



# Colorado Employers Still on the Hook for Paid COVID Leave

Insights

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All employers in Colorado have been required to provide public health emergency (PHE) leave since January 1, 2021 – and your obligation to do so will continue through at least this summer due to a recent extension. Under state law, all Colorado employers must provide this leave if there is a federal, state, or local declaration of emergency. On April 16, the federal declaration of emergency was extended another 90 days. As a result, the obligation to provide PHE leave in Colorado is still currently in place. What do employers need to know about this extension – and what should you be doing to comply?

## The Basics

You can find a detailed summary of your leave obligations here. It is important to understand, however, that Colorado PHE leave is a one-time leave obligation. If an employee used all of their supplemental PHE leave in 2021, they must rely on their accrued leave or take any additional COVID-19 leave unpaid.

## Use of PHE Leave

As background, the Act requires you to provide your employees an additional amount of paid sick leave during a public health emergency in an amount based on the number of hours the employee works. There is no documentation requirement for an employee to take this leave for self-isolation due to a positive diagnosis, seeking medical treatment with respect to a disease, caring for a family member or a child, or inability to work due to pre-existing health conditions.

## Amount of Leave

For full-time employees, this amounts to up to 80 total hours of leave. For employees who regularly work less than 40 hours per week, you must provide the greater of the number of hours the employee is scheduled to work in a 14-day period or the average time the employee works in a 14-day period.

## What Should Employers Do?

You should ensure your policies are up to date, and ensure human resources staff and managers are continuing to follow HFWA requirements.

## **Conclusion**

We will continue to monitor the paid leave situation in Colorado and provide updates as necessary. Make sure you are subscribed to [Fisher Phillips' Insight System](#) to get the most up-to-date information directly to your inbox. For further information, contact your Fisher Phillips attorney, the author of this Insight, or any attorney in [our Denver office](#).

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**Kristin R.B. White**

Partner

303.218.3658

[Email](#)

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