## APS JUSTIFICATION

**Policy Title:** Leave  
**APS Number:** 5062  
**APS Functional Area:** HUMAN RESOURCES

<table>
<thead>
<tr>
<th>Date Submitted:</th>
<th>October 15, 2020</th>
</tr>
</thead>
<tbody>
<tr>
<td>Proposed Action:</td>
<td>Revision</td>
</tr>
<tr>
<td>Brief Description:</td>
<td>This administrative policy statement (APS) outlines or references all university employee leave-related policies.</td>
</tr>
<tr>
<td>Desired Effective Date:</td>
<td>January 1, 2021</td>
</tr>
<tr>
<td>Responsible University Officer:</td>
<td>Vice President of Administration</td>
</tr>
<tr>
<td>Responsible Office:</td>
<td>Office of Employee Services</td>
</tr>
<tr>
<td>Policy Contact:</td>
<td>Office of Employee Services</td>
</tr>
<tr>
<td>Last Reviewed/Updated:</td>
<td>Leave, April 2, 2020</td>
</tr>
<tr>
<td>Applies to:</td>
<td>Each leave type will specify who it applies to.</td>
</tr>
</tbody>
</table>

**Reason for Policy:** To consolidate leave policies to comply with state and federal law regarding university employee leave-related policies. Sick and vacation accruals and compensation information can be found in [Regent Policy 11.E: Leave Policies for Faculty and Staff](#).

### I. REASON FOR PROPOSED ACTION

This administrative policy statement (APS) outlines or references all university employee leave-related policies. The proposed actions include:

- Adding Section 12: Paid Sick Leave During a Public Health Emergency
- Merging into a new Section 13: Leave for Faculty Serving in Elected Office (which was previously contained in APS5063-Leave for Faculty Serving in Elected Office.)
  - APS5063-Leave for Faculty Serving in Elected Office will officially be rescinded on January 1, 2021 if this action is approved.
- Other changes in Section 2: Sick Leave as a result of the passage of SB20-205 known as the “Healthy Families and Workplaces Act” (see summary below) which requires employers to provide paid sick leave to employees under various circumstances and expands COVID-19-specific paid sick leave.

### II. STAKEHOLDER ENGAGEMENT IN THE POLICY REVIEW

Chief Human Resources

### III. LEGAL REVIEW

A. Do you think legal review would be required for these proposed changes? Yes,
   1. If no, please explain. There is no change to the policy that requires legal review.
   2. If yes, what is your plan to get the legal review? Legal has reviewed and commented on all drafts, including the final draft.
B. Date legal review completed: Last reviewed, 12-2-2020
C. Person completing legal review: Julie Steeler, Melissa Martin, Jenny Willits

### IV. FISCAL REVIEW

Are there any financial (human resources, technology, operations, training, etc.) or other resource impacts of implementing this policy (e.g., cost savings, start-up costs, additional time for faculty or staff, new systems, or software)? No. If yes, please explain:
Colorado Healthy Families and Workplaces Act Summary

The Colorado Healthy Families and Workplaces Act (Act) (C.R.S. §8-13.3-403 et seq.) becomes effective January 1, 2021. The Act requires employers to provide paid sick leave to all employees. Although the university provides paid sick leave for most of its employees, the current leave policy does not comply with certain requirements in the Act. Further, there are certain employee classifications that are currently ineligible for paid sick leave but will be eligible on January 1, 2021. Revisions to Regent Policy 11 and APS 5062 are necessary to comply with the Act’s requirements. Because the revisions are not scheduled to be approved until February, the approval should be retroactive to January 1, 2021.

Below is a summary of the requirements of the Act and where they are being addressed (i.e. Regent Policy 11 and/or APS 5062).

All Employees Are Now Eligible for Paid Sick Leave

The Act requires an employer to provide employees with a minimum of one hour of paid sick leave for every 30 hours worked, up to a maximum of 48 hours. Additionally, an employee may carry over at least 48 hours of accrued paid sick leave from year to year. The university provides more than adequate leave to its currently eligible employees. The recommended revisions to Regent Policy 11E and APS 5062 are not intended to increase the amount of paid sick leave currently available to these eligible employee classifications. However, there are employee classifications that are not currently eligible for paid sick leave. Regent Policy 11 and APS 5062 provide for paid sick leave for newly-eligible job classifications in accordance with the Act.

Accrual of Paid Sick Leave

The Act requires an employee to begin accruing paid sick leave when the employee’s employment begins. The sick leave may be used as it is accrued and at least 48 hours of unused sick leave may be carried forward for use in the subsequent calendar year. Regent Policy 11 and APS 5062 are updated to include these requirements.

Paid Sick Leave Is Available for Broader Use

The Act provides for a list of reasons an employee may use paid sick leave, including for reasons related to domestic abuse, sexual assault and harassment. APS 5062 is updated to include the use of sick leave for the reasons provided for in the Act.

Rehire

Any unused paid sick leave must be reinstated if the employee is rehired within six months of separation from employment. APS 5062 is updated to provide for this reinstatement.

Public Health Emergency Supplemental Leave

In addition to the paid sick leave accrued by an employee, the Act requires an employer to provide its employees with an additional amount of paid sick leave during a public health emergency. APS 5062 is updated to provide for this additional leave.