# Your Employee Rights Under the **Family and Medical Leave Act**

The Family and Medical Leave Act (FMLA) is a federal law that provides eligible employees with job-protected leave for qualifying family and medical reasons. The U.S. Department of Labor's Wage and Hour Division (WHD) enforces the FMLA for most employees. Eligible employees can take up to 12 workweeks of FMLA leave in a

The birth, adoption or foster placement of a child with you, Your serious mental or physical health condition that makes you unable to work, To care for your spouse, child or parent with a serious mental or physical health condition, and Certain qualifying reasons related to the foreign deployment of

your spouse, child or parent who is a military servicemember. An eligible employee who is the spouse, child, parent or next of kin of a covered servicemember with a serious injury or illness may take up to 26 workweeks of FMLA leave in a single 12-month period to care

You have the right to use FMLA leave in one block of time. When it is medically necessary or otherwise permitted, you may take FMLA leave intermittently in separate blocks of time, or on a reduced **schedule** by working less hours each day or week. Read Fact Sheet

FMLA leave is not paid leave, but you may choose, or be required by your employer, to use any employer-provided paid leave if your employer's paid leave policy covers the reason for which you need

## Am I eligible to take FMLA leave?

- You are an eligible employee if all of the following apply:
- You have worked for your employer at least 12 months, You have at least 1,250 hours of service for your employer during the 12 months before your leave, and Your employer has at least 50 employees within 75 miles of your

How do I request FMLA leave?

Follow your employer's normal policies for requesting leave.

You do not have to share a medical diagnosis but must provide

enough information to your employer so they can determine whether

the leave qualifies for FMLA protection. You must also inform your employer if FMLA leave was previously taken or approved for the

Your employer may request certification from a health care provide

to verify medical leave and may request certification of a qualifying

bargaining agreement that provides greater family or medical leave

State employees may be subject to certain limitations in pursuit of

direct lawsuits regarding leave for their own serious health conditions

Most federal and certain congressional employees are also covered

**EMPLOYEE RIGHTS** 

**EMPLOYEE POLYGRAPH PROTECTION ACT** 

The Employee Polygraph Protection Act prohibits most private employers from using lie detector tests either for

pre-employment screening or during the course of employment.

ENFORCEMENT

by the law but are subject to the jurisdiction of the U.S. Office of

The FMLA does not affect any federal or state law prohibiting discrimination or supersede any state or local law or collective

· Give notice at least 30 days before your need for FMLA leave, or

If advance notice is not possible, give notice as soon as possible.

Generally, to request FMLA leave you must:

same reason when requesting additional leave.

Personnel Management or Congress.

Employers are generally prohibited from requiring or requesting any

employee or job applicant to take a lie detector test, and from discharging, disciplining, or discriminating against an employee or prospective employee

Federal, State and local governments are not affected by the law. Also, the

law does not apply to tests given by the Federal Government to certain

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

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

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

for refusing to take a test or for exercising other rights under the Act.

private individuals engaged in national security-related activities.

pharmaceutical manufacturers, distributors and dispensers.

- You work for a **covered employer** if **one** of the following applies: You work for a private employer that had at least 50 employees
- during at least 20 workweeks in the current or previous calendar Continue your group health plan coverage while you are on leave on the same basis as if you had not taken leave, and You work for an elementary or public or private secondary school, Allow you to return to the same job, or a virtually identical job with the same pay, benefits and other working conditions, including You work for a public agency, such as a local, state or federal shift and location, at the end of your leave government agency. Most federal employees are covered by Title II of the FMLA, administered by the Office of Personnel

If you are eligible for FMLA leave, your employer must:

Your employer cannot interfere with your FMLA rights or threater or punish you for exercising your rights under the law. For example, your employer cannot retaliate against you for requesting FMLA leave or cooperating with a WHD investigation

Allow you to take job-protected time off work for a qualifying

After becoming aware that your need for leave is for a reason that may qualify under the FMLA, your employer must confirm whether you are eligible or not eligible for FMLA leave. If your employer determines that you are eligible, your employer must notify you in

About your FMLA rights and responsibilities, and How much of your requested leave, if any, will be FMLA-protected

### Where can I find more information? Call 1-866-487-9243 or visit dol.gov/fmla to learn more.

If you believe your rights under the FMLA have been violated, you may file a complaint with WHD or file a private lawsuit against your employer in court. Scan the QR code to learn about our WHD



Where polygraph tests are permitted, they are subject to numerous strict

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

results disclosed to unauthorized persons.

THE LAW REQUIRES EMPLOYERS TO DISPLAY THIS POSTER

WHERE EMPLOYEES AND JOB APPLICANTS CAN READILY SEE IT.

also bring their own court actions.

lef.: 29 CFR §825.300

**PROHIBITIONS** 

EXEMPTIONS

UNITED STATES DEPARTMENT OF LABOR

WH1420 REV 04/23

## YOU HAVE THE RIGHT TO BE:

Properly classified as an employee or an independent contractor

**NOTICE TO WORKERS** 

Paid accurately and timely for the services you perform

There are resources available to you if you believe you are being subject to improper classification or inaccurate payment practices by your employer. For more information, go to WorkRight.cdle.co. Employers are required to follow the law when paying hourly wages, overtime, and properly covering you for unemployment insurance and workers' compensation purposes. As a worker, you have certain rights as an employee vs. independent contractor. Improper classification (often called misclassification) of employees as independent contractors and other labor law violations

create many problems, both for law-abiding businesses and for workers in Colorado. If you believe you have been improperly classified as an independent contractor and are really performing duties that fit the criteria of an employee, visit colorado.gov/cdle/TipForm, or call us at 303-318-9100 and select Option 4. To be classified as an employee, you must meet the criteria in Colorado Revised Statute 8-70-115. You can read the law online and find out more at coloradoui.gov/ProperClassification.

As an employee, you are entitled to unemployment insurance benefits if you become unemployed through no fault of your own. Your employer contributes to unemployment insurance and cannot deduct this from your wages.

If you become unemployed and wish to file for unemployment insurance benefits, go to coloradoui,gov and click on File a Claim If your hours of work and pay are reduced, you may be entitled to partial unemployment benefits. If you cannot access a computer, call one of the following numbers: 303-318-9000 (Denver-metro area) or 1-800-388-5515 (outside Denver-metro area); hearing impaired 303-318-9016 (TDD Denver-metro area) or 1-800-894-7730 (TDD outside

## **EMPLOYERS ARE REQUIRED BY LAW TO POST THIS NOTICE**

an inquiry through the EEOC's public

portal: <u>https://publicportal.eeoc.</u> gov/Portal/Login.aspx

1-844-234-5122 (ASL video phone)

info@eeoc.gov

## **Know Your Rights: Workplace Discrimination is Illegal**

The U.S. Equal Employment Opportunity Commission (EEOC) enforces Federal laws that protect you from discrimination in employment. 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? Employees (current and former), including

Discrimination are Illegal?

What Organizations are Covered?

available at www.eeoc.gov. liscriminate against you, regardless of you mmigration status, on the bases of: EMPLOYERS HOLDING FEDERAL sts, genetic services, or family medical history National Origin

What Employment Practices can be allenged as Discriminatory? Asking About, Disclosing, or Executive Order 11246, as amended, protects

Section 503 of the Rehabilitation Act of 1973 promotion, discharge, pay, fringe benefits, job raining, classification, referral, and other aspects against in a program of any institution which receives Federal financial assistance, you should

separated veterans (i.e., within three

S. Department of Labor 0 Constitution Avenue, N.W.

# LABOR LAW

# Department of

## 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.

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

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) 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, hair length 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. 6/3/24.

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 **EMPLOYMENT DISCRIMINATION COMPLAINTS MUST BE FILED WITHIN 300 DAYS** AFTER THE ALLEGED DISCRIMINATORY ACT OCCURRED.

Division Director, Aubrey Elenis, Esq.

ccrd.colorado.gov

## **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.
- job hazards, including all hazardous substances in your workplace. Request a confidential OSHA inspection

Receive information and training on

- 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

## **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.



1-800-321-OSHA (6742) • TTY 1-877-889-5627 • www.osha.gov



## **FAMLI Program Notice**

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 FAMLI 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.

• 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. Caring for a new child during the first year after the birth, adoption, or foster care placement of that child.

The qualifying conditions for paid family and medical leave are:

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

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 famli.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 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 famli.colorado.gov.

Employees can appeal claim determinations to the FAMLI Division.

ndividuals who attempt to defraud the FAMLI program may be disqualified from receiving benefit: Job protection and continued benefits ployers may not interfere with employees' rights under FAMLI, and may not discriminate or retaliate against them for exercising those

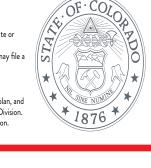
rights, including taking FAMLI leave, talking to others about FAMLI, and filing complaints of FAMLI violations

An employee who has worked for the employer for at least 180 days is entitled to return to the Retaliation, Discrimination, and Interference Prohibited

• Employers may not interfere with employees' rights under FAMLI, and may not discriminate or retaliate against them for exercising those rights.

Employees who suffer retaliation, discrimination, or interference may file suit in court, or may file a nplaint with the FAMLI Division

An employer may offer a private plan that provides the same benefits as the state FAMLI plan, and imposes no additional costs or restrictions. Private plans must be approved by the FAMLI Division. Employees and employers are encouraged to report FAMLI violations to the FAMLI Division.



## **EMERGENCY NUMBERS CALL 911**

POLICE: AMBULANCE: PHYSICIAN: **HOSPITAL:** 



## **PAY DAY NOTICE**

☐ FRIDAY □ SATURDAY □ SUNDAY

□ SEMI MONTHLY

☐ MONTHLY

□ BIWEEKLY

FIRE DEPARTMENT:

POISON CONTROL:

**PAYCHECKS ARE ISSUED ON THE:** OF THE MONTH

## **EMPLOYEE RIGHTS** UNDER THE FAIR LABOR STANDARDS ACT

**FEDERAL MINIMUM WAGE** 

INFORMATION

The law requires employers to display this poster where employees can readily see it. civil money penalties may be assessed for each child labor violation that results in the death or serious injury of any minor employee, and such assessments may be doubled when the violation are determined to be willful or repeated. The law also prohibits retaliating against or discharging workers who file a complaint or participate in any proceeding under the FLSA.

Certain occupations and establishments are exempt from the minimum wage, and/or overtime pay provisions. Certain narrow exemptions also apply to the pump at work requirements. Special provisions apply to workers in American Samoa, the Commonwealth of the Northern Mariana Islands, and the Commonwealth of Puerto Rico.

Some state laws provide greater employee protections; employers must comply with both. Some employers incorrectly classify workers as "independent contractors" when they are actually employees under the FLSA. It is important to know the difference between the two because employees (unless exempt) are entitled to the FLSA's minimum wage and overtime Certain full-time students, student learners, apprentices, and workers with disabilities may be





THE LAW.

CHILD LABOR

**OVERTIME PAY** At least 1½ times the regular rate of pay for all hours worked over 40 in a workweek.

An employee must be at least 16 years old to work in most non-farm jobs and at least 18 to work

in non-farm jobs declared hazardous by the Secretary of Labor. Youths 14 and 15 years old may work outside school hours in various non-manufacturing, non-mining, non-hazardous jobs with

Employers of "tipped employees" who meet certain conditions may claim a partial wage credit

of at least \$2.13 per hour if they claim a tip credit against their minimum wage obligation. If an

based on tips received by their employees. Employers must pay tipped employees a cash wage

employee's tips combined with the employer's cash wage of at least \$2.13 per hour do not equa

breast milk for their nursing child for one year after the child's birth each time the employee needs

to express breast milk. Employers must provide a place, other than a bathroom, that is shielded

in instances of minimum wage, overtime, and other violations. The Department may litigate and/or recommend criminal prosecution. Employers may be assessed civil money penalties for each

willful or repeated violation of the minimum wage or overtime pay provisions of the law. Civil money

from view and free from intrusion from coworkers and the public, which may be used by the

certain work hours restrictions. Different rules apply in agricultural employment.

PUMP AT WORK The FLSA requires employers to provide reasonable break time for a nursing employee to express

**ENFORCEMENT** The Department has authority to recover back wages and an equal amount in liquidated damages

the minimum hourly wage, the employer must make up the difference

NOTICE 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

COLORADO DEPARTMENT OF LABOR AND EMPLOYMEN?

DIVISION OF WORKERS' COMPENSATION

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:** 

INSURANCE. THE COST OF THE INSURANCE IS PAID ENTIRELY BY

**COMPENSATION INSURANCE, YOU STILL HAVE RIGHTS UNDER** 

YOUR EMPLOYER. IF YOUR EMPLOYER DOES NOT HAVE WORKERS'

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

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** 

1-888-390-7936 (Toll-Free)

cdle.colorado.gov/dwc



Effective 1/1/2025

COLORADO
Department of
Labor and Employment

COLORADO WAGE & HOUR RIGHTS & RESPONSIBILITIES: The COMPS Order (Colorado Overtime & Minimum Pay Standards) Poster & Notice

Colorado Minimum Wage: \$14.81 per hour in 2025, updated yearly (COMPS Rule 3) Must pay at least minimum wage for all time worked, whether by hour, salary, commission, piece rate, etc.

303-318-8700

Use the highest minimum wage applicable; ColoradoLaborLaw.gov lists all local minimum wages 15% lower is allowed for unemancipated minors — but not for some local minimum wages

Overtime: 11/2 regular rate after 40 weekly hours, or 12 daily or consecutive (Rule 4) Can't give time off instead of overtime pay; can't average overtime and non-overtime weeks (or days)

Agriculture: Overtime after 48 hours (56 at some highly seasonal sites); extra breaks and pay on long days Some (not all) jobs in health, ski, and heavy vehicles are partly or fully exempt (Rules 2.3-2.4)

riods: 30 minutes uninterrupted & duty-free, in shifts over 5 hours (Rule 5.1)

• Some (not all) salespeople, computer professionals, drivers, camp/outdoor ed staff, or property managers Can be unpaid only for employees completely relieved of duty, and allowed to do personal activities

If work doesn't allow uninterrupted meal periods: must allow eating on duty, on paid time

As much as practical, meal periods must be at least 1 hour after starting shifts, and 1 hour before ending

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 Need not be off-site, but must not include work, and should be in the middle of the 4 hours if practical

Extra pay is owed for rest period time not authorized or permitted, including for employees not paid hourly

Break rules differ for some agricultural work (Rule 2.3, & the Agricultural Labor Conditions Rules)

Rest periods count as time worked, including for minimum wage and overtime

**Deductions, Credits, Charges, & Withheld Pay** (Rule 6, & Colorado Wage Act)

Unused vacation: Must pay to departing employees, even if fired for cause or resigned without notice

Final pay: Owed promptly (if a termination by employer) or at next pay date (if employee resigned)

Tip credit: Can lower hourly pay up to \$3.02 if tips (not service charges) aren't diverted to untipped staff Meals: Can charge cost or value (without profit) of voluntarily accepted meals Lodging: Can charge \$25-\$100 weekly (by housing type) if voluntary and primarily for employee benefit

Uniforms: Can't charge or require deposits for special uniforms, special cleaning, or ordinary wear and tear

Other deductions: Only for items in CRS 8-4-105; not for poor work, breakage, quitting without notice, etc.

Employer Responsibilities (Rule 7) Give employees pay statements (total pay, rate, tips, credits, and time worked), and keep for 3 years • Display this poster/notice where easily seen (or give to employees); also include in any handbook/manual

> Use translations (available from this Division) of this poster/notice for employees with limited English Not giving (or undercutting) posters or notices may disallow employer credits, deductions, or exemptions

Individuals with control over work may be liable for wages and violations, even at incorporated employers

• Duties to pay wages, including most limits on deductions, still apply if exempt from COMPS

Time Worked: All on-duty or on-premises time that must be paid (Rule 1.9)

• Receiving or sharing work information, or wait for tasks – but not just off-duty time on premises

• Executive/supervisor, administrator, or professional: \$56,485 (updated yearly) in salary (not hourly pay)

Other high-level work: non-manual jobs paid 2½ times the above salary; ½ owners who actively manage

· Cleanup or setup (examples: put on or remove clothes, or gear, worn only at work)

Checking in or out (timeclock, security or safety screening, etc.), or waiting to do so

• Sleep time required to be on-site – but not if lengthy and uninterrupted (Rule 1.9.3)

Travel for employer benefit – but not normal commuting (Rule 1.9.2)

**Exemptions from COMPS** (Rule 2.2 lists all; highlights below)

Complaint & Anti-Retaliation Rights (Rule 8) · File complaints in the Division or Court, or send the Division confidential tips • Retaliation, or actions interfering with rights, may yield fines or other consequences

Contact Us:

**DIVISION OF LABOR STANDARDS & STATISTICS** For all laws, guidance, & complaints: guidance & complaints:

• Immigration status is irrelevant to these rights, and can't be used to interfere with rights

303-318-8441 / 888-390-7936 / cdle labor standards@state.co.us (English or Spanish) This notice in other

**Updated July 14, 2023** 

may be updated periodically

in other languages:

COLORADO
Department of Labor and Employment
Colorado Workplace Public Health Rights Poster:
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.

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);

Employees are required to be paid their regular pay rate during leave, and the employer must continue their benefits.

• For details on specific situations (irregular hours, non-hourly pay, etc.), see Wage Protection Rule 3.5, 7 CCR 1103-7

• Up to 48 hours of unused accrued leave carries over for use during the next year.

(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. worker for raising such a concern, as long as the concern was reasonable and in good-faith.

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. • 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").

 $\underline{Worker\ Rights\ to\ Oppose\ Workplace\ Health/Safety\ Violations:}$ • 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 • A principal need not address a worker's PHEW-related concern, but it still cannot fire or take other action against the

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. This poster must be displayed where easily accessible to workers, shared with remote workers, provided in other languages as needed, and replaced with any annually updated versions.

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.

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