



# Colorado COVID Leave Set to Expire Next Month: What Employers Need to Know

Insights

5.12.23

The ending of the national COVID-19 public health emergency means something more for Colorado employers: it triggers the end of the extra Public Health Emergency Sick Leave you have been providing your employees since January 2021. Effective June 8, you will no longer be obligated to provide such leave. However, you still have additional employee leave obligations you should ensure you are following even with the impending end of the PHE sick leave. What do Colorado employers need to know?

## Quick Background

All employers in Colorado have been obligated to provide [PHE leave for COVID-19-related absences since January 1, 2021](#). The law was enacted to address the COVID-19 pandemic and contains broad language applicable to any public health emergency declared by federal, state, or local public health agency.

Under the Colorado Healthy Families and Workplaces Act's (HFWA) PHE leave provision, employers have been required to provide an additional amount of paid sick leave during the COVID-19 public health emergency in an amount based on the number of hours the employee works. There has been 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.

[You can read more about the obligations that have been in effect for two years here.](#)

## Ending of PHE Leave

But thanks to the federal government's actions, Colorado employers will finally see an end to HFWA's Public Health Emergency Leave. [As we summarized here](#), the Department of Health and Human Services' public health emergency expired on May 11. And that triggers the end of the state-based obligation.

This public health emergency status has been renewed every three months for the past few years, keeping Colorado employers on the hook for paying public health emergency leave. Now that the emergency has expired as of May 11, Colorado employees' entitlement to supplemental leave for the

COVID-19 emergency will ends four weeks later. That means that as of June 8, you will no longer need to administer such leave.

### **Where Does that Leave Colorado Employers?**

As a result, you should remind yourself of the remaining obligations under Colorado's HFWA which will remain in effect. You should make sure you have updated your Paid Leave and COMPS posters and are providing COMPS Order #38 to employees with any handbook updates. The Paid Leave poster and notice provides employees with a written notice of their rights under HFWA. You should also ensure your policies are up to date, and you should schedule an internal training for your human resources staff and managers on the revised and continued requirements.

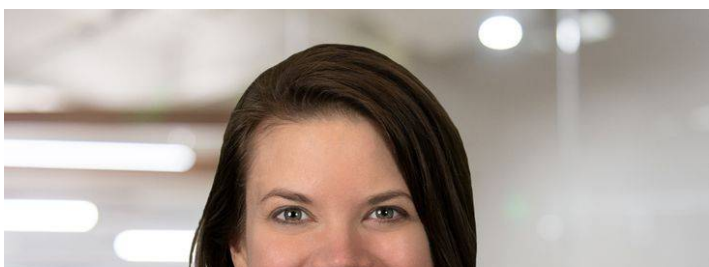
### **Conclusion**

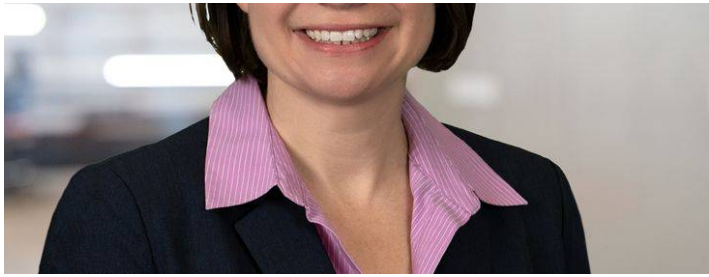
We will continue to monitor the paid leave situation in Colorado and provide updates as necessary. Make sure you are subscribed to [Fisher Phillips' Insight System](#) to get the most up-to-date information directly to your inbox. For further information, contact your Fisher Phillips attorney, the authors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

### ***Related People***



**Robin Repass**  
Partner  
202.978.3084  
[Email](#)





**Kristin R.B. White**

Partner

303.218.3658

Email

### ***Service Focus***

Employee Leaves and Accommodations

### ***Trending***

COVID-19/Vaccine Resource Center

### ***Related Offices***

Denver