR WHAT REASONS CAN I USE THE HOURS?

To use the hours, you or a family member of whom you need to take care must have a mental/physical illness, injury, or health condition and need a medical diagnosis, care, preventative care, or treatment related to it. Or, you or a family member must have been the victim of domestic abuse, sexual assault, or harassment and need to be absent from work for purposes related to it. Finally, you can use it when a public official has ordered the closure of the school or place of care of your child or place of business due to a public health emergency, so you literally cannot be at work.

HOW DO I EARN PAID LEAVE HOURS?

Under the act, you get one hour of paid sick leave for every 30 hours worked, up to 48 hours in a year. If you work less than the 40 hours a week that this act assumes, your hours will be examined by the actual amount of hours that you work. You begin accruing hours the moment you begin employment.

WHEN AM I ABLE TO USE THE HOURS?

You can use hours as they are being accrued, and unused hours will carry over to the next year (but will not go over the 48 hour maximum). Your employer can give you hours early that you have not accrued yet on the understanding that you will earn them, but this works on a case-by-case basis and is not required.

I THINK I AM BEING RETALIATED AGAINST OR AM BEING WRONGFULLY DENIED ACCESS. WHAT CAN I DO?

This act prohibits employers from retaliating against you for using your hours or for exercising the rights the act gives you. Your employer must provide you written notice of your rights. For violation of this act, file a [wage complaint with division of labor standards and statistics](#).

WHAT OTHER TEMPORARY PROTECTIONS MIGHT I QUALIFY FOR DURING COVID-19?

Under Colorado Health Emergency Leave with Pay, you can get up to two weeks (80 hours) of sick leave, at $\frac{2}{3}$ pay. This provision only lasts as long as the emergency order. You must have flu-like or other respiratory illness symptoms that are being tested for COVID-19 or be under instructions to quarantine or isolate due to a risk of having COVID-19. Your employer can't require documentation as a precondition to leave, but can require it to comply with FMLA. You must work in one of these industries:

Leisure and hospitality; Retail stores; Real estate sales and leasing; Offices and office work; Elective medical, dental, and health services; Personal care services; Food and beverage manufacturing; Food services; Child care; Education; Transportation, food service, and related work with educational establishments; Home health, if working with elderly, disabled, ill, or otherwise high-risk individuals; Nursing homes; Community living facilities.

FEDERAL

DO I QUALIFY FOR PAID LEAVE UNDER THE FAMILY AND MEDICAL LEAVE ACT (FMLA)?

Your employer must be in the private-sector, with 50 or more employees, or you must work at a location where the employer has at least 50 employees within 75 miles, be in any public agency, or be in any elementary or secondary school. If you work for such an employer, you must also have worked for the employer for at least 12 months AND worked at least 1,250 hours for the employer during the 12 month period immediately before the leave to qualify.

You access these hours through your employer, and denying or interfering with your access to FMLA is illegal. If your rights have been violated, contact the Wage and Hour Division.

HOW MANY HOURS CAN I HAVE? WHAT REASONS CAN I USE HOURS FOR?

If you qualify, you will get 12 weeks of unpaid, job protected leave to care for a newly born, adopted, or foster child; your spouse, child, or parent who has a serious health condition; or your own serious health condition. In Colorado, the law is expanded to protect leave to care for children of any age, parents-in-law, domestic partners, siblings, grandchildren, and grandparents.

DO I QUALIFY FOR THE TEMPORARY FAMILIES FIRST CORONAVIRUS RESPONSE ACT? WHAT WILL I GET?

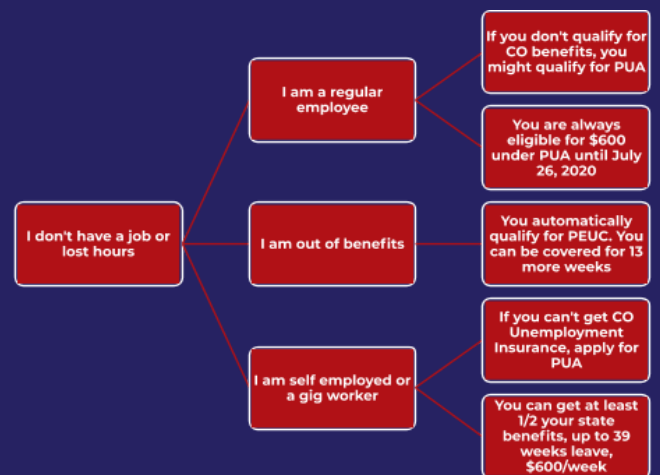
This act includes two acts of its own that you might qualify for: The Emergency Paid Sick Leave Act and The Emergency Family and Medical Leave Expansion Act. Businesses with more than 500 workers or less than 50 workers may be exempt, along with healthcare providers or emergency responders. If you are on a payroll, regardless of citizenship status, you qualify. Freelancers and gig workers are not automatically eligible, but might be able to claim a credit against their self-employment taxes.

Under the The Emergency Paid Sick Leave Act, you will get two weeks or 10 working days (up to 80 hours) of paid sick leave. You qualify for 100% wage replacement, if you have a positive coronavirus diagnosis or coronavirus like symptoms seeking diagnosis/need to quarantine. Your payment will be maximum of \$511 per day for a \$5,110 total. You qualify for 2/3 wage replacement if you need to care for someone in quarantine; or a child (under 18 years of age) whose school or childcare provider is closed or unavailable for reasons related to COVID-19. Your payment will be maximum of \$200 per day for a \$2,000 total.

Under The Emergency Family and Medical Leave Expansion Act, you will get immediately available paid sick leave. You will not be required to use your PTO, vacation time, etc. or find a replacement. You will get up to 10 weeks of paid leave and an additional 2 weeks of unpaid leave at 2/3 wage replacement. To qualify, you must have been employed for 30 days prior and are unable to work due to the need to care for a child whose care provider is closed or unavailable for COVID-19 reasons. Your or your family's COVID-19 diagnosis does not trigger this act, and you would still have to take paid sick time.

DO I QUALIFY FOR THE TEMPORARY CARES ACT?

The CARES Act has three main branches: Pandemic Unemployment Compensation (PUC), Pandemic Emergency Unemployment Compensation (PEUC), and Pandemic Unemployment Assistance (PUA). Undocumented people are ineligible for all of them. This graph explains what you may qualify for, and what you might get:



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