New emergency sick leave policy addresses public health crises [1]

February 9, 2021 by Employee and Information Services [2]

The 2020 Healthy Families and Workplaces Act (HFWA) [3] included provisions for emergency sick leave in response to public health crises. When a public health emergency is declared by a local, county, state or federal government, this legislation grants employees leave to be used under specific circumstances.

This leave is available when a communicable disease has been identified and declared a public health emergency. The requesting employee must be absent for any of the following reasons:

- Isolating and caring for themselves or their family member(s) when experiencing symptoms of the declared emergency illness.
- Isolating and caring for themselves or their family member(s) when diagnosed with the declared emergency illness.
- Seeking and obtaining medical care – including preventative care, diagnosis and treatment – for themselves or their family member(s) when experiencing symptoms of the declared emergency illness.
- Their employer or a public health agency has determined their presence presents a risk of illness transmission to others, due to known exposure or present symptoms regardless of whether a positive diagnosis has been confirmed.
- Caring for a family member who must leave their workplace because their employer has determined their presence presents a risk of illness transmission to others due to known exposure or present symptoms of the declared emergency illness.
- Caring for a child or family member whose school or care provider is unavailable due to closure in response to the public health declaration, even if that school or care provider is offering remote learning or enrichment activities.
- Taking preventative measures to limit exposure due to an existing medical condition that places them at higher risk for contracting or experiencing medical complications from the declared emergency illness.

Employees are entitled to a maximum of 80 hours of Public Health Emergency Leave (PHEL), but your individual balance is reduced by a couple factors:

- Any CU employee whose total standard work hours across all jobs is less than 40 hours will be eligible for a prorated percentage of the 80-hour maximum.
- The employee’s sick leave balance as of the date the emergency was first declared will reduce the total PHE hours they can use.
  - Example: If an emergency is declared on Aug. 1 and the employee has a sick leave balance of 20 hours on that date, their available PHEL will be reduced by 20
hours to 60 hours of PHEL. This balance will not be further reduced by subsequent leave accrual as long as the emergency declaration is in effect.

Colorado is currently under a public health emergency declaration due to the COVID-19 pandemic and all employees are eligible for PHEL. Employees should be aware of their rights and restrictions in using and planning this leave:

- You are entitled to use your PHEL before any other leave balances for qualifying absences.
- Each employee is entitled to a maximum 80 hours of leave (minus any leave deductions provided above) for any declared health emergency, even if that declaration spans fiscal or calendar years.
- Employees can continue using any available PHEL for up to four weeks after the public health order is suspended or terminated.
- Once PHEL is exhausted, you can use other accrued leave or paid absence programs or take unpaid leave.

To learn more about how to enter emergency leave time, read this instructional post [4]. If you need to take PHEL or any other paid or unpaid leave, in response to this or any public health emergencies, please communicate with your campus Human Resources office regarding your options.

Sick Leave [5]

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