

## **Emergency Sick Leave** <sup>[1]</sup>

In 2020, Colorado passed the Healthy Families and Workplaces Act (HFWA) <sup>[2]</sup>, which 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 leave that can be used under specific circumstances.

### **Emergency Leave**

The United States is currently under a public health emergency declaration due to the COVID-19 pandemic, and all employees are eligible for this Public Health Emergency Leave (PHEL).

**Supervisors:** It's particularly important to understand how and when this leave can be used as well as how many hours are available to any employee requesting this leave. You will be responsible for ensuring the leave is used for its limited purposes, and employees don't claim more emergency leave than is available.

**Note:** This page includes more detailed information relevant to supervisors and payroll liaisons. If your employees have any questions or you'd like to share this information within your departments, you can share the Employee Services' [Emergency Leave information page](#) <sup>[3]</sup>.

### **When can this leave be used?**

Emergency leave is available when a communicable disease has been identified and declared a public health emergency. The requesting employee may 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 transmission to others due to known exposure or current 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 transmission to others due to known exposure or current 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.

## How many hours can be used?

The law provides employees with a maximum of 80 hours of Public Health Emergency Leave (PHEL). However, each employee's individual balance is reduced by a couple factors:

1. Any CU employee, including student workers, whose **total scheduled work hours across all jobs** is less than 40 hours/week will be eligible for a prorated percentage of the 80-hour maximum.
2. The employee's sick leave balance as of the date the emergency was first declared will reduce the total PHE hours they can use.
  1. **Example:** If an emergency is declared on Aug. 1, and the employee has a 20-hour sick leave balance 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.
  2. **Note:** For the current COVID-19 pandemic, an employee's emergency leave balance will be reduced by the hours of sick leave that employee had on the date the emergency leave policy went into effect – Jan. 1, 2021.

## What are employees' rights? Are there any restrictions?

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.
  - If an employee has a balance of 80 hours of sick leave (or more) as of the date a public health emergency is declared, they will not be eligible to use any PHEL for that emergency.
- 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.
- Campuses may have requirements for employees to declare their need take PHEL and receive approval. Be sure to speak to your department or campus HR to know what actions you need to take, if any.

## How should emergency leave time be tracked?

Three new earnings codes have been created to track this emergency sick leave. Employees who need to use emergency leave should use one of the following codes, based on their pay

schedule:

- Biweekly pay schedule employees should enter their normally scheduled hours using code .
  - The code will pay employees for the hours they enter **PEH (Paid Emergency Sick Hourly)**
- Monthly hourly employees should enter their normally scheduled hours using code **PES (Paid Emergency Sick Salaried)**.
  - In addition, a payroll personnel liaison, department leader or Human Resources professional will separately load a matching number of hours using an appropriate regular earnings code (REG, RGN, etc.) into CU Time, per their normal process when an employee takes paid absence time. Employees will be underpaid when this step is missed.
- Monthly salaried employees should enter their normally scheduled hours using code **PES (Paid Emergency Sick Salaried)**.
- Contract employees should enter their absence hours using code **PEC (Paid Emergency Contract Salaried)**.
  - Alternatively, the earnings code **PEC (Paid Emergency Contract Salaried)** can be entered by a payroll personnel liaison, department leader or Human Resources professional into CU Time for a contract employee's eligible use during a public health emergency.
  - The code will not affect an employee's pay, contract payment schedule nor payment amounts. Nor will it change a contract's ENP amounts when a contract employee is paid over a 12-month period. The new earnings code will be used for accurate tracking and reporting purposes and to ensure compliance with state law.

See the COVID-19 Administrative Leave Tracking step-by-step guide and reporting template.

[4]

### **Groups audience:**

HCM Community

### **Sub Title:**

Colorado employees are eligible for paid emergency leave in the event of a public health emergency. Here's what you need to know.

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**Source URL:** <https://www.cu.edu/hcm-community/pay-employees/emergency-sick-leave>

### **Links**

[1] <https://www.cu.edu/hcm-community/pay-employees/emergency-sick-leave>

[2] <https://www.cu.edu/hcm-community/pay-employees/healthy-families-and-workplaces-act>

[3] <https://www.cu.edu/employee-services/payroll/self-service/my-leave/emergency-sick-leave>

[4] <https://www.cu.edu/docs/covid-administrative-leave-tracking>