Healthy Families and Workplaces Act (2020) [1]

This page provides information most relevant to CU employees. Please see the HCM Healthy Families and Workplaces Act page [2] for information relevant to supervisors and payroll personnel.

During the 2020 Regular Session, the Colorado legislature passed the Healthy Families and Workplaces Act [3] requiring employers across the state to provide paid sick leave to their employees. This law impacts employees across the state, including part-time employees not already covered by CU’s standard sick leave policy.

Beginning Jan. 1, 2021, all Colorado employers with 16 or more employees (and all employers, regardless of staff size, by Jan. 1, 2022) must provide paid sick leave for their employees at a minimum rate of 1 hour of sick leave for every 30 hours worked.

At CU, this law will largely impact part-time employees who work fewer than 20 hours per week. Because of their limited hours, plus the likelihood that this includes student employees with inconsistent schedules, the university is opting to calculate this sick leave on a prorated basis.

Key points

- This new policy does not affect employees currently covered by the standard sick leave policy.
- Affected employees will earn roughly .034 hours of sick leave per hour worked.
- Affected employees will be able to carry a maximum of 48 hours of sick leave from one fiscal year to the next.
- Affected employees will only be able to use 48 hours of sick leave per fiscal year, regardless of how much leave they have banked.
- Biweekly pay groups will have access to a new earnings code to pay employees for sick leave usage.
- Monthly pay groups will continue to use existing sick earnings codes to record sick leave.
- All employees without a sick balance will be able to use up to 80 hours of Public Health Emergency Leave, during a public health emergency set by the state of Colorado.

Emergency Leave

This law also created an emergency sick leave policy providing up to 80 hours of paid sick leave related to public health emergencies. To learn more, visit the Emergency Sick Leave page [4].
Resources

Many employees who have not been leave-eligible before now will likely be unfamiliar with the process of checking their leave balance and using their leave. Likewise, supervisors who have only worked with non-leave eligible direct reports may be unfamiliar with the review and approval process.

These guides and resources can help employees navigate the leave request and approval process in the My Leave timekeeping system:

- My Leave Basics [5]
- My Leave for Supervisors [6]
- My Leave for Supervisors (Skillsoft course) [7]
- My Leave Frequently Asked Questions [8]
- HCM Taking Leave page [9]
- Administrative Policy Statement on Leave [10]*

*Note: See the Draft PDF for details on the law's impacts to CU's policies.

These guides aren’t one-size-fits-all. Not every department uses MyLeave to track employee time. If you have any questions not addressed by these user guides and FAQ, please reach out to your campus HR office.

FAQs

General Questions

Q) When can I use sick leave?

Sick leave can be used for the following reasons:
An 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.

An 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;

An 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 place of business due to a public health emergency, necessitating the employee’s absence from work.

Q) How much will I accrue?

A) When determining your accrual, please keep the following in mind:

- CU has several leave eligibilities, so your accrual will depend on your position type
- Employees in multiple positions might have multiple eligibilities. In that case you would apply the eligibility rules separately to each position
- Your accrual in any position will be affected by your schedule. If you are part-time in a position, your accrual may be a proration of the full benefit

<table>
<thead>
<tr>
<th>Job Type</th>
<th>Sick Leave Accrual</th>
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<tbody>
<tr>
<td><strong>Classified Staff (non-temporary)</strong></td>
<td><em>Classified Staff employees accrue a maximum of 6.66 hours of sick each month, prorated based on the hours worked versus total work hours possible in the pay period month.</em>&lt;br&gt;<em>Classified Leave rules are governed by state law. You can review information about sick leave on the Office of Policy and Efficiency (OPE) Leave Policies page [10].</em></td>
</tr>
<tr>
<td><strong>University Staff employees (non-temporary)</strong></td>
<td><em>Full-time University Staff employees accrue a maximum of 10.0 hours of sick each month, prorated based on the hours worked versus total work hours in the pay period month.</em>&lt;br&gt;<em>More information on University Staff leave policies can be found on the Office of Policy and Efficiency (OPE) Leave Policies page [10].</em></td>
</tr>
<tr>
<td><strong>12-month Faculty (non-temporary)</strong></td>
<td><em>Employees considered 12-Month Faculty accrue a maximum of 10.0 hours of sick leave each month, prorated based on the hours worked versus total possible work hours in the pay period month.</em>&lt;br&gt;<em>More information on leave policies can be found on the Office of Policy and Efficiency (OPE) Leave Policies page [10].</em></td>
</tr>
</tbody>
</table>
Job Type | Sick Leave Accrual
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**Q) How do I view my sick leave balance?**

Leaves:
- This depends on your pay frequency, status as a contract employee, and the type of balance you maintain.
  - Monthly Pay: The Leave Balance Tile allows an employee to see a full history of leave, including sick leave. The available sick leave balance is used in the paycheck of the pay period.
  - Biweekly Pay: The Leave Balance Tile allows an employee to see a full history of leave, including sick leave. The available sick leave balance is used in the paycheck of the pay period.

**Q) How do I record absence for sick leave?**

Leaves:
- This depends on your pay frequency or status as a contract employee:
  - Monthly Pay: Employees in pay groups paid monthly can use the sick earnings codes that are already available in their paystub. There are no new codes or processes to register.
  - Biweekly Pay: Employees paid in a biweekly pay group have a new Earnings Code – Hourly Sick Leave – that will pay the employee for absence time covered by the state sick leave plan. To use this code, employees need to enter HSK – Hourly Sick Leave – in their payroll. Entering HSK alone will pay the employee for the hours of leave used.

**Q) How much sick leave can I use at one time? Do I have to use a whole hour?**

Employees:
- Employees can use sick leave in increments of 15 minutes (0.25 hours).

**Q) How much leave can I accrue? Will my leave be capped or taken away?**

Employees:
- Employees eligible for state sick leave and earning 0.034 accrual hours per hour worked can use up to 48 hours each plan year, regardless of how many hours they accrue. A plan year matches the fiscal year of July 1 – June 30 of the following year.

State leave eligible employees may also carry up to 48 hours of unused leave into the next plan year. The evaluation of an employee’s carryover occurs during the Leave Sweep process at the end of each fiscal year, at the same time we run the Leave Sweep process for our existing leave plans. Any balance that exceeds 48 hours will be removed at that time for the state sick leave plan enrollees.

- University Staff, Classified Staff, and 12-Month faculty plans already have rules outlined for maximum balances and sweeping leave. They can be found here:
  - University Staff and 12-Month Faculty [11]
  - Classified Staff [11]

9-Month faculty do not have a limit on their total leave balance. However, these employees...
cannot earn more than 11 days (88 hours) of leave in any calendar year.

**Q) Will I be able to use my sick leave across my multiple jobs?**

**A) This depends on your specific situation. If all your positions are eligible for the same leave benefits – meaning all eligible for the state sick benefit, all eligible for the Classified leave benefit, or all eligible for the University Staff leave benefit – then your sick balance will be shared across those positions.**

If you have positions with differing eligibility – such as a position eligible for Classified sick leave and a position eligible for the state sick leave – then those balances would not be shared with the positions enrolled in a different leave plan.

Please note: Employee positions paid through a contract currently do not accrue any leave within the HCM system and will not record or have access to that leave within My Leave. See your campus Human Resources department for details on usage of this leave.

**Q) I am a temporary employee paid on a contract. Am I eligible for paid sick leave under the new law?**

**A) Contract employees are eligible for the new paid sick leave. Campus Human Resources departments are creating processes to track leave usage outside of My Leave. If you are a contract employee, more information will be provided to you about leave accrual and usage at the beginning of the spring semester.**

**Q) What happens to my sick balance when I terminate?**

**A) If you leave employment with CU, generally you lose all remaining sick leave balances and do not receive a payout of any unused sick leave. There are exceptions for certain employees retiring, and Classified employees have rules governed by state law that allows balances to transfer to other state positions.**

However, any employee that terminates their employee relationship with CU but returns within six (6) months is entitled to full reinstatement of any sick leave balance that remained at the time of termination.

Sick leave balances should be transferred between departments or campuses if an employee is maintaining at least one active employee position with CU.

**Q) I am paid through a stipend. Am I eligible for paid sick leave under the new law?**

**A) Employees paid on a stipend are not eligible for sick leave because they do not have a bona fide employee relationship.**

**Groups audience:**
Employee Services

**Source URL:** https://www.cu.edu/employee-services/payroll/self-service/my-leave/healthy-families-and-
workplaces-act-2020

Links
[8] https://www.cu.edu/docs/my-leave-frequently-asked-questions
[10] https://www.cu.edu/ope/aps/5062