

COLORADO PUBLIC HEALTH EMERGENCY LEAVE - UPDATE

FREQUENTLY ASKED QUESTIONS (FAQS)

Q: What is Colorado Public Health Emergency Leave (CO PHEL) and how does it relate to the Colorado Paid Sick and Safe Leave?

A: The Colorado Public Health Emergency (PHE) covers specific health conditions and needs that may include COVID-related health conditions and other respiratory symptoms. The Colorado Paid Sick and Safe Leave (CO PSSL) can be used during a declared PHE and for a variety of health and safety needs. In addition, the CO PSSL is a permanent program and be used after the expiration of the public health emergency.

Q: What is covered in the revised Colorado Public Health Emergency (PHE)?

A: As of January 8, 2023, COVID related-health conditions and similar respiratory symptoms are covered by the declared public health emergency until May 11, 2023.

Q: Is Public Health Emergency Leave (PHEL) only available for confirmed cases?

A: No, employees may use PHEL for a range of PHE-related needs, not just for confirmed cases. PHEL-related needs range from symptoms of COVID, such as fever or chills, cough, fatigue, muscle or body aches, headache, sore throat, congestion or runny nose, quarantining or isolating due to exposure, sides effects of vaccination, inability to work due to health conditions that may increase susceptibility or risk of COVID, and need to care for family (illness, school closure, etc.)

Q: Does the revised PHEL require employers to provide an additional 80 hours?

A: No, employees are only entitled to receive the additional CO PHEL once, even if the emergency extends for a prolonged period of time.

Q: Do I get to take Colorado PHEL every time I get sick?

A: It would depend on the amount of previously used CO PHEL hours and if the reason for the leave is covered under the declared PHE.

Q: Is Monkeypox included in the PHEL?

A: No, Colorado law provides emergency paid sick leave when a federal public health emergency (PHE) is declared for a "highly fatal infectious agent." Monkeypox was deemed not highly fatal and is not covered under the state or federal public health emergency.

Q: Is there any pre-loaded PHEL time?

A: No, the law does not require the employer to pre-load Colorado Public Health Emergency Leave. Employers should evaluate how the amount of CO PHEL is available at the time the employee requests to use the CO PHEL.

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Q: What is the amount of PHEL is available?

A: Eligible employees are eligible for the following amounts of leave based on their status below:

- **Full-Time Employees** = up to 80 hours per year, less any Colorado Paid Sick and Safe Leave (CO PSSSL) /Paid Time-Off (PTO) currently available to the employee
- **Part-Time Employees** = number of hours equal to the average number of hours scheduled to work over the two-week period following the leave request, less any CO PSSSL currently available to the employee

Q: How does the PHEL of 80 hours work with the existing Paid Time Off Policy?

A:

1. Determine how the amount of CO Paid Sick and Safe Leave (CO PSSSL) or PTO the employee has available at the time the PHEL is requested;
2. Subtract the amount of CO PSSSL/PTO hours available to the employee from the hours of PHEL available to the employee
3. Code time away from work using “**COVID Emergency Pay**” pay code for PHEL hours.
4. Once the employee has exhausted the available PHEL hours; then draw from their unused accrued CO PSSSL for the remainder hours (if warranted)

Q: Are employees required to use PSSSL/PTO first before using PHEL?

A: If employees have not exhausted the PHEL, they are first to use PHEL before using any accrued CO PSSSL/PTO.

Q: Does the revised PHEL change Colorado Paid Sick and Safe Leave program?

A: No, the program was not impacted by Colorado’s Public Health Emergency Leave declaration latest revision.

Q: How long do I have to use the revised PHEL?

A: The PHEL can be taken at any point during the declared public health emergency and up until four (4) weeks after the official end to the public health emergency, which is expected to conclude around May 11, 2023.

Q: Do I need a doctor’s note to use emergency paid sick leave (PHE) for COVID?

A: Documentation is **not** required for emergency paid sick leave for a qualifying COVID PHE purpose as described on page 1.

Questions: Please contact HR Business Partner for assistance.