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2021 Health Families and Workplaces Act

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Overview of New State Law

- “The Healthy Families and Workplaces Act”
- Colorado Revised Statute 8-13.3-401, et. seq. (SB 20-205) passed July 14, 2020.
- Effective January 1, 2021
- Requires employers to provide every employee with a minimum of one hour of sick time for every 30 hours worked
- Requires employers to allow employees to use sick leave for a very wide range of purposes, including but not limited to physical and/or mental health issues, preventative health care and seeking medical or legal services for recovery from domestic abuse, sexual assault or harassment.

Overview, continued

- How sick leave is accrued/may be used:
 - An employee may not accrue or use more than 48 hours per year unless allowed by the employer;
 - Sick leave may be used as it is accrued;
 - Employees begin to accrue sick leave as soon as employment begins;
 - Sick leave may be carried over to a new year if unused (subject to 48-hour limit).

Current DRMC Provisions On Sick Leave

- Section 18-123 provides most employees hired after December 31, 2009 with “Paid Time Off” (PTO) which may be used for almost any purpose; “time off” is not defined.
- Section 18-132 provides most employees hired before December 31, 2009 with “Sick and Vacation Leave” (SVL)
- Under both PTO and SVL, **on-call and part-time employees who work fewer than 20 hours per weeks are exempted and do not receive PTO or sick leave.** See Sections 18-123(a)(2) (PTO) and (3) and 18-131(a)(1) and (4) (SVL).

(Sworn Police, Fire and Sheriff employees receive sick leave benefits under their respective collective bargaining agreements)

Necessary Revisions to DRMC to Comply With State Law

The new state law requires ALL employees to receive a sick leave benefit, so the DRMC must be revised as follows:

1. Omit the exclusions for on-call and part-time employees working fewer than 20 hour per week; and
2. Create a separate leave benefit to award sick leave for those employees.

A new separate leave bank should be created instead of providing PTO or SVL for two reasons:

- the new state law does not require sick leave to be paid out upon separation from the City (unlike PTO and SVL which do get paid out upon separation under the DRMC); and
- We limit the new benefit to sick leave only, whereas PTO could be used for any purpose

Employees already receiving PTO or SVL are not affected.

Financial Impact

- Based on 2019 employment numbers, this could impact 3215 employees, who would have earned almost 49,000 hours of leave in 2019
- Financial impact expected to be ~\$822,000/year (assumed usage of 50% and replacement of 25%)
- Will impact nearly every department, with the following seeing the largest impact:
 - Park and recreation
 - Library
 - Safety
 - DOTI
 - Clerk & Recorder
 - DEN
 - Technology Services

Next Steps

- Career Service Rules changes – December 17 (proposed)
 - Changes required to mirror DRMC changes
 - Additional changes required to describe new acceptable reasons for taking sick leave
 - Ensure employees working partial months receive sufficient amount of leave
- Supervisor training on acceptable reasons for use of leave and new potential liability under the Act for retaliation
- Mandatory Employee Notification – Late December/early January