Engage PEO Client Alert:
Colorado Expands COVID-19 Paid Sick Leave

In light of the dynamic circumstances of COVID-19, the Colorado Department of Labor and Employment again amended its Health Emergency Leave with Pay ("Colorado HELP") Rules on April 3 and 27. The amended rules took effect on April 27 and will remain in effect for 30 days, or longer if the state of emergency continues.

For clarity, this Client Alert replaces the one issued on April 1.

Overview

The amended Colorado HELP Rules temporarily require employers in the **industries listed below** to provide paid sick leave—up to two weeks (or maximum of up to 80 hours)—at two-thirds of an employee's regular rate of pay if the employee is ***either*** **(1)** experiencing flu-like ***or*** respiratory illness symptoms and being tested COVID-19, **or (2)** is under the instruction from a health care provider ***or*** an authorized government official to quarantine or isolate due to a risk of having COVID-19 even if not being tested[1]:

1. Leisure and hospitality,
2. Food services,
3. Retail establishments,[2]
4. Childcare,
5. Food and beverage manufacturing,[3]
6. Real estate sales and leasing,[4]
7. Offices and office work,[5]
8. Elective medical, dental, and health services,[6]
9. Personal care services (defined as hair, beauty, spas, massage, tattoos, pet care, or substantially similar services),[7]
10. Education, including transportation, food service, and related work with educational establishments,
11. Home health, if working with elderly, disabled, ill, or otherwise high-risk individuals,
12. Nursing homes, and
13. Community living facilities.

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[1] On March 26, 2020, the Colorado Department of Labor and Employment (DOL) expanded the scope of the Colorado HELP Rules to apply to employees under instructions from a health care provider to quarantine or isolate due to a risk of having COVID-19 even if not being tested.

[2] On March 26, 2020, the DOL expanded the scope of covered employers to include retail establishments that sell groceries. On April 27, 2020, the DOL omitted the phrase "that sells groceries."

[3] On April 3, 2020, the DOL added this category.

[4] On April 27, 2020, the DOL added this category.

[5] *Id.*

[6] *Id.*

[7] *Id.*

If an employer already provides paid sick leave that meets the amended Colorado HELP Rules, such employers are not required to provide additional leave. However, covered employers that do not provide sufficient paid sick leave pursuant to the amended Colorado HELP Rules must provide eligible employees with the paid sick leave. Employers can provide more sick leave than the Colorado HELP Rules provide. However, an employee who exhausts their paid leave provided by a covered employer, and later qualifies for HELP leave, is entitled to leave pursuant to the amended Colorado HELP Rules.

If your business is subject to the Colorado HELP Rules, click **here for a template, combined policy and acknowledgment form for your employees** (in Engage's Form Library),

If you have questions regarding Colorado's COVID-19 paid sick leave, please contact your Engage HR Consultant.