

Your Employee Rights Under the Family and Medical Leave Act

What is FMLA leave?

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 12-month period for:

- 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.
- 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 for the servicemember.

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 #28(1)(c) for more information.

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 FMLA leave.

You are an eligible employee if all of the following apply:

- You work for a covered employer.
- You work for a private employer that had at least 50 employees during at least 20 workweeks in the current or previous calendar year.
- You work for an elementary or public or private secondary school.
- You work for a public agency, such as a local, state or federal government agency. Most federal employees are covered by Title I of the FMLA, administered by the Office of Personnel Management.

How do I request FMLA leave?

Generally, to request FMLA leave you must:

- Follow your employer's normal policies for requesting leave.
- 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.

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 same reason when requesting additional leave.

Your employer may request certification from a health care provider to verify medical leave and may request certification of a qualifying event. The FMLA does not affect any federal or state law prohibiting discrimination or asserting any state or local law or collective bargaining agreement that provides greater family or medical leave rights.

State employees may be subject to certain limitations in pursuit of direct lawsuits regarding leave for their serious health conditions. Most federal and certain congressional employees are also covered by the law but are subject to the jurisdiction of the U.S. Office of Personnel Management or Congress.

Ref: 28 CFR #625.300

WHD 1420 REV 04/23

NOTICE TO WORKERS

YOU HAVE THE RIGHT TO BE:

- Properly classified as an employee or an independent contractor
- 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.cde.ca.gov.

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, independent contractor or worker. Improper classification (often called misclassification of employees) has independent contractors and other labor law violations created more problems, both for non-unionizable businesses and for workers in Colorado.

If you believe you have been improperly classified as an independent contractor and are a performing artist that fits the criteria of an employee, visit Colorado.gov/TFarm 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 Colorado.gov/ProtecClassification.

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 are not eligible for unemployment insurance benefits, go to Colorado.gov and click on Job & Claim. If you have work and pay are reduced, you may be entitled to partial unemployment benefits.

You can contact a computer, call one of the following numbers: 303-318-9100 (Denver metro area) or 1-800-388-5515 (Outside Denver metro area) hearing impaired 303-318-9116 (TDD Denver metro area) or 1-800-894-7730 (TDD outside Denver metro area).

EMPLOYERS ARE REQUIRED BY LAW TO POST THIS NOTICE

Colorado Employment Security Act, 8-70-110(2); Regulation Concerning Employment Security 7.1 through 7.5

Colorado.gov

IT STARTS WITH YOU

EMPLOYEE RIGHTS UNDER THE FAIR LABOR STANDARDS ACT

FEDERAL MINIMUM WAGE

\$7.25 PER HOUR

BEGINNING JULY 24, 2009

The law requires employers to display this poster where employees can readily see it.

OVERTIME PAY At least 1 1/2 times the regular rate of pay for all hours worked over 40 in a workweek.

CHILD LABOR An employer 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 certain work restrictions. Different rules apply to agricultural employment.

TIP CREDIT Employees of "food and beverage" establishments may claim a partial wage credit based on tips received by their employer. Some employers may pay tipped employees a cash wage of at least \$2.13 per hour if they claim a tip credit against their minimum wage obligation. If an employer's tips combined with the employer's cash wage of at least \$2.13 per hour do not equal the minimum hourly wage, the employer must make up the difference.

PUMP AT WORK The FLSA requires employers to provide reasonable break time for a nursing employee to express breast milk for her 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 from view and free from intrusion from coworkers and the public, which may be used by the employee for private use.

ENFORCEMENT The Department has authority to recover back wages and an equal amount in liquidated damages in instances of minimum wage, overtime, and other violations. The Department may litigate or recommend criminal prosecution. Employers who provide a false, other than a truthful, that is withheld will be reported violation of the minimum wage or overtime pay provisions of the law. Civil money penalties may also be assessed for violations of the FLSA's child labor provisions. Heightened 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 violator is determined to be willful or repeated. The law also prohibits retaining against or discharging workers who file a complaint or participate in any proceeding under the FLSA.

ADDITIONAL INFORMATION Certain occupations and establishments are exempt from the minimum wage, and/or overtime pay provisions. Certain narrow exemptions also apply to the jump at work requirements. Special provisions for certain workers in Alaska, 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 employees (independently classified 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 pay protections and correctly classified independent contractors are not. Certain full-time students, student teachers, apprentices, and workers with disabilities may be paid less than the minimum wage under special certificates issued by the Department of Labor.

1-800-847-8441

www.dol.gov/eisaweb

NOTICE

COLORADO DEPARTMENT OF LABOR AND EMPLOYMENT
DIVISION OF WORKERS' COMPENSATION

EMPLOYEE RIGHTS EMPLOYEE POLYGRAPH PROTECTION ACT

The Employee Polygraph Protection Act prohibits most private employers from using lie detector tests both for pre-employment screening and during the course of employment.

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

EXAMINEE RIGHTS 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 results disclosed to unauthorized persons.

EXEMPTIONS 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 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 (armed 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.

Ref: 29 CFR #825.300

Know Your Rights: Workplace Discrimination is Illegal

The U.S. Equal Employment Opportunity Commission (EEOC) enforces federal laws that prohibit workplace discrimination against workers in hiring, firing, promotion, advancement, pay, benefits, and other terms and conditions of employment.

Who is Protected? Employees covered by federal law, including:

- State and local government employees.
- Employees of private employers with 15 or more employees.
- Employees of federal contractors and subcontractors.
- Employees of certain private employers with 15 or more employees who are covered by the law.

What Organizations are Covered? EEOC covers:

- Most private employers.
- State and local governments.
- Employers with 15 or more employees.
- Contractors and subcontractors.
- Certain private employers with 15 or more employees.

What Type of Employment Discrimination is Illegal? Under the EEOC laws, an employer cannot discriminate against you on the basis of:

- Race
- Color
- Religion
- Sex
- Age
- Disability
- Genetic information
- Sexual orientation, gender identity, and gender expression
- National origin, ancestral characteristics, or ancestry
- Marital status
- Political affiliation
- Retaliation
- Sexual harassment
- Sexual discrimination
- Sexual harassment
- Sexual discrimination
- Sexual harassment
- Sexual discrimination

What Employment Practices can be Challenged as Discriminatory? All aspects of employment, including:

- Hiring
- Discharge
- Compensation
- Benefits
- Terms and conditions of employment
- Advancement
- Training
- Harassment
- Retaliation
- Sexual harassment
- Sexual discrimination
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Disability Section 504 of the Rehabilitation Act of 1973, as amended, prohibits discrimination against individuals with disabilities in employment, education, and other programs and activities. The Americans with Disabilities Act (ADA) of 1990, as amended, prohibits discrimination against individuals with disabilities in employment, education, and other programs and activities. The ADA also prohibits discrimination against individuals with disabilities in public accommodations, state and local government services, and telecommunications. The ADA also prohibits discrimination against individuals with disabilities in employment, education, and other programs and activities.

Retaliation It is illegal for an employer to retaliate against an employee for exercising their rights under the EEOC laws. Retaliation includes firing, demotion, or other adverse actions taken against an employee because they filed a complaint or participated in an investigation.

Sexual Harassment and Sexual Discrimination Sexual harassment is a form of discrimination based on sex. It includes unwelcome sexual advances, requests for sexual favors, and other verbal or physical conduct of a sexual nature. Sexual discrimination is a form of discrimination based on sex. It includes unequal pay, unequal benefits, and other adverse actions taken against an employee because of their sex.

Whistleblowers It is illegal for an employer to retaliate against an employee for reporting a violation of the law. Whistleblowers are individuals who report a violation of the law to a government agency or the media.

Language Assistance Employers with federal contracts or subcontracts must provide language assistance to employees who are limited English proficient.

Genetic Information It is illegal for an employer to discriminate against an employee based on their genetic information.

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Ref: 6072001

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.)

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
707 17th Street, Suite 2300
Denver, CO 80202

303-318-8700
1-888-390-7936 (Toll-Free)
cdle.colorado.gov/dwc

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.

RETTALIATION 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 discuss 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, etc. 6/3/24.

Division Director, Aubrey Elenis, Esq. ccrd.colorado.gov 7/2024

STATE AND FEDERAL LABOR LAW

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

Effective 1/1/2026. Use new version released by each December.

Colorado Minimum Wage: \$15.16 per hour in 2026, updated yearly (COMPS Rate 3)

- Must pay at least minimum wage for all time worked, including by hour, salary, commission, piece rate, etc.
- Use the highest minimum wage applicable. ColoradoLaborLaw.gov lists all local minimum wages.
- 15% lower is allowed for unaccompanied minors — but not for some local minimum wages.

Overtime: 1 1/2 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 on 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)

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

- Can be unpaid only for employees completely relieved of duty, and allowed no personal activities
- If work doesn't allow uninterrupted meal periods, must eat along 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
- Rest periods count as time worked, including for minimum wage and overtime
- 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)

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

- Final pay: Owed promptly (if a termination by employer) or at next pay date (if employee resigned)
- Unused vacation: Must pay for departing employees, even if fired for cause or resigned without notice
- Tips: Can't lower hourly pay 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, breakkeeping, quitting without notice, etc.

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

- Cleanup or setup (examples: put on or remove clothes, or gear; work only at work)
- Checking in or out (timeclock, computer or safety screening, etc.) or waiting to do so
- Receiving or sharing work information, or wait for tasks — but not just off-duty time on premises
- Travel for employer benefit — but not normal commuting (Rule 1.9.2)
- Sleep time required to be on-site — but not if regularly and uninterrupted (Rule 1.9.3)

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

- Executive/supervisor, administrator, or professional: \$57.784 (updated yearly) in salary (not hourly pay)
- Other high-level work: non-manual jobs paid 2x times the above salary; owners who actively manage
- Some (not all) salespeople, computer professionals, drivers, camp/outdoor staff, or property managers
- Dues to pay wages, including most limits on deductions, still apply if exempt from COMPS

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 (it goes 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

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

Contact Us: DIVISION OF LABOR STANDARDS & STATISTICS
303-318-8441 | 1-888-390-7936 | cdle_labor_standards@state.co.us (English or Spanish)

For all laws, guidance & complaints: ColoradoLaborLaw.gov Spanish guidance & complaints: Levels.LaboralesEnColorado.gov This notice in other languages: cdle.colorado.gov/LaborStandardsPosters

OSHA CARES

As an employee, you have the right to:

- A safe workplace
- Speak up about safety and health concerns without retaliation
- Report an injury or illness
- Training in a manner you understand
- Be provided required safety equipment
- Request an OSHA inspection and speak with the inspector
- File a complaint with OSHA about workplace hazards
- Free safety and compliance assistance from OSHA at any time

THAT YOU GO HOME SAFE

Call us at 800-321-OSHA or visit OSHA.gov/workers

OSHA 3165-02R-2020

FAMLI Program Notice

Colorado's Family and Medical Leave Insurance (FAMLI)
Paid time for the moments that matter

You may qualify for FAMLI paid leave if you earned \$2,500 over the previous year, and need to:

- Care for a new child through birth, adoption, or foster placement
- Care for your own serious health condition
- Care for a family member with a serious health condition
- Support a family member preparing for military deployment
- Seek safety or support related to domestic violence, stalking, or sexual assault
- Care for a newborn in a Neonatal Intensive Care Unit or higher level of care

What You Pay For 2024, your employer sends 0.44% of your wages to the FAMLI benefit fund. This shows up on your paystub as "FAMLI premium."

Your Rights If you've worked for your employer for 180 days, your job is protected when you return. Your employer may not retaliate, intimidate, or discriminate against you for using FAMLI benefits. If something feels wrong, you can file a complaint by contacting the FAMLI Division. If your claim is denied, you can file a reconsideration at myfamli.state.co.us.

How To Apply Apply at: myfamli.state.co.us

Give 30 days' notice when possible, or notify your employer as soon as you can.

Learn more: Colorado.gov For assistance, call 1-866-243-2024. Visit 707 17th Street, Suite 150, Denver, CO.

Updated December 2023

EMERGENCY NUMBERS CALL 911

POLICE: _____

AMBULANCE: _____

PHYSICIAN: _____

HOSPITAL: _____

FIRE DEPARTMENT: _____

POISON CONTROL: _____

OSHA: _____

PAY DAY NOTICE

PAY DAY IS ON:

- MONDAY
- TUESDAY
- WEDNESDAY
- THURSDAY
- FRIDAY
- SATURDAY
- SUNDAY

PAY SCHEDULE IS:

- WEEKLY
- BIWEEKLY
- SEMI MONTHLY
- MONTHLY

PAYCHECKS ARE ISSUED ON THE: _____ AND _____ OF THE MONTH

AT: _____

TIME: _____

Colorado Workplace Public Health Rights Poster: PAID LEAVE, WHISTLEBLOWING, & PROTECTIVE EQUIPMENT

Updated July 14, 2023. may be updated periodically.

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

Coverage: All Colorado employees of any size, must provide paid leave.

- All employees earn 1 hour of paid leave per 50 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 to use during the next year.
- For details on specific situations (regular hours, non-hourly pay, etc.) see Wage Protection Rule 3.5, 7 CFR 1101-7.
- 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:

- a mental or physical illness, injury, or health condition that prevents work, including diagnosis or preventive care;
- domestic abuse, sexual assault, or criminal harassment leading to health, relocation, legal, or other services needs;
- care for a family member experiencing a condition described in category (1) or (2);
- grieving, funeral/interment attendance, or financial health or legal needs after the death of a family member;
- due to imminent weather, power/heavy 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 is closed; or
- 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 poster. Employers must (1) provide notice to new employees no later than their onboarding documentation process, and (2) display updated posters, and provide related notices to current employees, by end of year.
- Notice for "reasonable" leave. Employers may adopt "reasonable procedures" in writing as to how employees should provide notice if they require "reasonable" 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. when an employee would have worked, not returned to work).
- Documentation is not required to take accrued leave, but can be required as soon as an employee returns to work or separates from work (including a sabbatical). No documentation can be required for PHE leave.
- To document leave for an employee (or an employee's family member's) health-related need, an employer 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 additional expense; otherwise (2) the employee's own writing.
- Documentation is the employee's own documentation, or a written statement, or 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 employer's return to work or separation (whichever is sooner), and (B) give the employee five calendar days to cure the deficiency.
- Incremental Use. Depending on employee type, employees can use leave in either hourly or six-minute increments.

PROTECTED HEALTH SAFETY EXPRESSION & WHISTLEBLOWING ("PHEW") Worker Rights to Express Workplace Health/Safety Concerns & Use Protective Equipment Coverage: All Employees and Employers, Plus Certain Independent Contractors

- PHEW covers not just "employees" and "employers," but all "predecessors" (an employer or a business with at least one independent contractor) and "workers" (employees or independent contractors providing a "principal" work).
- Worker Rights to Oppose Workplace Health/Safety Violations: It is unlawful to retaliate against, or interfere with, the following acts:
 - 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;
 - giving, filing, or making a complaint, or reporting, or participating in an investigation or proceeding about retaliation, 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):
 - Workers 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-litigation remedies.

This Poster summarizes two Colorado workplace public health laws: C.R.S. 8-613-401 et seq. (paid leave) and C.R.S. 8-614-101 et seq. (health 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 including under 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 the 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 | 1-888-390-7936.

To REORDER CALL: 1-800-817-7678 WWW.COMPLIANCEPOSTER.COM