

EMPLOYMENT LAW SUMMARY

Colorado Employee Leave Laws - Overview



Because You're Different

Employers may provide their employees with various types of paid or unpaid leave as part of their overall compensation packages, including vacation time, personal leave and sick leave. Employers have some flexibility when it comes to establishing or negotiating employee leave policies. However, Colorado employers must provide leave in certain circumstances under state employee leave laws.

(Federal laws not discussed in this document, such as the Family and Medical Leave Act (FMLA), may also require employee leave, depending on the situation.

In addition to federal leave laws, Colorado has employee leave laws regarding:

- Jury duty and court attendance leave;
- Paid sick leave;
- Family and medical leave;
- Paid family and medical leave;
- Adoptive parents leave;
- Military leave;
- Voting leave;
- Victim protection leave;
- Civil air patrol leave;
- Disaster volunteer service leave; and
- Volunteer firefighter leave.

This Employment Law Summary includes a chart that provides a high-level overview of Colorado's employee leave laws and suggests compliance steps for employers.

OVERVIEW OF EMPLOYEE LEAVE LAWS

TYPE OF LEAVE	REQUIREMENTS
Jury Duty and Court Attendance Leave	<p>Employees must be allowed leave for jury duty. Regularly employed individuals must be paid their regular wages, up to \$50 per day, for the first three days of juror service. An employer may choose to pay more. Any part-time or temporary worker who worked for the same employer for three months or more is considered to be "regularly employed."</p> <p>Employees are not entitled to compensation for time spent serving as a witness, responding to a subpoena or acting in court as a plaintiff or defendant.</p>

TYPE OF LEAVE**REQUIREMENTS****Paid Sick Leave**

The [Colorado Healthy Families and Workplaces Act](#) provides paid sick leave to employees for their own or a family member's:

- Mental or physical illness, injury or health condition that prevents the employee from working;
- Need to obtain a medical diagnosis, care or treatment of a mental or physical illness, injury or health condition; or
- Need to obtain preventive medical care.

Leave may also be used by employees to relocate or seek medical, legal or other specified services if they or a family member are a victim of **domestic abuse, sexual assault or harassment**. Employees may also use leave if their workplace or child's school or place of care has been ordered closed during a public health emergency. Effective Aug. 7, 2023, leave may also be used for the employee to:

- Grieve, attend funeral services or a memorial, or deal with financial and legal matters that arise after the death of a family member;
- Care for a family member whose school or place of care has been closed due to inclement weather; loss of power, heating or water; or other unexpected occurrence or event; or
- Evacuate their home due to inclement weather; loss of power, heating or water; or another unexpected occurrence or event.

Leave accrues at one hour for every 30 hours worked, capped at 48 hours annually. Employees begin accruing leave at the start of work and may use the leave as it accrues. Front-loading and carry-over provisions apply. Employers are also required to provide employees with **supplemental paid sick leave** for specified purposes during a **public health emergency**. The amount of this leave is based on the number of hours the employee works, up to a maximum of 80 hours.

Where leave is taken for four or more consecutive days, employers may require reasonable documentation, and if leave is foreseeable, employees must try to provide advance notice and schedule leave so it does not unduly disrupt employers' operations.

Employers must provide notice of employee rights under the Act with a written notice in English and any first language of at least 5% of the employer's workforce, and by displaying a poster in the same languages in a conspicuous workplace location. For telework or where there is no physical workplace, notices may be provided electronically or through conspicuous posting in a web-based platform. Each violation is subject to a \$100 fine.

Employers are prohibited from taking retaliatory action against employees for taking leave, subject to enforcement provisions and penalties, including reinstatement and back pay.

TYPE OF LEAVE

REQUIREMENTS

<p>Family and Medical Leave</p>	<p>Employers covered under the federal Family and Medical Leave Act (FMLA) must grant employees the expanded protections provided under the Colorado Family Care Act (FCA) regarding leave to care for partners with serious health conditions, where they have civil unions or domestic partnerships.</p> <p>An employee is eligible for leave under the FCA if he or she is eligible for leave under the FMLA and is either:</p> <ul style="list-style-type: none"> • In a civil union under Colorado law; • In a domestic partnership that is registered in the municipality in which the person resides or with the state; or • In a domestic partnership recognized by the employee’s employer. <p>The domestic partner may be of the same or different sex.</p> <p>An eligible employee may take up to 12 weeks of unpaid leave in a 12-month period to care for a civil union or domestic partner with a serious health condition. The FCA definition of a “serious health condition” is the same as the definition under the FMLA.</p> <p>Employers may require reasonable documentation of the civil union or domestic partnership (such as a written statement). In addition, employers can require the same health care provider certification it requires under the FMLA.</p> <p>Leave taken under the FCA must run concurrently with the FMLA. However, if an employee takes leave under the FCA to care for his or her domestic partner (or civil union partner), this time cannot count against the employee’s federal FMLA leave entitlement (as the care is for a person in a relationship not covered by the FMLA). If leave is first taken for a qualifying reason under the federal FMLA, that time is counted toward the FCA entitlement as well.</p>
<p>Adoptive Parents Leave</p>	<p>Any employer that provides maternity or paternity leave for biological parents following the birth of a child must allow the same leave for individuals adopting a child, if requested. Any other benefits provided by the employer, such as job guarantee or pay, must be available on an equal basis to biological and adoptive parents. These requirements do not apply to step-parent adoptions.</p>
<p>Paid Family and Medical Leave</p>	<p>Beginning Jan. 1, 2024, Colorado workers will be entitled to paid family and medical leave, with benefits funded through employer and employee payroll taxes and administered by a state agency. Workers are eligible if they have earned at least \$2,500 during the first four of the last five completed calendar quarters before the benefit year.</p> <p>Workers may take up to 12 weeks of leave per year, or 16 weeks for a serious health condition related to pregnancy or childbirth complications. Workers on leave collect 90% of the part of their weekly wage that is no more than 50% of the state average weekly wage (SAWW). Any portion of the weekly wage that is higher than 50% of the SAWW is paid at a rate of 50%. Benefits are capped at 90% of the SAWW and (for leave beginning before Jan. 1, 2025) at a weekly benefit amount of \$1,100.</p> <p>Funding for the program is split evenly between employers and employees, although employers with fewer than 10 employees are exempt from contributing. Beginning Jan. 1, 2023, employers must remit premiums to the state, in the total amount of 0.9% of the employee’s wages. The employee portion may be collected as a wage deduction. Starting in 2025, the premium rate will be set by the Division of Family and Medical Leave Insurance, at up to 1.2% of employee wages. The amount of wages subject to premium assessment is capped at the maximum subject to social security tax.</p>
<p>Military Leave</p>	<p>In addition to USERRA, Colorado law provides reinstatement rights for state and U.S. military service members. Employees who are called to active service must be granted unlimited unpaid time off and reinstated to their former positions with all pay, seniority and benefits they would have had if they had been continuously employed. Employees may use paid leave available to them during this absence.</p> <p>Additionally, Colorado provides up to three weeks' equivalent leave on the person's regular work schedule per year to members of the National Guard or the U.S. armed forces in order to attend military training. They are entitled to use any paid leave available to them, or to use unpaid leave. These members also have reinstatement rights to their former positions as long as they are still qualified for the positions. Employees must provide documentation of satisfactory completion of their training.</p>

TYPE OF LEAVE	REQUIREMENTS
Voting Leave	<p>Employers must allow employees who are qualified and registered to vote up to two paid hours of work time to vote in any primary or general election.</p> <p>Employees must apply for leave prior to election day. The employer may specify the hours during which the employee may be absent. However, if the employee requests that the time away from work be at the beginning or end of the work shift, the employer must grant this request.</p> <p>An employer is not required to grant voting leave to any employee who has three or more hours off from work while the polls are open on election day.</p>
Victim Protection Leave	<p>Colorado employers with 50 or more employees must allow up to three working days of leave in any 12-month period, with or without pay, to employees who are victims of domestic abuse, stalking, sexual assault or any other crime related to domestic abuse.</p> <p>An employee is eligible for victim protection leave if he or she been employed by the employer for 12 months or more and is a victim of:</p> <ul style="list-style-type: none"> • Domestic abuse; • Stalking; • Sexual assault; or • Any other crime found by a court to include an act of domestic violence. <p>Leave may be taken to seek a civil protection order to prevent domestic abuse, obtain medical care or mental health counseling (for him- or herself and/or his or her children), make his or her home secure from the perpetrator and seek legal assistance to address issues arising from the act of domestic abuse, stalking, sexual assault or any other crime involving domestic violence.</p> <p>Employers may require employees seeking leave to first exhaust any vacation, personal and sick leave.</p> <p>Employers may also require advance notice and documentation from employees for leave, except in cases of imminent danger to the health or safety of the employees.</p>
Civil Air Patrol Mission Leave	<p>Non-temporary employees who are members of the Civil Air Patrol, Colorado Wing, and who are called to active duty, are entitled to up to 15 days of leave per calendar year to engage in missions. Employees must be reinstated to their positions with the same seniority, status, leave time and other benefits as they would have if leave was not taken.</p> <p>An employee must provide his or her employer with documentation of the satisfactory completion of the Civil Air Patrol service. Any leave taken runs concurrently with, and not in addition to, any paid leave of absence required by law for relief service in a disaster or qualified volunteer service in a disaster.</p>
Qualified Volunteer Service in a Disaster Leave	<p>Employers must provide unpaid leave of up to 15 days per calendar year to employees who are qualified volunteers called into service by volunteer organizations for a disaster. An employee must provide proof of being a qualified volunteer, and he or she is eligible for leave only if called into service for a disaster.</p> <p>Employers must reinstate employees to the same positions with the same pay, rights to vacation, sick leave, bonus, advancement and other employment benefits they would have had if they had not taken leave to volunteer in a disaster.</p> <p>Employers are not required to provide leave to more than 20 percent of its employees on any work day or to any employee designated as an "essential employee."</p>

TYPE OF LEAVE**REQUIREMENTS**

Volunteer Firefighter Leave	<p>An employer is prohibited from terminating any employee who fails to report to work or leaves work due to service as a volunteer firefighter responding to an emergency within the employee's fire department response area. An eligible employee must present his or her employer with documentation from the fire chief of the employee's volunteer firefighter status prior to taking any leave. The domestic partner may be of the same or different sex. An eligible employee may take up to 12 weeks of unpaid leave in a 12-month period to care for a civil union or domestic partner with a serious health condition. The FCA definition of a "serious health condition" is the same as the definition under the FMLA.</p> <p>An employee must be allowed to leave work to respond to an emergency if:</p> <ul style="list-style-type: none">• The employer does not consider the employee to be essential to daily operations; and• The emergency is of a magnitude that requires all firefighters to respond. <p>The employee must provide the employer with the applicable fire department chief's documentation of the time, date and duration of the employee's response.</p> <p>Leave time is unpaid. Unless otherwise agreed, a volunteer firefighter's leave may not exceed 15 days per calendar year.</p>
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