Published on *University of Colorado* (https://www.cu.edu)

Healthy Families and Workplaces Act [1]

This page provides information most relevant to HCM users. Please see the Employee Services Healthy Families and Workplaces Act page [2] for information relevant to employees.

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.

Beginning Jan. 1, 2021, all employers in Colorado with 16 or more employees (and all employers, regardless of staff size, by January 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 affect part-time employees who work fewer than 20 hours per week and are not already covered by the standard sick leave policy. Because of the limited hours and 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.

Resources

If you or your employees have any questions, these resources can help:

- My Leave Basics [4]
- My Leave for Supervisors [5]
- My Leave Frequently Asked Questions [6]
- Administrative Policy Statement on Leave [7]

If campus PPLs have any questions not addressed here or in the FAQ, please contact the HCM Community call center at HCM_Community@cu.edu [8].

FAQs

Leave Accrual

Q) Can an employee earn more than 48 hours in sick leave?

A) Yes. An employee eligible for Healthy Families and Workplaces Act sick leave can earn more than 48 hours of sick leave in a fiscal year. However, an employee may only use 48 hours of sick leave during a fiscal year. Any sick leave earned above the 48 hours (and not used) will be removed from their balance during the annual leave sweep.

> **Example:** A student earned 100 hours in a fiscal year, they used 48 of the sick leave during the fiscal year. The remaining balance is 52. The fiscal year ended so during the leave sweep the student will carry over 48 hours of the 52 and 4 hours will be swept.

The 48 hour usage limit is only for employees eligible as part of HWFA. University Staff, Classified Staff, and some contract employees have different rules regarding usage.

Q) If an employee works for more than one university department (or a contracted off-campus agency and on-campus department) do they accrue 48 hours sick leave from each position?

A) An employee eligible for one sick leave program across multiple positions does not have a different limit for each position; the combined positions share one balance with one set of rules regarding accrual rates, maximum annual usage, maximum carry-over balance, etc.

When an employee has multiple sick leave enrollments, each balance is separately evaluated. For example, a University Staff employee who is also a student employee could accumulate 48 hours of sick leave on their student position, and carry a separate, additional balance for their University Staff position. Each balance has different rules regarding how much is accrued each pay period, how much can be used, and how much is carried over or swept

each year.

Note: Employees enrolled in the state sick leave plan (e.g. students) can be restricted to 48 hours of sick usage each fiscal year, even if they have a balance greater than 48 hours. This is based on the usage across all positions attached to that benefits record with that leave enrollment. It is a campus responsibility to track and enforce this limit.

?

Q) Do temporary employees accumulate sick leave?

A) Yes, a temporary employee will accrue 0.034 hours of sick leave for every hour worked.

Q) Does sick leave apply to graduate hourly students?

A) Yes, sick leave will apply to graduate hourly students.

Q) If a student is on a contract for employment, do they accumulate sick leave?

A) All employees on contracts are eligible for sick leave.

However, instead of accruing sick leave each pay period contract employees will be granted a lump sum of hours either in HCM or managed at the campus level. Depending on what type of contract the employee is on (student contract, 12-month Faculty, 9-month Faculty, etc.) there are different accrual rates, and accruals sometimes prorate based on part-time/full-time status. See “How much will I accrue?” on the employee FAQ page.

Contract balances that are to be loaded to HCM will be done by Campus Human Resources each semester or as needed. Contact your Campus HR office for details.

Q) If an employee works in multiple positions with different sick plans can they use some of the sick leave from the other sick leave pool, so they are not docked?

A) No. One benefit record number can only have one sick leave enrollment. When an employee requires multiple enrollments, a benefit record number split is required. This creates two separate “buckets” of leave. They cannot share sick leave plans since they are accumulated differently.

Q) Does an employee accrue leave on a secondary appointment, such as a chair position?

A) This depends on how the secondary appointment is structured. If an employee’s secondary appointment is designed to not record hours worked and only pays the employee’s compensation for the additional job responsibilities associated with the secondary

appointment, then the secondary appointment should not accrue leave because their primary appointment is where hours worked are recorded.

If, however, an employee's primary and secondary appointments split the employee's total Standard Hours, then both appointments should accrue leave.

Using Leave

Q) An employee was just hired, is there a waiting period before they start accruing sick leave?

A) There is no waiting period. The hours reported on the employee's first paycheck will count towards their sick leave accrual.

Employees on contract who have their balance tracked in HCM will have hours loaded at the campus level near the start of each semester or when appropriate. Talk to your Campus HR office for details.

Q) If an employee does not have enough/any sick leave available but they report sick leave during time collection, will they be paid for those hours? Will they be docked?

A) No, they will not be paid for any hours that exceed their sick leave accrual balance.

The employee will be docked for overuse of their sick leave on their paycheck for the amount the employee reported but did not have available to use. The dock will look slightly different whether the employee is paid biweekly or monthly, but in both situations a dock code will be present on the employee's paycheck to denote the overuse.

?

Q) Can an employee use sick leave in increments smaller than a whole hour?

A) Yes. Employees can use sick leave in 15-minute increments (0.25 hours). This follows the CU rounding policy for other hours.

Q) Will sick leave in excess of 48 hours be swept away? If so when does that occur?

A) Sick leave accrual will be evaluated during the leave sweep period and existing balances will be reduced to 48 hours maximum at that time for those employees enrolled in the state sick leave plans. This is done every fiscal year, which runs from July 1 through June 30 of the following year.

Note: Due to the sick leave legislation being effective at the start of the calendar year, it is

anticipated that no sweep will occur the first fiscal year leave sweep on July 2021 for newly-eligible employees. Balances will be held and swept during the leave sweep in 2022.

Q) Does a student lose their sick balance at the end of the semester?

A) Not necessarily. Terminated employees who return to work at CU must have their prior sick balance reinstated if they return to work within 6 months of termination.

Terminated employees who do not return to work within 6 months forfeit any balance remaining from their prior employment.

Note: If the employee is an active employee in any position, they would not forfeit their leave balance.

Funding

Q) Does work-study funding pay for sick leave?

A) Work-study rules do not allow for the funding of sick leave. Unlike other recorded time, students' use of sick leave will not apply to the work-study. This leave will apply to the student's default position funding unless a SpeedType override is applied.

Q) If a student has a work-study award, will sick leave pay be deducted from their work-study balance, too?

A) No. Sick leave is not deducted from the work-study award. Sick leave will default to the employee's position funding for that job record and 100% will be paid for by the department.

Q) If a student is paid a stipend, do they qualify for sick leave?

A) No, a student on a stipend is not considered to have an employee relationship, so they will not accrue sick leave. Similarly, emeritus and others in a "non-employee" relationship are not eligible for leave.

Q) How is sick leave funded across positions? Who will pay for sick leave used from a different department?

A) When an employee has multiple positions that share the same benefits record, the employee's sick balance is also shared with those positions. If these positions are in different departments, the employee is free to use their total sick balance in either department. By default, their sick leave will match the default speedtype of the job record the sick was recorded on. Decisions about changing the funding for such situations are handled at the

campus level. Contact your campus HR for information on how this should be handled.

Note: Employees should not be reporting sick leave usage beyond the normally scheduled hours. For example, an employee would not report 40 hours of sick in one week for a position where the employee only works 10 hours a week.

?

View Balances

Q) How does an employer view an employee's sick leave balance?

A) An employer can run the Leave Taken report in HCM for the employee (CUES_HCM_LEAVE_TAKEN) or ask their payroll liaison to run the report. They can also find a collection of available leave-related queries [9] in the HCM Community blog [10].

Q) Is there a report an employer can run to verify sick leave balances for department employees?

A) Departments can run the Leave Accrual Summary query (CUES_HCM_LEAVE_ACCRUAL_SUM).They can also find a collection of available leave-related queries [9] in the HCM Community blog [10].

Employee Services is evaluating the leave accrual queries to better accommodate the new sick leave legislation and will announce those changes when they are finalized.

Groups audience:
HCM Community

Source URL:https://www.cu.edu/hcm-community/pay-employees/healthy-families-and-workplaces-act

Links
[1] https://www.cu.edu/hcm-community/pay-employees/healthy-families-and-workplaces-act
[2] https://www.cu.edu/employee-services/payroll/self-service/my-leave/healthy-families-and-workplaces-act-2020 [3] https://leg.colorado.gov/bills/sb20-205 [4] https://www.cu.edu/docs/sbs-my-leave-basics-preferences-time-and-leave [5] https://www.cu.edu/docs/sbs-my-leave-supervisors
[6] https://www.cu.edu/docs/my-leave-frequently-asked-questions [7] https://www.cu.edu/ope/aps/5062
[8] mailto:HCM_Community@cu.edu?subject=Healthy%20Families%20and%20Workplaces%20Act
[9] https://www.cu.edu/blog/hcm-community/are-your-departments%E2%80%99-leave-balances-correct-review-then-make-adjustments [10] https://www.cu.edu/blog/hcm-community