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Second Regular Session
Seventy-second General Assembly
STATE OF COLORADO

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LLS NO. 20-1189.01 Yelana Love x2295

SENATE BILL

SENATE SPONSORSHIP

Fenberg and Bridges,

HOUSE SPONSORSHIP

(None),

BILL TOPIC: "Employer Provided Paid Sick Leave"

A BILL FOR AN ACT

101 **CONCERNING THE REQUIREMENT THAT EMPLOYERS OFFER PAID SICK**
102 **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

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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 **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".

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1 **8-13.3-402. Definitions.** AS USED IN THIS PART 4, UNLESS THE
2 CONTEXT OTHERWISE REQUIRES:

3 (1) "DIRECTOR" MEANS THE DIRECTOR OF THE DIVISION.

4 (2) "DIVISION" MEANS THE DIVISION OF LABOR STANDARDS AND
5 STATISTICS IN THE DEPARTMENT OF LABOR AND EMPLOYMENT CREATED IN
6 SECTION 8-1-103.

7 (3) "DOMESTIC ABUSE" HAS THE MEANING SET FORTH IN SECTION
8 13-14-101 (2).

9 (4) "EMPLOYEE" HAS THE MEANING SET FORTH IN SECTION 8-4-101
10 (5).

11 (5) (a) "EMPLOYER" HAS THE MEANING SET FORTH IN SECTION
12 8-4-101 (6); EXCEPT THAT THE TERM INCLUDES THE STATE AND ITS
13 AGENCIES OR ENTITIES, COUNTIES, CITIES AND COUNTIES, MUNICIPALITIES,
14 SCHOOL DISTRICTS, AND ANY POLITICAL SUBDIVISIONS OF THE STATE.

15 (b) "EMPLOYER" DOES NOT INCLUDE THE FEDERAL GOVERNMENT.

16 (6) "FAMILY MEMBER" MEANS:

17 (a) AN EMPLOYEE'S IMMEDIATE FAMILY MEMBER, AS DEFINED IN
18 SECTION 2-4-401 (3.7);

19 (b) A CHILD TO WHOM THE EMPLOYEE STANDS IN LOCO PARENTIS
20 OR A PERSON WHO STOOD IN LOCO PARENTIS TO THE EMPLOYEE WHEN THE
21 EMPLOYEE WAS A MINOR;

22 (c) A PERSON WHO RESIDES WITH THE EMPLOYEE AND HAS RESIDED
23 WITH THE EMPLOYEE FOR MORE THAN SIX MONTHS; AND

24 (d) ANY OTHER INDIVIDUAL RELATED BY AFFINITY WHOSE CLOSE
25 RELATIONSHIP WITH AN EMPLOYEE IS EQUIVALENT TO A FAMILY
26 RELATIONSHIP.

27 (7) "HARASSMENT" HAS THE MEANING SET FORTH IN SECTION

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1 18-9-111.

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

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

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

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

12 (10) "SEXUAL ASSAULT" HAS THE MEANING SET FORTH IN SECTION
13 18-3-402.

14 **8-13.3-403. Paid sick leave - accrual - carry forward to**
15 **subsequent calendar year - comparable leave provided by employer**
16 **- no payment for unused leave. (1) ALL EMPLOYEES WORKING IN**
17 **COLORADO HAVE THE RIGHT TO PAID SICK LEAVE AS SPECIFIED IN THIS**
18 **PART 4.**

19 (2) (a) EFFECTIVE JANUARY 1, 2021, AN EMPLOYER SHALL
20 PROVIDE EACH EMPLOYEE PAID SICK LEAVE AS PROVIDED IN THIS SECTION.
21 EACH EMPLOYEE EARNS AT LEAST ONE HOUR OF PAID SICK LEAVE FOR
22 EVERY THIRTY HOURS WORKED BY THE EMPLOYEE; EXCEPT THAT:

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

26 (II) AN EMPLOYER THAT EMPLOYS BETWEEN ONE AND FORTY-NINE
27 EMPLOYEES IS NOT REQUIRED TO PROVIDE ANY EMPLOYEE MORE THAN A

1 TOTAL OF FORTY HOURS OF PAID SICK LEAVE IN A TWELVE-MONTH PERIOD.

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

5 (c) AN EMPLOYEE WHO IS EXEMPT FROM OVERTIME REQUIREMENTS
6 UNDER SECTION 213 (a)(1) OF THE FEDERAL "FAIR LABOR STANDARDS
7 ACT OF 1938", 29 U.S.C. SEC. 201 ET SEQ., AS AMENDED, ACCRUES PAID
8 SICK LEAVE BASED ON THE ASSUMPTION THAT THE EMPLOYEE WORKS
9 FORTY HOURS PER WEEK. IF THE EMPLOYEE'S NORMAL WORKWEEK
10 CONSISTS OF FEWER THAN FORTY HOURS, THE EMPLOYEE ACCRUES PAID
11 SICK LEAVE BASED UPON THE NUMBER OF HOURS THAT COMPRISE THE
12 EMPLOYEE'S NORMAL WORKWEEK.

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

16 (b) ANY AMOUNT OF PAID SICK LEAVE THAT AN EMPLOYEE
17 ACCRUES IN A CALENDAR YEAR BUT DOES NOT USE CARRIES FORWARD TO,
18 AND MAY BE USED IN, A SUBSEQUENT CALENDAR YEAR; EXCEPT THAT AN
19 EMPLOYER IS NOT REQUIRED TO ALLOW THE EMPLOYEE TO USE MORE PAID
20 SICK LEAVE IN A TWELVE-MONTH PERIOD THAN THE AMOUNTS SPECIFIED
21 IN SUBSECTION (2)(a) OF THIS SECTION.

22 (4) (a) AN EMPLOYER THAT HAS A PAID LEAVE POLICY FOR ITS
23 EMPLOYEES MAY SATISFY THE REQUIREMENTS OF THIS SECTION AND IS NOT
24 REQUIRED TO PROVIDE ADDITIONAL PAID SICK LEAVE TO ITS EMPLOYEES
25 IF THE EMPLOYER:

26 (I) MAKES AVAILABLE TO ITS EMPLOYEES, THROUGH ITS PAID
27 LEAVE POLICY, AN AMOUNT OF PAID LEAVE SUFFICIENT TO MEET THE

1 ACCRUAL REQUIREMENTS OF SUBSECTION (2)(a) OF THIS SECTION; AND
2 (II) ALLOWS ITS EMPLOYEES TO USE THE PAID LEAVE FOR THE
3 SAME PURPOSES AND UNDER THE SAME CONDITIONS AS THOSE APPLICABLE
4 TO PAID SICK LEAVE UNDER THIS PART 4.

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

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

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

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

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

27 **8-13.3-404. Additional paid sick leave during a public health**

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1 **emergency.** (1) EXCEPT AS PROVIDED IN SUBSECTION (2) OF THIS
2 SECTION, IN ADDITION TO THE PAID SICK LEAVE REQUIRED IN SECTION
3 8-13.3-403, ON THE DATE THE GOVERNOR DECLARES A PUBLIC HEALTH
4 EMERGENCY OR A DISASTER EMERGENCY DUE TO A PUBLIC HEALTH
5 CONCERN, EACH EMPLOYER IN THE STATE SHALL IMMEDIATELY PROVIDE
6 EACH OF ITS EMPLOYEES WITH PAID SICK LEAVE IN THE FOLLOWING
7 AMOUNTS:

8 (a) FOR EMPLOYEES WHO NORMALLY WORK FORTY OR MORE
9 HOURS IN A WEEK, AT LEAST EIGHTY HOURS:

10 (b) FOR EMPLOYEES WHO NORMALLY WORK FEWER THAN FORTY
11 HOURS IN A WEEK, AT LEAST THE GREATER OF EITHER THE AMOUNT OF
12 TIME THE EMPLOYEE IS SCHEDULED TO WORK IN A FOURTEEN-DAY PERIOD
13 OR THE AMOUNT OF TIME THE EMPLOYEE ACTUALLY WORKS ON AVERAGE
14 IN A FOURTEEN-DAY PERIOD.

15 (2) FOR AN EMPLOYEE DESCRIBED IN SUBSECTION (1)(b) OF THIS
16 SECTION WHOSE SCHEDULE VARIES FROM WEEK-TO-WEEK, THE AMOUNT
17 OF TIME AN EMPLOYEE ACTUALLY WORKED ON AVERAGE IN A
18 FOURTEEN-DAY PERIOD IS:

19 (a) THE AVERAGE NUMBER OF HOURS THAT THE EMPLOYEE WAS
20 SCHEDULED EACH DAY OVER THE SIX-MONTH PERIOD ENDING ON THE DATE
21 ON WHICH THE EMPLOYEE TAKES PAID SICK LEAVE UNDER THIS SECTION,
22 INCLUDING HOURS FOR WHICH THE EMPLOYEE TOOK LEAVE OF ANY TYPE;
23 OR

24 (b) IF THE EMPLOYEE DID NOT WORK OVER THE SIX-MONTH PERIOD
25 ENDING ON THE DATE ON WHICH THE EMPLOYEE TOOK PAID SICK LEAVE
26 UNDER THIS SECTION, THE EMPLOYEE'S REASONABLE EXPECTATION OF THE
27 AVERAGE NUMBER OF HOURS THAT THE EMPLOYEE WOULD NORMALLY BE

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1 SCHEDULED TO WORK EACH DAY.

2 (3) IF A PUBLIC HEALTH EMERGENCY WAS DECLARED BEFORE AND

3 REMAINS IN EFFECT ON THE EFFECTIVE DATE OF THIS SECTION, AN

4 EMPLOYER SHALL RETROACTIVELY PROVIDE PAID SICK LEAVE UNDER THIS

5 SECTION TO EMPLOYEES EMPLOYED ON THE EFFECTIVE DATE OF THIS

6 SECTION.

7 (4) AN EMPLOYEE MAY USE PAID SICK LEAVE UNDER THIS SECTION

8 UNTIL [X] WEEKS FOLLOWING THE OFFICIAL TERMINATION OR SUSPENSION

9 OF THE PUBLIC HEALTH EMERGENCY.

10 (5) AN EMPLOYER SHALL PROVIDE ITS EMPLOYEES THE PAID SICK

11 LEAVE REQUIRED IN SUBSECTION (1) OF THIS SECTION FOR THE FOLLOWING

12 ABSENCES RELATED TO A PUBLIC HEALTH EMERGENCY:

13 (a) AN EMPLOYEE'S NEED TO:

14 (I) SELF-ISOLATE AND CARE FOR ONESELF BECAUSE THE EMPLOYEE

15 IS DIAGNOSED WITH A COMMUNICABLE ILLNESS RELATED TO A PUBLIC

16 HEALTH EMERGENCY;

17 (II) SELF-ISOLATE AND CARE FOR ONESELF BECAUSE THE

18 EMPLOYEE IS EXPERIENCING SYMPTOMS OF A COMMUNICABLE ILLNESS

19 RELATED TO A PUBLIC HEALTH EMERGENCY;

20 (III) SEEK OR OBTAIN MEDICAL DIAGNOSIS, CARE, OR TREATMENT

21 IF EXPERIENCING SYMPTOMS OF A COMMUNICABLE ILLNESS RELATED TO

22 A PUBLIC HEALTH EMERGENCY;

23 (IV) SEEK PREVENTIVE CARE CONCERNING A COMMUNICABLE

24 ILLNESS RELATED TO A PUBLIC HEALTH EMERGENCY; OR

25 (V) CARE FOR A FAMILY MEMBER WHO:

26 (A) IS SELF-ISOLATING AFTER BEING DIAGNOSED WITH A

27 COMMUNICABLE ILLNESS RELATED TO A PUBLIC HEALTH EMERGENCY;

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1 (B) IS SELF-ISOLATING DUE TO EXPERIENCING SYMPTOMS OF A
2 COMMUNICABLE ILLNESS RELATED TO A PUBLIC HEALTH EMERGENCY;

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

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

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

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

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

27 (I) AN INDIVIDUAL OR GENERAL LOCAL, STATE, OR FEDERAL

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1 QUARANTINE OR ISOLATION ORDER, INCLUDING A SHELTER-IN-PLACE OR
2 STAY-AT-HOME ORDER, RELATED TO A PUBLIC HEALTH EMERGENCY; OR

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

7 (e) 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 (f) 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 RELATED TO THE PUBLIC HEALTH
17 EMERGENCY.

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

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

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

26 (b) Documentation is not required to take paid sick leave under
27 this section.

1 **8-13.3-405. Use of paid sick leave - purposes - time increments.**

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

4 (a) THE EMPLOYEE:

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

7 (II) NEEDS TO OBTAIN A MEDICAL DIAGNOSIS, CARE, OR
8 TREATMENT OF A MENTAL OR PHYSICAL ILLNESS, INJURY, OR HEALTH
9 CONDITION; OR

10 (III) NEEDS TO OBTAIN PREVENTIVE MEDICAL CARE;

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

12 (I) HAS A MENTAL OR PHYSICAL ILLNESS, INJURY, OR HEALTH
13 CONDITION;

14 (II) NEEDS TO OBTAIN A MEDICAL DIAGNOSIS, CARE, OR
15 TREATMENT OF A MENTAL OR PHYSICAL ILLNESS, INJURY, OR HEALTH
16 CONDITION; OR

17 (III) NEEDS TO OBTAIN PREVENTIVE MEDICAL CARE;

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

21 (I) SEEK MEDICAL ATTENTION FOR THE EMPLOYEE OR THE
22 EMPLOYEE'S FAMILY MEMBER TO RECOVER FROM A PHYSICAL OR
23 PSYCHOLOGICAL INJURY OR DISABILITY CAUSED BY THE DOMESTIC ABUSE,
24 SEXUAL ASSAULT, OR HARASSMENT;

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

26 (III) OBTAIN PSYCHOLOGICAL OR OTHER COUNSELING;

27 (IV) SEEK RELOCATION DUE TO THE DOMESTIC ABUSE, SEXUAL

1 ASSAULT, OR HARASSMENT; OR

2 (V) TAKE LEGAL ACTION, INCLUDING PREPARATION FOR OR

3 PARTICIPATION IN A CIVIL OR CRIMINAL PROCEEDING RELATING TO OR

4 RESULTING FROM THE DOMESTIC ABUSE, SEXUAL ASSAULT, OR

5 HARASSMENT; OR

6 (d) DUE TO A PUBLIC HEALTH EMERGENCY, AS SPECIFIED IN

7 SECTION 8-13.3-404, A PUBLIC OFFICIAL HAS ORDERED CLOSURE OF:

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

9 (II) THE SCHOOL OR PLACE OF CARE OF THE EMPLOYEE'S CHILD

10 AND THE EMPLOYEE NEEDS TO BE ABSENT FROM WORK TO CARE FOR THE

11 EMPLOYEE'S CHILD.

12 (2) AN EMPLOYER SHALL ALLOW AN EMPLOYEE TO USE PAID SICK

13 LEAVE UPON ORAL REQUEST MADE BY THE EMPLOYEE. WHEN POSSIBLE,

14 THE EMPLOYEE SHALL INCLUDE IN THE EMPLOYEE'S REQUEST THE

15 EXPECTED DURATION OF THE EMPLOYEE'S ABSENCE FROM WORK.

16 (3) (a) AN EMPLOYEE MAY USE PAID SICK LEAVE IN HOURLY

17 INCREMENTS OR THE SMALLEST INCREMENT OF TIME THAT THE

18 EMPLOYER'S PAYROLL SYSTEM USES TO ACCOUNT FOR ABSENCES OR USE

19 OF OTHER TIME OFF, WHICHEVER IS SMALLER.

20 (b) AN EMPLOYER THAT EMPLOYS TEN OR MORE EMPLOYEES IS NOT

21 REQUIRED TO ALLOW AN EMPLOYEE TO USE MORE THAN SEVENTY-TWO

22 HOURS OF ACCRUED PAID SICK LEAVE IN A TWELVE-MONTH PERIOD.

23 (c) AN EMPLOYER THAT EMPLOYS FEWER THAN TEN EMPLOYEES IS

24 NOT REQUIRED TO ALLOW AN EMPLOYEE TO USE MORE THAN FORTY HOURS

25 OF ACCRUED PAID SICK LEAVE IN A TWELVE-MONTH PERIOD.

26 (4) AN EMPLOYER SHALL NOT REQUIRE, AS A CONDITION OF

27 PROVIDING PAID SICK LEAVE UNDER THIS PART 4, AN EMPLOYEE WHO USES

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1 PAID SICK LEAVE TO SEARCH FOR OR FIND A REPLACEMENT WORKER TO
2 COVER THE TIME DURING WHICH THE EMPLOYEE IS ABSENT FROM WORK.

3 **8-13.3-406. Paid sick leave related to COVID-19 - legislative**
4 **declaration - employer reimbursement - repeal. (1) Legislative**
5 **declaration. THE GENERAL ASSEMBLY HEREBY FINDS AND DECLARES**
6 **THAT:**

7 (a) DUE TO THE COVID-19 PANDEMIC THAT SPREAD TO
8 COLORADO IN FEBRUARY OF 2020, THE GOVERNOR ISSUED EXECUTIVE
9 ORDER D 2020 003 ON MARCH 11, 2020, DECLARING A DISASTER
10 EMERGENCY IN THE STATE;

11 (b) AS THE COVID-19 PANDEMIC CONTINUED TO SPREAD, THE
12 GOVERNOR ISSUED EXECUTIVE ORDER D 2020 013 ON MARCH 22, 2020,
13 REQUIRING EMPLOYERS TO REDUCE THEIR IN-PERSON WORKFORCE BY
14 FIFTY PERCENT;

15 (c) ON MARCH 27, 2020, THE FEDERAL GOVERNMENT ENACTED
16 THE "CORONAVIRUS AID, RELIEF, AND ECONOMIC SECURITY ACT", PUB.L.
17 116-136 (2020), PURSUANT TO WHICH COLORADO STATE GOVERNMENT
18 WILL RECEIVE APPROXIMATELY ONE BILLION SIX HUNDRED EIGHTY
19 MILLION DOLLARS FROM THE FEDERAL CORONAVIRUS RELIEF FUND TO USE
20 FOR NECESSARY EXPENDITURES INCURRED DUE TO THE CURRENT
21 COVID-19 PUBLIC HEALTH EMERGENCY.

22 (d) THE GENERAL ASSEMBLY FINDS THAT DISTRIBUTING A PORTION
23 OF THE MONEY THAT THE STATE RECEIVES FROM THE FEDERAL
24 CORONAVIRUS RELIEF FUND TO REIMBURSE EMPLOYERS FOR WAGES PAID
25 TO THEIR EMPLOYEES WHO TAKE PAID SICK LEAVE FOR REASONS RELATED
26 TO THE COVID-19 PUBLIC HEALTH EMERGENCY IS AN APPROPRIATE AND
27 LAWFUL USE OF THE MONEY.

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1 (2) ON AND AFTER THE EFFECTIVE DATE OF THIS SECTION THROUGH
2 DECEMBER 31, 2020, AN EMPLOYER SHALL PROVIDE TWO WEEKS OR
3 EIGHTY HOURS OF PAID SICK LEAVE AT TWO-THIRDS OF THE EMPLOYEE'S
4 REGULAR RATE OF PAY FOR AN EMPLOYEE WHO IS:

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

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

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

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

24 (5) EMPLOYEES SHALL GIVE NOTICE OF THEIR ABSENCE AS SOON AS
25 POSSIBLE. EMPLOYEES SHALL GIVE NOTICE OF GETTING A COVID-19 TEST
26 OR RECEIVING INSTRUCTIONS TO QUARANTINE OR ISOLATE WITHIN
27 TWENTY-FOUR HOURS AFTER BEING PRESCRIBED THE TEST OR

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1 INSTRUCTIONS.

2 (6) Paid sick leave employer expense reimbursement. (a) THE

3 DEPARTMENT MAY REIMBURSE AN EMPLOYER FOR THE EXPENSES THE

4 EMPLOYER INCURRED IN PAYING AN EMPLOYEE SICK LEAVE AS REQUIRED

5 BY THIS SECTION.

6 (b) THE MAXIMUM AMOUNT THAT AN EMPLOYER MAY BE

7 REIMBURSED UNDER THIS SUBSECTION (6) IS _____.

8 (c) IN ORDER TO BE ELIGIBLE FOR PAID SICK LEAVE EXPENSE

9 REIMBURSEMENT FROM THE DEPARTMENT, AN EMPLOYER MUST:

10 (d) ON OR BEFORE, THE DEPARTMENT SHALL ESTABLISH

11 PROCEDURES AND TIMELINES FOR REIMBURSEMENT APPLICATIONS;

12 CRITERIA FOR DETERMINING REIMBURSEMENT AMOUNTS; RECIPIENT

13 REPORTING REQUIREMENTS; AND ANY OTHER PROGRAM POLICIES.

14 (7) Reporting. ON OR BEFORE FEBRUARY 1, 2021, THE

15 DEPARTMENT SHALL SUBMIT A REPORT TO THE FINANCE AND THE BUSINESS

16 AFFAIRS AND LABOR COMMITTEES OF THE HOUSE OF REPRESENTATIVES

17 AND TO THE BUSINESS, LABOR, AND TECHNOLOGY AND THE FINANCE

18 COMMITTEES OF THE SENATE, OR ANY SUCCESSOR COMMITTEES,

19 SUMMARIZING THE EMPLOYERS WHO RECEIVED REIMBURSEMENT UNDER

20 THIS SECTION AND THE AMOUNT OF REIMBURSEMENT.

21 (8) Fund. THE PAID SICK LEAVE EMPLOYER EXPENSE

22 REIMBURSEMENT CASH FUND IS CREATED IN THE STATE TREASURY. THE

23 FUND CONSISTS OF _____.

24 (9) Repeal. THIS SECTION IS REPEALED, EFFECTIVE SEPTEMBER 1,

25 2021.

26 8-13.3-407. Employee rights protected - retaliation prohibited.

27 (1) AN EMPLOYEE IS ENTITLED TO:

1 (a) USE ACCRUED PAID SICK LEAVE CONSISTENT WITH THIS PART
2 4;

3 (b) FILE A COMPLAINT OR INFORM ANY PERSON ABOUT AN
4 EMPLOYER'S ALLEGED VIOLATION OF THIS PART 4;

5 (c) COOPERATE WITH THE DIVISION IN ITS INVESTIGATION OF AN
6 ALLEGED VIOLATION OF THIS PART 4; AND

7 (d) INFORM ANY PERSON OF THE PERSON'S POTENTIAL RIGHTS
8 UNDER THIS PART 4.

9 (2) (a) IT IS UNLAWFUL FOR AN EMPLOYER OR ANY OTHER PERSON
10 TO INTERFERE WITH, RESTRAIN, OR DENY AN EMPLOYEE THE RIGHT TO
11 EXERCISE OR ATTEMPT TO EXERCISE THE EMPLOYEE'S RIGHTS UNDER THIS
12 PART 4.

13 (b) AN EMPLOYER SHALL NOT TAKE A RETALIATORY PERSONNEL
14 ACTION OR DISCRIMINATE AGAINST AN EMPLOYEE WHO EXERCISES OR
15 ATTEMPTS TO EXERCISE THE EMPLOYEE'S RIGHTS UNDER THIS PART 4.

16 (c) IT IS UNLAWFUL FOR AN EMPLOYER TO COUNT PAID SICK LEAVE
17 USED BY AN EMPLOYEE AS AN ABSENCE THAT MAY LEAD TO OR RESULT IN
18 DISCIPLINE, DISCHARGE, DEMOTION, SUSPENSION, OR ANY OTHER ADVERSE
19 ACTION AGAINST THE EMPLOYEE.

20 (3) A REBUTTABLE PRESUMPTION OF AN UNLAWFUL RETALIATORY
21 PERSONNEL ACTION IS CREATED IF AN EMPLOYER TAKES AN ADVERSE
22 ACTION AGAINST AN EMPLOYEE WITHIN NINETY DAYS AFTER THE
23 EMPLOYEE:

24 (a) USES ACCRUED PAID SICK LEAVE;

25 (b) FILES A COMPLAINT WITH THE DIVISION OR A COURT ALLEGING
26 A VIOLATION OF THIS PART 4;

27 (c) INFORMS ANY PERSON ABOUT AN EMPLOYER'S ALLEGED

1 VIOLATION OF THIS PART 4;

2 (d) COOPERATES WITH THE DIVISION OR ANOTHER PERSON WITH
3 ENFORCEMENT OR INVESTIGATIVE AUTHORITY IN THE INVESTIGATION OR
4 PROSECUTION OF AN ALLEGED VIOLATION OF THIS PART 4;

5 (e) OPPOSES ANY POLICY, PRACTICE, OR ACT THAT IS UNLAWFUL
6 UNDER THIS PART 4; OR

7 (f) INFORMS ANY PERSON OF THE PERSON'S RIGHTS UNDER THIS
8 PART 4.

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

12 **8-13.3-408. Notice to employees - penalty.** (1) AN EMPLOYER
13 SHALL NOTIFY ITS EMPLOYEES THAT THEY ARE ENTITLED TO PAID SICK
14 LEAVE. THE NOTICE MUST SPECIFY THE AMOUNT OF PAID SICK LEAVE TO
15 WHICH EMPLOYEES ARE ENTITLED AND THE TERMS OF ITS USE UNDER THIS
16 PART 4. THE NOTICE MUST ALSO INFORM EMPLOYEES THAT EMPLOYERS
17 CANNOT RETALIATE AGAINST AN EMPLOYEE FOR REQUESTING OR USING
18 PAID SICK LEAVE AND THAT AN EMPLOYEE HAS THE RIGHT TO FILE A
19 COMPLAINT OR BRING A CIVIL ACTION IF PAID SICK LEAVE IS DENIED BY
20 THE EMPLOYER OR THE EMPLOYER RETALIATES AGAINST THE EMPLOYEE
21 FOR EXERCISING THE EMPLOYEE'S RIGHTS UNDER THIS PART 4.

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

24 (a) SUPPLYING EACH EMPLOYEE WITH A WRITTEN NOTICE
25 CONTAINING THE INFORMATION SPECIFIED IN SUBSECTION (1) OF THIS
26 SECTION THAT IS IN ENGLISH AND IN ANY LANGUAGE THAT IS THE FIRST
27 LANGUAGE SPOKEN BY AT LEAST FIVE PERCENT OF THE EMPLOYER'S

1 WORKFORCE; AND

2 (b) DISPLAYING A POSTER IN A CONSPICUOUS AND ACCESSIBLE

3 LOCATION IN EACH ESTABLISHMENT WHERE THE EMPLOYER'S EMPLOYEES

4 WORK THAT CONTAINS THE INFORMATION REQUIRED BY SUBSECTION (1)

5 OF THIS SECTION IN ENGLISH AND IN ANY LANGUAGE THAT IS THE FIRST

6 LANGUAGE SPOKEN BY AT LEAST FIVE PERCENT OF THE EMPLOYER'S

7 WORKFORCE.

8 (3) THE DIVISION SHALL CREATE AND MAKE AVAILABLE TO

9 EMPLOYERS POSTERS AND NOTICES THAT CONTAIN THE INFORMATION

10 REQUIRED BY SUBSECTION (1) OF THIS SECTION, AND EMPLOYERS SHALL

11 USE THE POSTERS AND NOTICES TO COMPLY WITH THE REQUIREMENTS OF

12 THIS SECTION.

13 (4) AN EMPLOYER WHO WILLFULLY VIOLATES THIS SECTION IS

14 SUBJECT TO A CIVIL FINE NOT TO EXCEED ONE HUNDRED DOLLARS FOR

15 EACH SEPARATE VIOLATION. THE FINE SHALL BE TRANSMITTED TO THE

16 STATE TREASURER, WHO SHALL DEPOSIT IT IN THE GENERAL FUND.

17 **8-13.3-409. Employer records.** (1) AN EMPLOYER SHALL RETAIN

18 RECORDS FOR EACH EMPLOYEE FOR A FIVE-YEAR PERIOD, DOCUMENTING

19 HOURS WORKED, PAID SICK LEAVE ACCRUED, AND PAID SICK LEAVE USED.

20 UPON APPROPRIATE NOTICE AND AT A MUTUALLY AGREEABLE TIME, THE

21 EMPLOYER SHALL ALLOW THE DIVISION ACCESS TO THE RECORDS FOR

22 PURPOSES OF MONITORING COMPLIANCE WITH THIS PART 4.

23 (2) IF AN ISSUE ARISES AS TO AN EMPLOYEE'S RIGHT TO PAID SICK

24 LEAVE AND THE EMPLOYER HAS NOT MAINTAINED OR RETAINED ADEQUATE

25 RECORDS FOR THAT EMPLOYEE OR DOES NOT ALLOW THE DIVISION

26 REASONABLE ACCESS TO THE RECORDS, THE EMPLOYER SHALL BE

27 PRESUMED TO HAVE VIOLATED THIS PART 4 ABSENT CLEAR AND

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1 CONVINCING EVIDENCE TO DEMONSTRATE THE EMPLOYER'S COMPLIANCE.

2 **8-13.3-410. Authority of director - rules.** THE DIRECTOR SHALL
3 COORDINATE IMPLEMENTATION AND ENFORCEMENT OF THIS PART 4 AND
4 SHALL ADOPT RULES AS NECESSARY FOR SUCH PURPOSES.

5 **8-13.3-411. Enforcement - judicial review of director's actions.**

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

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

14 **8-13.3-412. Confidentiality of employee information -**
15 **definition.** (1) AN EMPLOYER SHALL NOT REQUIRE AN EMPLOYEE, AS A
16 CONDITION OF USING PAID SICK LEAVE, TO DISCLOSE THE DETAILS OF:

17 (a) THE EMPLOYEE'S OR FAMILY MEMBER'S MEDICAL CONDITION;
18 OR

19 (b) ANY DOMESTIC ABUSE, SEXUAL ASSAULT, OR HARASSMENT
20 THAT GIVES RISE TO THE USE OF THE PAID SICK LEAVE.

21 (2) (a) IF AN EMPLOYER HAS AN EMPLOYEE'S OR FAMILY MEMBER'S
22 HEALTH INFORMATION OR INFORMATION PERTAINING TO AN EMPLOYEE'S
23 OR FAMILY MEMBER'S DOMESTIC ABUSE, SEXUAL ASSAULT, OR
24 HARASSMENT, THE EMPLOYER SHALL TREAT THE INFORMATION AS
25 CONFIDENTIAL AND SHALL NOT DISCLOSE THE INFORMATION EXCEPT TO
26 THE AFFECTED EMPLOYEE OR WITH THE PERMISSION OF THE AFFECTED
27 EMPLOYEE.

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1 (b) AS USED IN THIS SUBSECTION (2), "AFFECTED EMPLOYEE"
2 MEANS THE EMPLOYEE:

3 (I) ABOUT WHOM THE HEALTH INFORMATION PERTAINS OR WHO IS
4 THE VICTIM OF THE DOMESTIC ABUSE, SEXUAL ASSAULT, OR HARASSMENT;
5 OR

6 (II) WHOSE FAMILY MEMBER IS THE SUBJECT OF THE HEALTH
7 INFORMATION OR IS THE VICTIM OF THE DOMESTIC ABUSE, SEXUAL
8 ASSAULT, OR HARASSMENT.

9 **8-13.3-413. Employers encouraged to provide more generous**
10 **paid sick leave.** (1) NOTHING IN THIS PART 4 DISCOURAGES OR PROHIBITS
11 AN EMPLOYER FROM ADOPTING OR CONTINUING A PAID SICK LEAVE POLICY
12 THAT IS MORE GENEROUS THAN THE PAID SICK LEAVE POLICY REQUIRED BY
13 THIS PART 4.

14 (2) NOTHING IN THIS PART 4 DIMINISHES THE OBLIGATION OF AN
15 EMPLOYER TO COMPLY WITH ANY CONTRACT, COLLECTIVE BARGAINING
16 AGREEMENT, EMPLOYMENT BENEFIT PLAN, OR OTHER AGREEMENT
17 PROVIDING EMPLOYEES WITH A MORE GENEROUS PAID SICK LEAVE POLICY
18 THAN THE PAID SICK LEAVE POLICY REQUIRED BY THIS PART 4.

19 (3) NOTHING IN THIS PART 4 DIMINISHES THE RIGHTS OF PUBLIC
20 EMPLOYEES REGARDING PAID SICK LEAVE OR THE USE OF PAID SICK LEAVE.

21 **8-13.3-414. Other legal requirements applicable.** THIS PART 4
22 PROVIDES MINIMUM REQUIREMENTS PERTAINING TO PAID SICK LEAVE AND
23 DOES NOT PREEMPT, LIMIT, OR OTHERWISE AFFECT THE APPLICABILITY OF
24 ANY OTHER LAW, RULE, REQUIREMENT, POLICY, OR STANDARD THAT
25 PROVIDES FOR GREATER ACCRUAL OR USE OF PAID OR UNPAID SICK LEAVE
26 BY EMPLOYEES OR THAT EXTENDS OTHER PROTECTIONS TO EMPLOYEES.

27 **8-13.3-415. Collective bargaining agreements.** THIS PART 4

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1 DOES NOT APPLY TO EMPLOYEES COVERED BY A BONA FIDE COLLECTIVE
2 BARGAINING AGREEMENT TO THE EXTENT THAT THE REQUIREMENTS OF
3 THIS PART 4 ARE EXPRESSLY WAIVED IN THE COLLECTIVE BARGAINING
4 AGREEMENT IN CLEAR AND UNAMBIGUOUS TERMS AND THE COLLECTIVE
5 BARGAINING AGREEMENT PROVIDES FOR AN EQUIVALENT OR MORE
6 GENEROUS BENEFIT FOR THE EMPLOYEES COVERED BY THE AGREEMENT.

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

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