Your Employee Rights Under the		NOTICE TO WORKERS	EMPLOYEE RIGHTS UNDER THE FAIR LABOR STANDARDS ACT	
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EXPLOSION       ENDINCE AND		<section-header><section-header><section-header><section-header><section-header><section-header><section-header><text><text><text><text><text></text></text></text></text></text></section-header></section-header></section-header></section-header></section-header></section-header></section-header>	IF YOU ARE INJURED ON THE JOB, YOU HAVE RIGHTS UNDER THE COLORADO WORKERS' COMPENSATION ACT. YOUR EMPLOYER IS REQUIRED BY LAW TO HAVE WORKERS' COMPENSATION INSURANCE. THE COST OF THE INSURANCE IS PAID ENTIRELY BY YOUR EMPLOYER. IF YOUR EMPLOYER DOES NOT HAVE WORKERS' COMPENSATION INSURANCE, YOU STILL HAVE RIGHTS UNDER THE LAW.	

## IT IS AGAINST THE LAW FOR YOUR EMPLOYER TO HAVE A POLICY CONTRARY TO THE REPORTING REQUIREMENTS SET FORTH IN THE **COLORADO WORKERS' COMPENSATION ACT. YOUR EMPLOYER IS INSURED THROUGH:**

(Please write or type your insurance carrier name and contact information here.)

#### Am I eligible to take FMLA leave?

#### You are an **eligible employee** if <u>all</u> of the following apply:

## How do I request FMLA leave?

# You work for a covered employer if one of the following applies:

### Generally, to request FMLA leave you must:

## Where can I find more information?



standards concerning the conduct and length of the test. Examinees have

a number of specific rights, including the right to a written notice before testing, the right to refuse or discontinue a test, and the right not to have test

The Secretary of Labor may bring court actions to restrain violations and

assess civil penalties against violators. Employees or job applicants may

The U.S. Equal Employment Opportunity		an You Do if You Believe	Protected Veteran Status	
Commission (EEOC) enforces Federal laws that protect you from discrimination in employment.	Discrim	ination has Occurred?	The Vietnam Era Veterans' Readjustment	
If you believe you've been discriminated against at work or in applying for a job, the EEOC may be able to help. Who is Protected?	Contact the EEOC promptly if you suspect discrimination. Do not delay, because there are strict time limits for filing a charge of discrimination (180 or 300 days, depending on where you live/ work). You can reach the EEOC in any of the following ways:		Assistance Act of 1974, as amended, 38 U.S.C. 4212, prohibits employment discrimination again and requires affirmative action to recruit, employ and advance in employment, disabled veterans recently separated veterans (i.e., within three years of discharge or release from active duty), active duty wartime or campaign badge veteran or Armed Forces service medal veterans.	
<ul> <li>Employees (current and former), including managers and temporary employees</li> <li>Including and temporary employees</li> </ul>	Submit an inquiry through the EEOC's public			
<ul> <li>Job applicants</li> <li>Union members and applicants for membership in a union</li> </ul>		portal: <u>https://publicportal.eeoc.</u> gov/Portal/Login.aspx	Retaliation	
What Organizations are Covered?	Call	1–800–669–4000 (toll free) 1–800–669–6820 (TTY) 1–844–234–5122 (ASL video phone)	Retaliation is prohibited against a person who files a complaint of discrimination, participates in an OFCCP proceeding, or otherwise opposes	
<ul> <li>Most private employers</li> <li>State and local governments (as employers)</li> <li>Educational institutions (as employers)</li> </ul>	Visit an EEOC field office (information at www.eeoc.gov/field-office)		discrimination by Federal contractors under the Federal laws.	
Unions			Any person who believes a contractor has violat	
<ul> <li>Staffing agencies</li> </ul>	E-Mail	info@eeoc.gov	its nondiscrimination or affirmative action obligations under OFCCP's authorities should	
What Types of Employment Discrimination are Illegal?	Additional information about the EEOC, including information about filing a charge of discrimination, is available at <i>www.eeoc.gov.</i>		contact immediately:	
Under the EEOC's laws, an employer may not			The Office of Federal Contract Compliance Programs (OFCCP) U.S. Department of Labor	
discriminate against you, regardless of your immigration status, on the bases of:	EMPLOYERS HOLDING FEDERAL CONTRACTS OR SUBCONTRACTS		200 Constitution Avenue, N.W. Washington, D.C. 20210	
Race     Action			1-800-397-6251 (toll-free)	
Color	The Department of Labor's Office of Federal		If you are deaf, hard of hearing, or have a	

Federal, State and local governments are not affected by the law. Also, the EXEMPTIONS law does not apply to tests given by the Federal Government to certain ENFORCEMENT private individuals engaged in national security-related activities.

> The Act permits polygraph (a kind of lie detector) tests to be administered in the private sector, subject to restrictions, to certain prospective employees of security service firms (armored car, alarm, and guard), and of pharmaceutical manufacturers, distributors and dispensers.

The Act also permits polygraph testing, subject to restrictions, of certain employees of private firms who are reasonably suspected of involvement in a workplace incident (theft, embezzlement, etc.) that resulted in economic loss to the employer

The law does not preempt any provision of any State or local law or any collective bargaining agreement which is more restrictive with respect to lie detector tests



THE LAW REQUIRES EMPLOYERS TO DISPLAY THIS POSTER

WHERE EMPLOYEES AND JOB APPLICANTS CAN READILY SEE IT.

results disclosed to unauthorized persons.

also bring their own court actions.



# **Colorado Law Prohibits Discrimination in:** EMPLOYMENT C.R.S. § 24-34-401 et seq.

## IT SHALL BE A DISCRIMINATORY OR UNFAIR EMPLOYMENT PRACTICE:

to REFUSE TO HIRE, to DISCHARGE, to PROMOTE or DEMOTE, to HARASS during the course of employment, or to discriminate IN MATTERS of COMPENSATION, TERMS, CONDITIONS, or PRIVILEGES of employment.

#### **BECAUSE OF:**

DISABILITY, RACE, CREED, COLOR, SEX, SEXUAL ORIENTATION, GENDER IDENTITY, GENDER EXPRESSION RELIGION, AGE, NATIONAL ORIGIN or ANCESTRY, MARITAL STATUS or, in certain circumstances, MARRIAGE TO A COWORKER

#### **REASONABLE ACCOMMODATIONS FOR DISABILITIES:**

An employee with a disability is entitled to a reasonable accommodation(s) which is necessary to perform the essential functions of the job. An accommodation is not reasonable if its provision would result in an undue hardship on the employer's business

#### PREGNANT WORKERS FAIRNESS ACT - C.R.S. § 24-34-402.3

An employee with a health condition(s) related to pregnancy or physical recovery from childbirth is entitled to a reasonable accommodation(s) necessary to perform the essential functions of the job. An accommodation is not reasonable if its provision would result in an undue hardship on the employer's business.

#### RETALIATION PROHIBITED - C.R.S. § 24-34-402(e)

It is a discriminatory act to retaliate against a person who opposes a discriminatory practice or who participates in a discrimination investigation, proceeding or hearing

#### SHARING WAGE INFORMATION PROTECTED – C.R.S. § 24-34-402(i)

An employer shall not discharge, discipline, discriminate against, coerce, intimidate, threaten, or interfere with an employee or person due to an inquiry, disclosure or discussion of wages. An employer shall not require an employee to waive the right to disclose wage information.

#### CROWN Act of 2020:

Discrimination on the basis of one's race includes hair texture, hair type, or a protective hairstyle commonly or historically associated with race, such as braids, locs, twists, tight coils or curls, cornrows, Bantu knots, Afros. and headwraps, eff. 9/13/20.

TO FILE A COMPLAINT OF DISCRIMINATION, OR FOR MORE INFORMATION CONTACT THE COLORADO CIVIL RIGHTS DIVISION; 1560 BROADWAY, LOBBY WELCOME CENTER, SUITE # 110, DENVER, CO 80202

MAIN PHONE: 303-894-2997; HOTLINE ESPANOL: 720-432-4294; TOLL-FREE: 800-262-4845; V/TTD RELAY: 711; FAX: 303-894-7830; EMAIL: DORA\_CCRD@STATE.CO.US

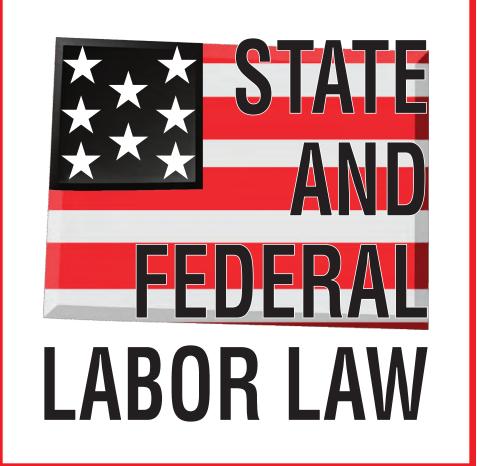
CLAIMS ASSERTING EMPLOYMENT DISCRIMINATION MUST BE FILED AS A FORMAL COMPLAINT WITHIN 300-DAYS FROM NOTICE OF THE EMPLOYMENT ACTION.

ccrd.colorado.gov

Division	Director,	Aubrey	Elenis,	Esq.

<ul> <li>National origin</li> <li>Sex (including pregnancy, childbirth, and related medical conditions, sexual orientation, or gender identity)</li> <li>Age (40 and older)</li> <li>Disability</li> <li>Genetic information (including employer requests for, or purchase, use, or disclosure of genetic tests, genetic services, or family medical history)</li> <li>Retaliation for filing a charaer, reasonably</li> </ul>	the nondiscrimination and affirmative action commitments of companies doing business with the Federal Government. If you are applying for a job with, or are an employee of, a company with a Federal contract or subcontract, you are protected under Federal law from discrimination on the following bases: Race, Color, Religion, Sex, Sexual	telecommunications relay services. OFCCP may also be contacted by submitting a question online to OFCCP's Help Desk at <i>Https://ofccphilepdesk.</i> <i>dol.gov/s/</i> or by calling an OFCCP regional or district office, listed in most telephone directories under U.S. Government, Department of Labor and on OFCCP's "Contact Us" webpage at <i>https://www.dol.gov/agencies/ofccp/contact.</i> PROGRAMS OR ACTIVITIES RECEIVING FEDERAL FINANCIAL ASSISTANCE	
opposing discrimination, or participating in a discrimination lawsuit, investigation, or proceeding	Orientation, Gender Identity, National Origin Executive Order 11246, as amended, prohibits		
<ul> <li>Interference, coercion, or threats related to exercising rights regarding disability discrimination or pregnancy accommodation</li> </ul>	employment discrimination by Federal contractors based on race, color, religion, sex, sexual orientation, gender identity, or national origin, and	Race, Color, National Origin, Sex	
What Employment Practices can be Challenged as Discriminatory?	requires affirmative action to ensure equality of opportunity in all aspects of employment.	In addition to the protections of Title VII of the Civil Rights Act of 1964, as amended, Title VI of the Civil Rights Act of 1964, as amended, prohibits	
All aspects of employment, including:	Asking About, Disclosing, or Discussing Pay	discrimination on the basis of race, color or national origin in programs or activities receiving Federal financial assistance. Employment	
Discharge, firing, or lay-off     Harassment (including unwelcome verbal or physical conduct)     Hiring or promotion     Assignment     Pay (unequal wages or compensation)	Executive Order 11246, as amended, protects applicants and employees of Federal contractors from discrimination based on inquiring about, disclosing, or discussing their compensation or the compensation of other applicants or employees.	revertal initiation is covered by Title VI if the primary discrimination is covered by Title VI if the primary objective of the financial assistance is provision - employment, or where employment discriminatio causes or may cause discrimination in providing services under such programs. Title IX of the Education Amendments of 1972 prohibits	
<ul> <li>Failure to provide reasonable accommodation for a disability; pregnancy, childbirth, or related medical condition; or a sincerely-held religious</li> </ul>	Disability	employment discrimination on the basis of sex in educational programs or activities which receive Federal financial assistance.	
belief, observance or practice • Benefits • Job training	Section 503 of the Rehabilitation Act of 1973, as amended, protects qualified individuals with disabilities from discrimination in hiring,	Individuals with Disabilities	
Classification     Reterral     Obtaining or disclosing genetic information     of employees     Requesting or disclosing medical information     of employees     Conduct that might reasonably discourage     someone from opposing discrimination, filing     a charge, or participating in an investigation or     proceeding	promotion, discharge, pay, fringe benefits, job training, classification, referral, and other aspects of employment by Federal contractors. Disability discrimination includes not making reasonable accommodation to the known physical or mental limitations of an otherwise qualified individual with a disability who is an applicant or employee, barring undue hardship to the employer. Section 503 also requires that Federal contractors take affirmative action to employ and advance in	Section 504 of the Rehabilitation Act of 1973, as amended, prohibits employment discrimination on the basis of disability in any program or activity which receives Federal financial assistance. Discrimination is prohibited in all aspects of employment against persons with disabilities who, with or without reasonable accommodation, can perform the essential functions of the job.	
<ul> <li>Conduct that coerces, intimidates, threatens, or interferes with someone exercising their rights,</li> </ul>	employment qualified individuals with disabilities at all levels of employment, including the executive	If you believe you have been discriminated against in a program of any institution which receives Federal financial assistance, you should	

ontact the Federal agency providing



#### Deductions from Employee Wages start January 1, 2023

• The employee share of FAMLI premiums is set at 0.45% of employee wages through 2024. For 2025 and beyond, the director of the FAMLI Division sets the premium rate according to a formula based on the monetary value of the fund each year. Employers with a total of ten or more employees nationwide must also contribute an additional 0.45% of wages for a total of 0.9%, but employers with nine or fewer employees are only responsible for sending the 0.45% employee share to the FAMI I Division.

Starting in 2023, employers may begin deducting up to 0.45% from employees' wages for FAMLI contributions. This can be done through a simple payroll deduction, and employees will notice the deduction on their regular paychecks. Employers are responsible for collecting those deductions and sending them into the FAMLI Division on behalf of their employees once a quarter.

#### Benefits start January 1, 2024

e to exercise rights, regarding

· Starting in 2024, paid family and medical leave benefits are available to most Colorado employees who have a qualifying condition and who earned \$2,500 over the previous year for work performed in Colorado.

The qualifying conditions for paid family and medical leave are:

Caring for a new child during the first year after the birth, adoption, or foster care placement of that child. ring for a family member with a seriou

IF YOU ARE INJURED ON THE JOB, NOTIFY YOUR EMPLOYER AS SOON AS YOU ARE ABLE, AND REPORT YOUR INJURY TO YOUR EMPLOYER IN WRITING WITHIN 10 DAYS AFTER THE INJURY. IF YOU DO NOT **REPORT YOUR INJURY PROMPTLY, YOU MAY STILL PURSUE A CLAIM.** 

**ADVISE YOUR EMPLOYER IF YOU NEED MEDICAL TREATMENT. IF YOU OBTAIN MEDICAL CARE, BE SURE TO REPORT TO YOUR EMPLOYER** AND HEALTH-CARE PROVIDER HOW, WHEN, AND WHERE THE **INJURY OCCURRED.** 

YOU MAY FILE A WORKER'S CLAIM FOR COMPENSATION WITH THE DIVISION OF WORKERS' COMPENSATION. TO OBTAIN FORMS **OR INFORMATION REGARDING THE WORKERS' COMPENSATION** SYSTEM, THE CUSTOMER SERVICE CONTACT INFORMATION FOR THE **DIVISION OF WORKERS' COMPENSATION IS:** 



**Division of Workers' Compensation** 633 17th Street, Suite 400 **Denver, CO 80202** 





# COLORADO COLORADO OVERTIME & MINIMUM PAY STANDARDS ORDER Department of Labor and Employment ("COMPS Order") #39, POSTER & NOTICE new poster available each December

#### Colorado Minimum Wage: inflation-adjusted annually; \$14.42/hour in 2024, (Rule 3)

• Employees must be paid at least minimum wage (whether hourly, salary, commission, piecework, etc.) unless exempt • Unemancipated minors can be paid 15% less than full minimum wage • Use the highest minimum wage that applies; all local minimum wages are posted at ColoradoLaborLaw.gov

Overtime: 1<sup>1</sup>/<sub>2</sub> times regular pay rates for hours over 40 weekly, 12 daily, or 12 consecutive (Rule 4)

• Overtime is required each week over 40 hours, or day over 12, even if 2 or more weeks or days average fewer hours · Employers cannot provide time off ("comp time") instead of time-and-a-half premium pay for overtime hours • Key variances/exemptions (all are detailed in Rules 2.3-2.4):

- Modified overtime in a small number of health care jobs; exemption for certain heavy vehicle drivers - No 40-hour weekly overtime in downhill ski/snowboard jobs (but 56-hour overtime for many under federal law) - Agriculture: overtime after 48-56 hours (based on size and seasonality); extra breaks and pay on long days

Meal Periods: 30 minutes uninterrupted and duty-free, for shifts over 5 hours (Rule 1.9)

Deductions, Credits, Charges, & Withheld Pay (Rule 6, and Article 4 of C.R.S. Title 8)

- · Final pay: Owed promptly (if a termination by employer) or at next pay date (if employee resigned) · Vacation pay: Departing employees must be paid all accrued and unused vacation pay, including paid time off usable for vacation, without deducting or declaring forfeiture based on cause for termination, lack of resignation notice, etc.
- Deductions from pay: Allowed if listed below or in C.R.S. 8-4-105 (including deductions required by law, in a written agreement for the benefit of the employee, for theft in a police report, or for property loss after audit/notice)
- Tip credits: Employers can pay up to \$3.02 below the highest applicable minimum wage (Colorado or local), if: (a) tips (not mandatory service charges) raise pay to full minimum, & (b) tips aren't diverted to non-tipped staff/owners
- · Meal credits/deductions: Allowed for the cost or value (without employer profit) of voluntarily accepted meals

• Other highly compensated, non-manual-labor employees paid at least 2.25 the above salary (\$123,750 in 2024)

· 20% owners, or at a nonprofit the highest-paid/highest-ranked employee, if actively engaged in management

· Various (not all) types of salespersons, taxi drivers, camp/outdoor education field staff, or property managers

· Employers must include a copy of this poster, or the COMPS Order, in any employment handbook or manual

• Employers must give all employees (and keep for three years) pay statements that include time worked, pay rate

• This year's poster must be displayed where easily accessible, or if not practical (such as for remote workers),

· Violation of notice of rights rules (posting or distribution), including by providing information undercutting this

poster, may yield fines and/or ineligibility for employee-specific credits, deductions, or exemptions in COMPS

· Employees can send the Division (contact info below) complaints or tips about violations, or file lawsuits in court

· Anonymous tips are accepted; anonymity or confidentiality are protected if requested (Wage Protection Rule 4.7)

even if the business is a corporation, partnership, or other entity separate from its owner(s) (Rule 1.6)

· Owners and other individuals with control over work may be liable for certain violations - not just the business,

· Immigration status is irrelevant to these labor rights: the Division will not ask or report status in investigations or

- · Lodging credits/deductions: Allowed if housing is voluntarily accepted by the employee, primarily for the employee's (not the employer's) benefit, recorded in writing, and limited to \$25 or \$100 per week (based on housing type)
- · Uniforms: Must be provided at no cost unless they are ordinary clothes without special material or design; employers must pay for any special cleaning required, and cannot require deposits or deduct for ordinary wear and tear

**Exemptions from COMPS** (Rule 2.2 lists all; key exemptions are below

provided within one month of beginning work and when employees request a copy

· Employers cannot retaliate against, or interfere with, employees exercising their rights

(including any tips and credits), and total pay



FAMLI Program Notice



# **Job Safety and Health** IT'S THE LAW!

## All workers have the right to:

- A safe workplace.
- Raise a safety or health concern with your employer or OSHA, or report a workrelated injury or illness, without being retaliated against.
- Receive information and training on job hazards, including all hazardous substances in your workplace.
- Request a confidential OSHA inspection of your workplace if you believe there are unsafe or unhealthy conditions. You have the right to have a representative contact OSHA on your behalf.
- Participate (or have your representative) participate) in an OSHA inspection and speak in private to the inspector.
- File a complaint with OSHA within 30 days (by phone, online or by mail) if you have been retaliated against for using your rights.
- See any OSHA citations issued to your employer.
- Request copies of your medical records, tests that measure hazards in the workplace, and the workplace injury and illness log.

This poster is available free from OSHA.

## Contact OSHA. We can help.

83706

022024

### **Employers must**:

- Provide employees a workplace free from recognized hazards. It is illegal to retaliate against an employee for using any of their rights under the law, including raising a health and safety concern with you or with OSHA, or reporting a work-related injury or illness.
- Comply with all applicable OSHA standards.
- Notify OSHA within 8 hours of a workplace fatality or within 24 hours of any work-related inpatient hospitalization, amputation, or loss of an eye.
- Provide required training to all workers in a language and vocabulary they can understand.
- Prominently display this poster in the workplace.
- Post OSHA citations at or near the place of the alleged violations.

On-Site Consultation services are available to small and medium-sized employers, without citation or penalty, through OSHA-supported consultation programs in every state.



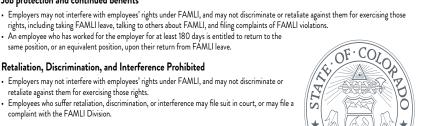
Caring for your own serious health condition

- Making arrangements for a family member's military deployment. Obtaining safe housing, care, and/or legal assistance in response to domestic violence, stalking, sexual assault, or sexual abuse Covered employees are entitled to up to 12 weeks of paid family and medical leave per year. Individuals with serious health conditions cause by pregnancy complications or childbirth complications are entitled to up to 4 more weeks of paid family and medical leave per year for a total of 16 weeks.
- ously, intermittently, or in the form of a reduced schedul Leave may be taken cor Leave will be paid at a rate of up to 90% of the employee's average weekly wage, based on a sliding scale. Employees may estimate their
- benefits by using the benefits calculator available at famil.colorado.gov. You don't have to work for your employer a minimum amount of time in order to qualify for paid family and medical leave benefits If FAMLI leave is used for a reason that also qualifies as leave under the federal FMLA, then the leave will also count as FMLA leave used. Employees may choose to use sick leave or other paid time off before using FAMLI benefits, but they are not required to do so. Employers and employees may mutually agree to supplement FAMLI benefits with sick leave or other paid time off in order to provide full wage replacement

#### Filing Claims

- Benefits will be available starting January 2024. Instructions on how to apply for benefits are available at <u>famli.colorado.gov</u>. Employees or their designated representatives apply for FAMLI benefits by submitting an application and any required documentation through My FAMLI+, available at <u>famil.colorado.gov</u>. ications may be submitted in advance of the absence from work, and in some circumstances, they may be submitted after the absence
- has begun. Approved applications will be paid by the FAMLI Division within two weeks after the claim is properly filed, and weekly thereafter for the duration of the approved leave.
- Employees can appeal claim determinations to the FAMLI Division. Individuals who attempt to defraud the FAMLI program may be disqualified from receiving benefits

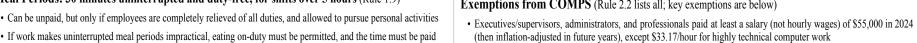
#### Job protection and continued benefits



retaliate against them for exercising those rights.

Other • An em impos<sup>.</sup> • Empl





• If work makes uninterrupted meal periods impractical, eating on-duty must be permitted, and the time must be paid • To the extent practical, meal periods must be at least 1 hour after starting and 1 hour before ending shifts

## Rest Periods: 10 minutes, paid, every 4 hours (Rule 5.2)

#### #Work Hours: Up to 2 >2, up to 6 >6, up to 10 >10, up to 14 >14, up to 18 >18, up to 22 >22 #Rest Periods: 0 1 2 3 4 5 6 Record-Keeping & Notices of Rights (Rule 7)

• Need not be off-site, but must not include work, and should be in the middle of the 4 hours to the extent practical · Rest periods are time worked for minimum wage and overtime purposes, and if employers do not authorize and permit rest periods, they must pay extra for time that would have been rest periods, including for non-hourly-paid employees Key variances/exemptions

- In some circumstances, 10-minute rest periods can be divided into two of 5 minutes (Rule 5.2.1)
- Agriculture: certain work requires more breaks; other is exempt (Rule 2.3, & Agricultural Labor Conditions Rules)

#### **Fime Worked: Pay for time employers allow performing labor/service for their benefit** (Rule 1.9) **Complaint & Anti-Retaliation Rights** (Rule 8)

· All time on-premises, on duty, or at workplaces (but not just letting off-duty employees be on-premises), including - putting on/removing work clothes/gear (but not clothes worn outside work), cleanup/setup, or other off-clock duty, - waiting for assignments at work, or receiving or sharing work-related information,

- security/safety screening, or clocking/checking in or out, or
- waiting for any of the above tasks.
- Travel for employer benefit is time worked; normal home/work travel is not (details in Rule 1.9.2)
- Sleep time, if sufficiently uninterrupted and lengthy, can be excluded in certain situations (details in Rule 1.9.3)
  - rulings, and it is illegal for anyone to use immigration status to interfere with these rights (Wage Protection Rule 4.8)

This Poster is a summary and cannot be relied on as complete labor law information. For all rules, fact sheets, translations, questions, or complaints, contact: DIVISION OF LABOR STANDARDS & STATISTICS, ColoradoLaborLaw.gov, cdle\_labor\_standards@state.co.us, 303-318-8441 / 888-390-7936

## COLORADO Department of **Colorado Workplace Public Health Rights Poster:** Department of Labor and Employment PAID LEAVE, WHISTLEBLOWING, & PROTECTIVE EQUIPMENT

## THE HEALTHY FAMILIES & WORKPLACES ACT ("HFWA"): Paid Leave Rights

Coverage: All Colorado employers, of any size, must provide paid leave • All employees earn 1 hour of paid leave per 30 hours worked ("accrued leave"), up to 48 hours a year. Employees are required to be paid their regular pay rate during leave, and the employer must continue their benefits. • Up to 48 hours of unused accrued leave carries over for use during the next year.

• For details on specific situations (irregular hours, non-hourly pay, etc.), see Wage Protection Rule 3.5, 7 CCR 1103-7 Up to 80 hours of supplemental leave applies in a public health emergency (PHE), until 4 weeks after the PHE ends.\*

## Employees can use accrued leave for the following safety or health needs:

(1) a mental or physical illness, injury, or health condition that prevents work, including diagnosis or preventive care; (2) domestic abuse, sexual assault, or criminal harassment leading to health, relocation, legal, or other services needs; (3) caring for a family member experiencing a condition described in category (1) or (2); (4) grieving, funeral/memorial attendance, or financial/legal needs after a death of a family member; (5) due to inclement weather, power/heat/water loss, or other unexpected occurrence, the employees needs to either (a) evacuate their residence, or (b) care for a family member whose school or place of care was closed; or (6) in a PHE, a public official closed the workplace, or the school or place of care of the employee's child.

## Employer Policies (Notice; Documentation; Incremental Use; Privacy; and Paid Leave Records)

Written notice and posters. Employers must (1) provide notice to new employees no later than other onboarding documents/policies; and (2) display updated posters, and provide updated notices to current employees, by end of year. • Notice for "foreseeable" leave. Employers may adopt "reasonable procedures" in writing as to how employees should provide notice if they require "foreseeable" leave, but cannot deny paid leave for noncompliance with such a policy. • An employer can require documentation to show that accrued leave was for a qualifying reason only if leave was for four or more consecutive work days (i.e. days when an employee would have worked, not calendar days). Documentation is not required to take accrued leave, but can be required as soon as an employee returns to work or separates from work (whichever is sooner). No documentation can be required for PHE leave.

• To document leave for an employee's (or an employee's family member's) health-related need, an employee may provide: (1) a document from a health or social services provider if services were received and a document can be obtained in reasonable time and without added expense; otherwise (2) the employee's own writing.

Documentation as to domestic abuse, sexual assault, or criminal harassment can be a document or writing under (1) above (e.g. legal or shelter services provider) or (2) above, or legal document (restraining order, police report, etc.). • If an employer reasonably deems an employee's documentation deficient, the employer must: (A) notify the employee within seven days of either receiving the documentation or the employee's return to work or separation (whichever is sooner), and (B) give the employee at least seven days to cure the deficiency.

Incremental Use. Depending on employer policy, employees can use leave in either hourly or six-minute increments.

• Employee Privacy. Employers cannot require employees to disclose "details" about an employee's (or their family's) HFWA-related health or safety information; such information must be treated as a confidential medical record.

**Updated July 14, 2023** 

may be updated periodically

• Records must be retained and provided upon request. Employers must provide documentation of the current amount of paid leave employees have (1) available for use, and (2) already used during the current benefit year, including any supplemental PHE leave. Information may be requested once per month or when the need for HFWA leave arises.

## **Retaliation or Interference with HFWA Rights**

• Paid leave cannot be counted as an "absence" that may result in firing or another kind of adverse action.

· An employee can't be required to find a "replacement worker" or job coverage when taking paid leave.

• An employer cannot fire, threaten, or otherwise retaliate against, or interfere with use of leave by, an employee who: (1) requests or takes HFWA leave; (2) informs or assists another person in exercising HFWA rights; (3) files a HFWA complaint; or (4) cooperates/assists in investigation of a HFWA violation.

• If an employee's reasonable, good-faith HFWA complaint, request, or other activity is incorrect, an employer need not agree or grant it, but cannot act against the employee for it. Employees can face consequences for misusing leave.

#### PROTECTED HEALTH/SAFETY EXPRESSION & WHISTLEBLOWING ("PHEW"): Worker Rights to Express Workplace Health/Safety Concerns & Use Protective Equipment

## Coverage: All Employers and Employees, Plus Certain Independent Contractors

• PHEW covers not just "employers" and "employees," but all "principals" (an employer or a business with at least 5 independent contractors) and "workers" (employees or independent contractors working for a "principal").

## Worker Rights to Oppose Workplace Health/Safety Violations:

• It is unlawful to retaliate against, or interfere with, the following acts: (1) raising reasonable concerns, including informally, to the principal, other workers, the government, or the public, about workplace violations of government health or safety rules, or a significant workplace health or safety threat;

(2) opposing or testifying, assisting, or participating in an investigation or proceeding about retaliation for, or interference with, the above-listed conduct

• A principal need not address a worker's PHEW-related concern, but it still cannot fire or take other action against the worker for raising such a concern, as long as the concern was reasonable and in good-faith.

## Workers' Rights to Use Their Own Personal Protective Equipment ("PPE"):

• A worker must be allowed to voluntarily wear their own PPE (mask, faceguard, gloves, etc.) if the PPE (1) provides more protection than equipment provided at the workplace, (2) is recommended by a government health agency (federal, state, or local), and (3) does not make the worker unable to do the job.

## **COMPLAINT RIGHTS (under both HFWA & PHEW)**

· Report violations to the Division as complaints or anonymous tips, or file in court after exhausting pre-lawsuit remedies.

This Poster summarizes two Colorado workplace public health laws: C.R.S. § 8-13.3-401 et seq., (paid leave), and C.R.S. § 8-14.4-101 et seq. (healthy and safety whistleblowing) including amendments current as of the date of this poster. 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 such health and safety information.

\*In a PHE, employees gain additional hours of leave for inability to work, testing, quarantining, caring for family in such situations, and related needs. No PHE is now in effect; this poster will be updated if one is declared.

POLICE:	 
AMBULANCE:	 
PHYSICIAN:	 
HOSPITAL:	 
FIRE DEPARTMENT:	 

# **PAY DAY NOTICE**

#### PAY DAY IS ON:

MONDAY TUESDAY WEDNESDAY THURSDAY	<ul><li>FRIDAY</li><li>SATURDAY</li><li>SUNDAY</li></ul>
AY SCHEDULE IS: WEEKLY BIWEEKLY	<ul><li>SEMI MONTHLY</li><li>MONTHLY</li></ul>

## **PAYCHECKS ARE ISSUED ON THE:**

POISON CONTROL

OSHA:

