

Publications

Certain Colorado Employers Must Provide Emergency Paid Sick Leave

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On March 11, 2020, the Colorado Department of Labor and Employment issued emergency temporary rules that require certain employers to provide paid sick leave to employees with flu-like symptoms who are being tested for coronavirus (COVID-19). According to the department, with the continuing spread of COVID-19, coming to work while ill poses a serious threat to the health and safety of co-workers, others at the business, and the public generally. The emergency rules temporarily entitle certain employees to paid sick days in order to limit the spread of the disease.

The emergency rules only apply to employers and employees in the following industries: leisure and hospitality; food services; child care; education, including transportation, food service, and related work at educational establishments; home health, if working with elderly, disabled, ill, or otherwise high-risk individuals; nursing homes; and community living facilities.

Covered employers must provide up to four days of paid sick leave to employees with flu-like symptoms who are being tested for COVID-19. If the employee receives a negative test result, the paid leave ends. If an employer already provides paid leave that meets these requirements (such as through a paid sick leave or paid time off policy), then the employer does not need to provide additional leave. However, if an employer does not already provide four paid sick days, it will have to provide additional paid leave. Further, if an employee already exhausted his or her paid leave, but then has flu-like symptoms and is being tested for COVID-19, he or she is entitled to the additional paid sick days.

The rules take effect March 11, 2020, for 30 days, or longer if the state of emergency declared by Colorado's governor continues. Contact your Vorys lawyer if you have questions about sick leave or other accommodations in light of COVID-19.