

Frequently Asked Questions on the General Leave Policy Supplements

1. What is the Colorado Healthy Families and Workplaces Act (“ACT” or “Sick Leave Bill”) and why is the General Leave Policy being changed due to the Act?
 - a. *The Act requires employers to provide paid sick leave to all employees beginning January 1, 2021 up to a maximum of 48 hours of leave per year. The Act also requires employers to supplement this leave, if necessary, to ensure employees have leave available during a declared public health emergency. Employers’ existing leave programs may provide sufficient leave to account for these required amounts under the Act. The City’s General Leave Policy is being enhanced to comply with the new state law regarding Paid Sick Leave and to incorporate the designation of leave as Paid Sick Leave.*
2. Where can I find specific language regarding the law or employee rights under the Act (HFWA)?
 - a. *Employees may view the Colorado Workplace Public Health Poster that was published by the Colorado Department of Labor and Employment on the intranet under the COVID-19 resources page or through this [link](#).*
3. Will there be separate leave banks for General Leave and Paid Sick Leave?
 - a. *No. Since the City’s supplemental leave policy offers employees sufficient leave under the Sick Leave Bill, the City will not be granting additional paid sick leave banks to regular full time employees. For tracking and accounting purposes, a portion of full time employees general leave time will be designated as paid sick leave. See FAQ #10 and #12 concerning certain employees who will accrue Paid Sick Leave.*
4. How will employees receive paid sick leave?
 - a. *All employees (full time, variable-hour, seasonal, FOP and GWU) will receive leave that corresponds to the required amounts of paid sick leave. Regular full time, FOP and GWU already receive general leave banks that exceed 48 hours each year. Therefore, as noted below, part of those employees’ general leave banks is designated as paid sick leave.*
 - i. *VHE and seasonal – employees will accrue 1 hour of paid sick leave for every 30 hours worked, up to a maximum of 48 hours during a benefit year.*
 - ii. *Newly hired full time employees – will accrue limited purpose paid sick leave at 1 hour of leave for every 30 hours worked, up to a maximum of 48 hours. Upon the completion of the six month introductory period, employees will receive their bank of general leave, some of which will be designated as paid sick leave (prorated based on the months remaining in the benefit year), though employees may use that leave for all purposes permitted for the use of general leave.*
5. What can I use paid sick leave hours for?
 - a. *Employees are entitled to use paid sick leave under the law for the following absences from work:*

- i. *When the employee: has a mental or physical illness, injury, or health condition that prevents the worker from working; needs to obtain medical diagnosis, care or treatment for an illness, injury, or health condition; or needs to obtain preventative medical care;*
- ii. *When the employee needs to care for a family member for the purposes in (i) above;*
- iii. *When the employee or employee's family member has been the victim of domestic abuse, sexual assault, or harassment and the leave is to: seek medical attention or recover from a mental or physical illness, injury or health condition due to the violence/assault/harassment; obtain services from a victim services organization; obtain mental health or other counseling; seek relocation due to the violence/assault/harassment; or seek legal services, including preparing or participating in a civil or criminal proceeding;*
- iv. *When, due to the declared public health emergency, a public official has ordered the closure of the employee's place of business, or ordered the closure of 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*

6. What family members may employees care for using paid sick leave?

- a. *Employees may use paid sick leave to care for a person related by blood, marriage, civil union, or adoption; a child to whom the employee stands in loco parentis (or "acting as a parent" and raising a child); or a person for whom the employee is responsible for providing or arranging health-or-safety related care.*

7. Can I use paid sick leave hours for time away from work for reasons not related to an illness or medical condition?

- a. *Paid sick leave is leave time included in an employee's general leave bank and thus can be used for time away from work not related to a medical condition or illness. It should be noted, that no additional paid sick leave time is granted if the employee uses all designated paid sick leave for time away from work not related to an illness or medical condition.*
- b. *For example: at the beginning of a benefit year, general full-time non-FOP employees with greater than six months of employment will receive 152 hours of General Leave (with 1 – 4 years of service) with 48 of those hours being designated as paid sick leave time. If an employee uses 120 hours of general leave throughout the year, that leaves 32 hours of designated paid sick leave remaining. If an employee uses all 152 hours of general leave for vacation time, no additional paid sick leave will be issued.*

8. What happens to my sick leave if I do not use it all?

- a. *VHEs with remaining paid sick leave at the end of the benefit year may carry over a maximum of 48 hours of leave to the next benefit year. However, VHEs may only use a maximum of 48 hours of paid sick leave each benefit year.*
- b. *Newly hired full time employees that have completed their first six months of employment before the end of a benefit year will receive their pro-rated amount of*

general leave that will include any unused hours of paid sick leave (up to a maximum of 48 hours).

- c. *Regular full time employees will receive a new bank of general leave each benefit year that will include an amount of leave corresponding to any unused paid sick leave that will be designated paid sick leave time (up to a maximum of 48 hours) from the prior benefit year.*
9. As a variable-hour (VHE) employee, can I use sick leave for reasons other than permitted in the Paid Sick Leave Bill?
 - a. *No. Since variable-hour employees are not eligible for general leave, the paid sick leave that is issued is considered a limited purpose sick leave than can only be used for reasons outlined in the sick leave bill.*
10. As a VHE, how many hours of sick leave do I get in a year?
 - a. *VHE's will accrue 1 hour of paid sick leave for every 30 hours worked up to a maximum of 48 hours. No VHE will be eligible to accrue more than 48 hours of paid sick leave each benefit year. See FAQ #187 for additional leave available during a public health emergency.*
11. For VHEs, what hours count towards accruing paid sick leave?
 - a. *Accrual of paid sick leave is based on all "time worked" including any overtime hours. "Time worked" means time during which an employee is performing labor or services for the benefit of an employer, including all time permitted to work, whether or not required to do so.*
12. As a new full time employee who has not earned their bank of general leave, am I eligible for sick leave?
 - a. *Yes. Newly hired full time employees will accrue Initial Paid Sick Leave during their first six months of employment at the rate of 1 hour of paid sick leave for every 30 hours worked; up to a maximum of 48 hours. Then, at the completion of their introductory period, they will be granted a prorated bank of general leave (based on the months remaining in the benefit year). A portion of the general leave bank will be designated as paid sick leave in an amount equal to any unused Initial Paid Sick Leave or the accrued hours plus any paid sick leave that the employee would have accrued for the remainder of the benefit year (to a maximum of 48 hours). The City will supplement this leave bank if necessary if the employee's leave bank is less than any unused amounts of paid sick leave plus what would have accrued for the remainder of the benefit year. For example, a new full time employee hired in March will complete their six-month introductory period in September. By accruing 1 hour of paid sick leave for every 30 hours worked, they will have an opportunity to accrue 34.67 hours of paid sick leave. At the completion of the introductory period, they will receive general leave for roughly 3 months (around 38 hours). If they did not use any Initial Paid Sick Leave during their first six months of employment, 34.67 of the 38 hours awarded, would be designated as paid sick leave and the employee would receive any additional hours of paid sick leave they*

would have accrued for the remainder of the benefit year, which in the above-referenced example is approximately 10 hours of paid sick leave.

13. How will I record paid sick leave time used on my timesheet?

- a. *A new pay code will be added for employees to start using in 2021 to designate paid sick leave on their timesheets. For any missed hours that qualify under paid sick leave, employees will need to use the SICK pay code on their timesheet.*

14. How do I request to use paid sick leave?

- a. *If possible, employees who need to use Paid Sick Leave for a reason allowed by state law, should notify their supervisor of their request to use designated paid sick leave as soon as possible. Advanced notification is requested but not required. No request for use of paid sick leave will be denied for not providing advanced notification. Employees will need to complete and submit a Paid Sick Leave form and return to their supervisor as soon as practicable for time-keeping and recording purposes.*

15. What documentation do I need to provide in order to use paid sick leave?

- a. *If possible, employees requesting use of designated Paid Sick Leave should complete and submit a Paid Sick Leave form to their supervisor indicating the number of Paid Sick Leave hours they are requesting to use and affirming that use of Paid Sick Leave hours is for a qualifying reason allowed by state law. If not possible, a supervisor may submit these forms on an employee's behalf. Paid Sick Leave forms should be submitted as soon as foreseeable or as soon as an employee is able to complete the form. If an employee is unable to complete this form prior to taking leave or give notice in time for a supervisor to do so, the employee or supervisor can do so as soon as practicable following his or her leave.*

16. What happens if I am out on Paid Sick Leave for longer than four (4) consecutive days?

- a. *If an employee is out on Paid Sick Leave for longer than 4 consecutive days, the City may request documentation in the form of a doctor's note or initiate conversations regarding eligibility under the Family Medical Leave Act (FMLA).*

17. What leave is available now as Public Health Emergency (PHE) leave?

- a. *Because the public health emergency relating to COVID-19 is ongoing, all full time employees will have 80 hours of leave available to use for any of the reasons listed in the Sick Leave Bill. For those with general leave banks, 80 hours are currently designated as Paid Sick Leave and Emergency Paid Sick Leave as of 1/1/21. For part-time, VHEs, and new employees, a bank of 80 hours is available for use for a PHE related reason until 4 weeks following the termination of the current PHE.*
- b. *This bank or designation is applicable one time during the current PHE. If the Governor continues to extend the declaration of the PHE, employees will be able to use the PHE leave, but no additional banks will be granted for this PHE.*
- c. *See FAQ #18 for the qualifying reasons for taking leave during a PHE.*

18. What additional qualifying reasons can employees use Emergency Paid Sick Leave for?

a. *In addition to the reasons outlined in question #5, employees may use Emergency Paid Sick Leave for the following reasons:*

- i. *To self-isolate and care for oneself because the employee is diagnosed with or is experiencing symptoms of a communicable illness that is the cause of a Public Health Emergency;*
- ii. *To seek or obtain medical diagnosis, care or treatment if experiencing symptoms of a communicable illness that is the cause of a Public Health Emergency;*
- iii. *To seek preventative care concerning a communicable illness that is the cause of a Public Health Emergency;*
- iv. *To care for a family member who needs to self-isolate because the family member is diagnosed with or is experiencing symptoms of a communicable illness that is the cause of a Public Health Emergency;*
- v. *To care for a family member who needs to seek preventative care concerning a communicable illness that is the cause of a Public Health Emergency;*
- vi. *The employee is subject to a Federal, State, or local quarantine or isolation order related to a communicable illness*
- vii. *The employee is caring for a son or daughter of such employee if the school or place of care of the son or daughter has been closed, or the child care provider of such son or daughter is unavailable, due to a communicable illness*
- viii. *An employee's inability to work because the employee has a health condition that may increase susceptibility to or risk of a communicable illness that is the cause of the Public Health Emergency*