HEALTHY FAMILIES & WORKPLACES ACT (“HFWA”): 
Employee Rights to Paid Leave


- Employers in Colorado must provide paid leave in 2020 to an employee who:
  1. has COVID-19 symptoms and is seeking a medical diagnosis;
  2. is instructed by a government agent or a health provider to quarantine or isolate due to COVID-19 risk; or
  3. is taking care of someone else due to COVID-19 precautions -- either someone ordered to quarantine or isolate, or a child whose school, place of care, or childcare is closed or unavailable.

- Starting in 2021, HFWA requires less paid leave (1 hour per 30 hours worked, with a maximum of 48 hours’ paid leave a year) but covers a wider range of conditions, and adds 32 more hours’ paid leave (80 total) in public health emergencies.

How Much Paid Leave: Up to Two Weeks (80 hours)

- Employees can take up to 2 weeks of paid leave: up to 80 hours, depending on their weekly hours.
- Paid leave is at the employee’s regular pay rate, or can be at ½ pay for category #3 (care for someone else). The pay rate does not include overtime or bonuses. If pay is all or partly sales-based, paid leave must be either at the employee’s hourly or salaried rate, or at the applicable minimum wage (whichever is higher).
- If an employee already received paid leave in 2020 for COVID-19-related needs, that counts as part of the 2 weeks that HFWA requires, but leave provided for non-COVID conditions does not count toward what HFWA requires.

Retaliation or Interference with HFWA Rights

- An employer cannot fire, threaten, or otherwise retaliate against or interfere with, an employee who: (A) requests or takes HFWA leave; (B) informs another person about HFWA rights, or supports that person’s exercise of HFWA rights; (C) files a HFWA complaint; or (D) cooperates/assists in an investigation about a potential HFWA violation.
- If an employee’s HFWA complaint, request, or other activity is incorrect, an employer need not agree or grant it — but still cannot fire or take other action against the employee for that reason, as long as the employee’s belief was reasonable and in good-faith. Employees can face consequences for misusing paid leave or other misconduct.

Coverage: All Employers and Employees, with Limited Exceptions

- All employers in Colorado, regardless of size, must provide HFWA paid leave, except the federal government (other government employers are not exempt) and those covered by the federal Railroad Unemployment Insurance Act.
- Employers with under 16 employees are covered in 2020, but exempt in 2021 (then all employers covered in 2022)
- Employers providing “equivalent or more” paid leave by collective bargaining agreement are exempt from certain HFWA requirements, as long as they don’t diminish rights, such as anti-retaliation or the right to file a complaint.
- Employee agreements or employer policies cannot waive HFWA rights, and are void and unenforceable.

This Poster summarizes two Colorado workplace public health laws, SB 20-205 (paid leave) and HB 20-1415 (whistleblowing and personal protective equipment). It does not cover other health or safety laws, rules, and orders, including under the federal Occupational Safety and Health Act (OSHA), from the Colorado Department of Public Health and Environment (CDPHE), or from local public health agencies. Contact those agencies for more such health and safety information.

This poster must be displayed where it is accessible to workers, shared with remote workers electronically or on paper, and replaced with the 2021 poster by January 1, 2022.

For more information, or if translations into other languages are needed, contact: Division of Labor Standards and Statistics, coloradolaborlaw.gov, cdle_labor_standards@state.co.us, 303-318-8441 / 888-390-7936.