Engage PEO Client Alert:
Colorado Updates

The following is a review of three employment law updates for clients with employees in Colorado:

- **Amendment to Colorado Overtime & Minimum Pay Standards (COMPS) #36**
- **Colorado General Assembly passes the Public Health Emergency Whistleblower ("PHEW") Act**
- **All Colorado employers now subject to the Families First Coronavirus Response Act (FFCRA)**

Colorado Overtime & Minimum Pay Standards

Effective July 15, 2020, certain workers who are employed as companions that are designated as direct support professionals and/or direct care workers may be exempt from the daily (12-hour) overtime rule under COMPS #36. Under the amendment, such workers who are scheduled for, and work, shifts of at least 24 hours providing residential or respite services will not exceed the daily overtime hours threshold. In addition, the employer must be a service provider that receives at least 75% of their total revenue from Medicaid or other governmental sources, and who provides services within Medicaid home- and community-based service waivers. Other changes also include modifications regarding entitlement to mandatory rest breaks for workers in this industry. The full updated text of COMPS #36 can be found **here**.

Colorado General Assembly passes Public Health Emergency Whistleblower ("PHEW") Act (House Bill 20-1415)

The Colorado General Assembly has passed House Bill 20-1415, also called the Public Health Emergency Whistleblower ("PHEW") Act, which expands protections for workers and independent contractors working for a contractor with at least 5 independent contractors in Colorado, against retaliation, discrimination, and adverse action. Under this Bill, employers may not discriminate, retaliate, or take other adverse action against an employee who raises their concerns about health and safety practices, or hazards related to a public health emergency, or who voluntarily wears their own personal protective equipment (PPE). Employees will be entitled to legal remedy for employer violations of this legislation. The full text of HB 20-1415 can be found **here**.

- **Employers must conspicuously post the notice linked here, and/or circulate it electronically to remote staff.**
- The Colorado Department of Labor and Employment's **guidance regarding PHEW can be found here.**

All Employers Now Subject to Families First Coronavirus Response Act (FFCRA)

Colorado legislators passed the Healthy Families and Workplaces Act (HFWA) which will make all employers, including employers with more than 500 employees, subject to the protections of the FFCRA effective immediately. The HFWA also includes a provision that will mandate at least 48 hours of annual paid sick time starting January 1, 2021, which will increase to 80 hours of mandatory paid sick time if a public health emergency is declared, for employees working for covered employers with 16 or more employees. A follow-up alert regarding the January 2021 paid sick time mandate and containing a sample written policy will be issued as the effective date nears. The full text of the HFWA can be found **here**. The Colorado Department of Labor and Employment's guidance regarding the requirements of HFWA that take effect January 1, 2021 can be found **here**.

If you have any questions, please contact your Engage HR Consultant.