



Colorado Department of Labor and Employment (CDLE) Issued Emergency Rules on the HFWA

Effective Date: January 1, 2021

Effective until January 24, 2021, but further into 2021 should:

- (A) further renewed, extended, and/or amended emergency declarations continue to be issued, or
- (B) a different COVID-related “emergency” declaration be issued in 2021.

On December 23, 2020, the CDLE adopted emergency rules to the Healthy Families and Workplaces Act (HFWA) requiring **ALL employers regardless of size** (except Federal employees) to provide employees with supplemental paid sick leave for public health emergency related absences, up to 80 hours.

- For employees who normally work 40 or more hours in a week, 80 hours of total leave;
- For employees working under 40 hours in a week, the greater number of hours the employee;
 - is scheduled for work or paid leave in the upcoming 14 day period **OR**
 - actually worked an average in the 14 day period prior to January 1, 2021.

Important

- **Employers with 16 or more employees need to also provide 1 hour of paid sick leave for each 30 hours of work, up to 48 hours.** Employees may use supplemental PHE leave before accrued Sick leave.

- [Beginning January 1, 2021](#), during a public health emergency (PHE), employees can use supplemental PHE leave for the following needs:
 1. Self-isolating or work exclusion due to exposure, symptoms, or diagnosis of the communicable illness in the PHE;
 2. Seeking a diagnosis, treatment, or care (including preventive care) of such an illness;
 3. Being unable to work due to a health condition that may increase susceptibility to or risk of such an illness; or
 4. Caring for a child or other family in category (1)-(3), or whose school or child care is unavailable due to the PHE.

The CDLE's emergency rules may be challenged in court but it is vital that employers follow these rules until changed by judicial or legislative action. In addition, ensure you have the most [current poster](#).

[Click here for Interpretive Notices](#). We will continue to monitor and provide important updates to you through our newsletter and breaking news emails.

Ensure you have a resource to contact with your questions. Consider the [affordable HRP Membership options](#).

As employment laws continue to expand and change, we encourage all employers no matter what size to invest in HR technology. [Click here](#) to contact us for information on our electronic Applicant Tracking and Onboarding systems and start saving your valuable time and limit your financial risk.