

Colorado Paid Sick and Safe Leave - Revised

The Colorado legislature amended to the Healthy Families and Workplaces Act (HFWA) and Public Health Emergency in the following ways:

- To allow employees to use the paid leave for additional reasons such as qualifying bereavement and natural disaster-related reasons.
- Since the Public Health Emergency (PHE) ended on June 8, 2023, the 80 hours of PHE Leave is no longer available. As a result, part-time employees are limited to only 48 hours of carryover instead of previous 80 hours.

The expanded uses for Paid Sick and Safe Leave become effective on **August 7, 2023**.

Audience: All employees working in Colorado

- **Timing:** Please share as soon as possible
- **Field Managers Action Requested:**
 - Read the Communication and FAQs immediately.
 - Ensure all store managers review the communication, FAQs, and Colorado Workplace Public Health Rights Poster: Paid Leave, Whistleblowing, and Protective Equipment and share materials with employees.
- **Store/Operations Managers Action Requested:**
 - Read the Communication and FAQs immediately.
 - Print and post Colorado Workplace Public Health Rights Poster: Paid Leave, Whistleblowing, and Protective Equipment where it is visible to all employees.
- **Employee Action Requested:**
 - Read the Communication and FAQs immediately.
 - Review the Colorado Workplace Public Health Rights Poster: Paid Leave, Whistleblowing, and Protective Equipment

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As a reminder, the Paid Sick and Safe Leave law provides all employees working in Colorado the right to take accrued paid time off for the medical care and treatment of themselves or a family member and to seek legal and social services assistance or take other safety measures if the employee or a family member is a victim of domestic violence.

The expanded uses for Paid Sick and Safe Leave are in bold and italicized font below, please familiarize yourself with the information in the Communications and FAQs, detailing the additional uses for paid sick and safe leave in Colorado:

Eligibility: All employees; including part-time, casual and seasonal employees.

Accrual Paid Sick and Safe Leave: Employees will accrue one hour of sick and safe leave for every 30 hours worked up to 48 hours in an employee's calendar year (based on anniversary date or from date of hire). The maximum amount an employee may accrue during their benefit calendar year is 48 hours.

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Status & Business Unit	Amount of Leave	Carryover	Annual Use Limit of Paid Sick Leave
Casual Part-Time and Seasonal (ALL)	Up to 48 hours of Paid Sick Leave*	Up to 48 hours	48 hours
Part-Time - Retail	Up to 48 hours of Paid Sick Leave*	Up to 48 hours	48 hours
Part-Time - Corporate, Operations & Prof. Solutions	Up to 48 hours of PTO*	Up to 48 hours	48 hours
Full-Time - Retail (0-1 yr.)**	Up to 48 hours of PTO*	Up to 48 hours	48 hours
*Full-Time - Operations (0-1 yr.)**	Up to 80 hours of PTO	Up to 48 hours	48 hours
Full-Time - Corporate & Professional Solutions (0-1 yr.)**	Up to 120 hours of PTO	Up to 48 hours	48 hours

*Accrue one hour of Paid Sick Leave for every 30 hours worked

** After the first year of employment, employees will follow the standard PTO plan for full-time employees, except for the carryover of 48 hours instead of the normal 40 hours. Annual use limit of 48 hours of Paid Sick Leave will continue.

Eligible employees may use of Paid Sick and Safe Leave:

An employee may use Paid Sick and Safe Leave for the following reasons:

- The employee's or a covered family member's mental or physical illness, injury or health condition; need for medical diagnosis, care or treatment; or need for preventive medical care; or
- **Grieve, attend funeral services or deal with financial and legal matters following the death of a family member.**
- The employee or a covered family member is a victim of domestic abuse, sexual assault or harassment, and needs to:
 - Seek medical attention to recover from a mental or physical illness, injury or health condition caused by the domestic abuse, sexual assault or harassment;
 - Obtain services from a victim services organization;
 - Obtain mental health or other counseling;
 - Relocate; or
 - Seek legal services, including preparation for or participation in a civil or criminal proceeding relating to or resulting from the domestic abuse, sexual assault or harassment; and
- In a Public Health Emergency, a public official closed the employee's workplace, or the school or place of care of the employee's child; or
- **Care for a family member whose school or place of care is closed because of inclement weather, loss of power or another unexpected occurrence; or**
- **Evacuate their place of residence because of inclement weather, loss of power or another unexpected event that necessitates evacuation.**

See the FAQs regarding the definition for family member.

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An employee is not eligible to take safe leave if they committed the domestic violence, family offense, sexual offense, stalking or human trafficking and were not the victim.

Employee Notice: The employee should provide advance notice if the need for the paid sick and safe leave is foreseeable (i.e., scheduled court appearance or scheduled doctor's or counselor appointment). If the need to take sick and safe leave is not foreseeable (e.g., sudden illness or car accident on the way to work), the employee is then required to provide notice as soon as practicable and using the call-in procedures for the brand/operations.

Documentation: If an employee is absent for more than four consecutive days (based on employee's work schedule) for paid sick and safe leave reasons, the employer may request documentation from the employee justifying the paid sick and safe leave (providing a valid reason for the leave) but not the medical reason for the leave. The employee may provide the documentation to their employer after returning to work. Employees are not required to disclose the details about health or safety information. *The exception to the rule: Documentation is not required for Public Health Emergencies or COVID-related public health emergencies declared by a government official.*

Terms and Conditions: An employer is prohibited from taking the following actions:

- Interfering with, restraining or denying the exercise of or attempt to exercise any right protected by the ordinance;
- Preventing an employee from requesting or taking paid leave under HFWA;
- Taking an adverse employment action or discriminating against an employee because the employee has exercised rights under the ordinance;
- Reducing the number of hours that employee is scheduled to work for requesting or using the paid sick and safe leave;
- Requiring an employee to find their replacement before or during the leave;
- Counting used sick and safe leave as an unexcused absence from work; and
- Refusing to provide information regarding the sick and safe leave or use of the sick and safe leave.

Action Required for Manager:

Select the correct pay code based on the employee's status as follows:

- **Full Time:** Select "PTO" in Kronos.
- **Part Time (including Casual Part-Time and Seasonal):** Select "Sick" in Kronos (Note: this process may not be applicable for all brands).

Hours used will be deducted from the PTO or Sick Balance shown on the employee's paycheck. Beyond the negative PTO balance allowed under the full-time PTO plan (does not apply to part-time employees), an employee will not be paid for any hours taken in excess of the accrued balance, and your brand's attendance policy will apply.

Be sure to print and post the Colorado Workplace Public Health Rights Poster (English and Spanish): Paid Leave, Whistleblowing, and Protective Equipment in a place that is easily accessible to employees.

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Documents can be found on **HR Solutions>Benefits, PTO & Holidays>Paid Sick and Safe Leave>Paid Sick Leave** (via [My Personal Desk](#)). For all other questions, please contact your HR Business Partner.