



## **Handbook Addendum for**

**COLORADO**

**2024**

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# **GENERAL INFORMATION**

## **About This Colorado Addendum**

Doherty Staffing Solutions, Inc. (“The Company”) is committed to workplace policies and practices that comply with federal, state and local laws. For this reason, Colorado employees will receive the Company’s Assignment Handbook and the Colorado Addendum to the Assignment Handbook (together, the “Employee Handbook”).

The Colorado Addendum applies only to Colorado employees. It is intended as a resource containing specific provisions derived under Colorado law that apply to the employee’s employment. It should be read together with the Assignment Handbook and, to the extent that the policies in the Colorado Addendum are different from, or more generous than those in the Assignment Handbook, the policies in the Colorado Addendum will apply.

The Colorado Addendum is not intended to create a contract of continued employment or alter the at-will employment relationship. Only the President/Owner of Doherty Staffing Solutions, Inc. or that person’s authorized representative has the authority to enter into an agreement that alters the at-will employment relationship, and any such agreement must be in writing signed by the President/Owner of Doherty Staffing Solutions, Inc. or an authorized representative.

If employees have any questions about these policies, they should contact their Doherty Staffing Solutions, Inc. representative.

## **COMMITMENT TO DIVERSITY**

### **Equal Employment Opportunity**

As set forth in the Employee Handbook, the Company is committed to equal employment opportunity and to compliance with federal antidiscrimination laws. We also comply with Colorado law, which prohibits discrimination and harassment against any employees or applicants for employment based on race (including hair texture, hair type, hair length, or protective hairstyles commonly or historically associated with race (e.g., braids, locs, twists, tight coils or curls, cornrows, bantu knots, afros and headwraps)), color, creed, sex (including pregnancy), disability, age (over 40), national origin, sexual orientation (including actual or perceived orientation), gender identity, gender expression, ancestry, living organ donor status, religion, marital status, membership in the state National Guard, civil air patrol status and lawful activities during nonworking hours. The Company also does not discriminate against qualified applicants because they did not apply through a private employment agency and does not discriminate against employees who inquire about, disclose, compare or otherwise discuss their wages. The Company generally does not discriminate against employees or applicants for employment solely because they are married to a co-worker, though exceptions exist where, for example, one employee exercises supervisory authority over, audits or has access to the employer’s confidential information about the other. The Company will not tolerate discrimination or harassment

based upon these characteristics or any other characteristic protected by applicable federal, state or local law.

## **Program to Deter Harassment, Discrimination, and Other Unfair Employment Practices**

The Company has established a program designed to prevent harassment, discrimination, retaliation, and other unfair employment practices, deter future harassers, and protect employees from harassment, which is set forth in the Employee Handbook. Under this program, any employee who believes they have been harassed, discriminated against, subjected to retaliation by a co-worker, supervisor, agent, client, vendor or customer of Doherty Staffing Solutions, Inc., or otherwise subjected to any unfair employment practice based on a protected class, or who is aware of harassment, discrimination, retaliation or an unfair employment practice based on a protected class against others, should immediately provide a written or verbal report to their Doherty Staffing Solutions, Inc. representative to report such incidents. After a report is received, management will undertake prompt, reasonable action to investigate or address the alleged harassing, discriminatory, retaliatory, or unfair employment practices. If warranted, management may issue prompt, reasonable remedial action in response to complaints of discriminatory or unfair employment practices.

## **Pregnancy Accommodation**

Employees and applicants for employment may request a reasonable accommodation for pregnancy, physical recovery from childbirth or related health conditions. A reasonable accommodation that would enable the employee or applicant to perform the essential functions of their job will be provided unless the accommodation would impose an undue hardship on the company's business operations.

Reasonable accommodations may include but are not limited to: more frequent or longer breaks; more frequent restroom, food or water breaks; acquisition or modification of equipment or seating; limitations on lifting; temporary transfer to a less strenuous or hazardous position, if available, with return to the current position following pregnancy; job restructuring; light duty, if available; assistance with manual labor; or a modified work schedule.

The Company may require that employees provide a certification from a licensed health care provider regarding the medical necessity of a reasonable accommodation.

Employees who have questions about this policy or who wish to request a reasonable accommodation under this policy should contact their Doherty Staffing Solutions, Inc. representative.

# GENERAL EMPLOYMENT PRACTICES

## Access to Personnel Files

Upon request, employees will be allowed to inspect their personnel files at least one time per year. Employees who wish to review their personnel files should contact their Doherty Staffing Solutions, Inc. representative. The review will take place in the presence of a Company representative at a time that is convenient for both the employee and the Company. Employees are permitted to obtain a copy of their personnel files but may be required to pay reasonable costs for the duplication of the documents.

Following separation from employment, former employees may inspect and/or obtain a copy of their personnel files one time. The former employee may be required to pay reasonable costs for duplication of the documents.

For purposes of this policy, a personnel file does not include documents required by law to be placed in a separate file or records relating to: confidential reports from previous employers of the employee; an active criminal investigation; an active disciplinary investigation by the Company; an active investigation by a regulatory agency or any information that identifies an individual who made a confidential accusation against the employee.

## PAY PRACTICES

### Meal and Rest Breaks

Nonexempt employees who work five or more consecutive hours will be provided at least one 30-minute meal break. To the extent practical, meal breaks will be provided at least one hour after the start and one hour before the end of the employee’s shift. During the break, employees will be relieved of all duties. An uninterrupted 30-minute meal break will be unpaid. If the nature of an employee’s job or circumstances makes an uninterrupted meal break impracticable, the employee will be allowed an on-duty meal break without any loss of time or compensation.

Nonexempt employees will also be permitted a 10-minute rest break for every four hours of work, in accordance with the schedule below:

<b>Duration of Shift In Hours</b>	<b># of 10-Minute Rest Breaks</b>	<b>Comments</b>
0 to < 2	0	Employees who work less than two hours in a workday are not required or permitted to take a rest break.

2 to < 6	1	Employees who work at least two hours in a workday but less than six hours in a workday are allowed one 10-minute rest break.
6.0 to < 10.0	2	Employees who work at least six hours in a workday but less than 10 hours in a workday are allowed two 10-minute rest breaks.
10.0 to < 14.0	3	Employees who work at least 10 hours in a workday but less than 14 hours in a workday are allowed three 10-minute rest breaks.

To the extent practical, rest periods will be provided in the middle of each four-hour work period. Employees who are unable to take all of the meal or rest breaks to which they are entitled in accordance with this policy, or who have been prevented or discouraged from taking a break to which they are entitled under this policy, should immediately notify their Doherty Staffing Solutions, Inc. representative. The Company will not threaten, coerce, discriminate or otherwise retaliate against any employee who reports a violation of this policy or files a claim or participates in an investigation, hearing or other process or proceeding related to an alleged violation of federal or state wage and hour laws.

**Additional Information**

A *Colorado Overtime and Minimum Pay Standards Order (COMPS Order #39) Poster* is attached to this handbook.

**Overtime**

Nonexempt employees will be paid one and one-half times their regular rate of pay for any work in excess of: (1) 40 hours per week; (2) 12 hours per workday; or (3) 12 consecutive hours without regard to the starting and ending time of the workday (excluding duty-free meal breaks), whichever calculation results in the greatest payment of wages.

For additional information, a *Colorado Overtime and Minimum Pay Standards Order (COMPS Order #39) Poster* is attached to this handbook.

**Lactation Accommodation**

The Company will provide a reasonable amount of break time to accommodate an employee desiring to express breast milk for the employee’s child. The Company will provide this break time for up to two years following the birth of a child.

Nursing mothers can elect to take time to express breast milk during their regularly scheduled meal and rest breaks. If the break time cannot run concurrently with the meal and/or rest breaks already provided to the employee, the break time will be unpaid for nonexempt employees. Where additional breaks are required, employees should work with their Doherty Staffing Solutions, Inc. representative regarding scheduling.

The Company will make reasonable efforts to provide employees with the use of a private location, other than a toilet stall, in close proximity to the employee's work area, for the employee to express milk.

Employees should provide reasonable notice to the Company that they intend to take breaks for expressing breast milk upon returning to work. Employees should discuss with their supervisor or Doherty Staffing Solutions, Inc. representative the location to express their breast milk and for storage of expressed milk and to make any other arrangements under this policy.

The Company reserves the right to not provide additional break time or a private location for expressing breast milk if doing so would substantially disrupt the Company's operations.

The Company will not demote, terminate or otherwise take adverse action against an employee who requests or makes use of the accommodations and break time described in this policy.

## **Discussion of Wages**

No employee is prohibited from inquiring about, disclosing, comparing or otherwise discussing their wages. The Company will not terminate, discipline, coerce or otherwise discriminate against employees because they make such inquiries, disclosures, comparisons or otherwise engage in such discussions of their wages.

## **TIME OFF AND LEAVES OF ABSENCE**

### **Colorado Paid Sick Leave and Public Health Emergency Leave**

The Company provides eligible employees with paid sick leave and public health emergency leave pursuant to the Colorado Healthy Families and Workplaces Act ("HFWA").

#### ***Eligibility***

All employees working in Colorado for the Company are eligible to receive paid sick leave under this policy.

#### ***Accrual and Carryover of Paid Sick Leave***

Employees begin to accrue paid sick leave on their first calendar day of employment with the Company or their date of eligibility under the HFWA, whichever is later.

Paid sick leave accrues at a rate of one hour for every 30 hours worked, up to a maximum of 48 hours in a benefit year. For purposes of this policy, the benefit year is January 1, 2024 or the first date of employment, whichever is later.

For accrual purposes, exempt employees are assumed to work 40 hours per workweek, unless their normal workweek is fewer than 40 hours per week, in which case paid sick leave accrues based upon the employee's normal workweek hours. Nonexempt employees accrue paid sick leave based on all hours worked, including overtime.

Employees may carry over up to 48 hours of accrued but unused paid sick leave from one benefit year to the next, but with an overall cap of 48 hours of paid sick leave per benefit year. Therefore, once an employee has a bank of 48 hours of paid sick leave in a benefit year, no additional paid sick leave will accrue in that year. The Company does not pay out any unused paid sick leave at year-end in lieu of carryover.

Employees will be able to determine the amount of paid sick leave available for use by reviewing their paystubs.

### ***Using Paid Sick Leave***

Employees may use paid sick leave as it is accrued. Employees may use a maximum of 48 hours of paid sick leave per benefit year.

Employees must use paid sick leave in one-hour increments, to cover all or part of a workday.

To the extent allowed by applicable law, the Company reserves the right to require the use of paid sick leave for one of the reasons specified below. Employees are not required to search for or find a replacement worker to cover the period during which they use paid sick leave.

### ***Covered Reasons for Use***

Paid sick leave may be used only during times that an employee cannot work for the following reasons:

- The employee's: mental or physical illness, injury or health condition; need to seek medical diagnosis, care or treatment for the illness, injury or health condition; or need for preventive medical care.
- A family member's: mental or physical illness, injury or health condition; need to seek medical diagnosis, care or treatment for the illness, injury or health condition; or need for preventive medical care.
- The employee or employee's family member has been the victim of domestic abuse, sexual assault, or harassment and uses leave 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;
  - Seek relocation due to the domestic abuse, sexual assault, or harassment; or
  - Seek legal services, including preparing for or participating in a civil or criminal proceeding relating to or resulting from the domestic abuse, sexual assault, or harassment.
- During a public health emergency, a public official has ordered the closure of:
    - The employee's place of business; or
    - The school or place of care of employee's child and the employee needs to be absent from work to care for the child.
  - To evacuate the employee's place of residence or to care for a family member whose school or place of care has been closed due to inclement weather, loss of power, loss of heating, loss of water, or other unexpected events.
  - To grieve, attend funeral services or a memorial, or deal with financial and legal matters that arise after the death of a family member.

*Family Member.* For purposes of this policy, "family member" means the employee's immediate family member (a person who is related by blood, marriage, civil union, or adoption), a child to whom the employee stands *in loco parentis*, a person who stood *in loco parentis* to the employee when the employee was a minor child, and a person for whom the employee is responsible for providing or arranging health- or safety-related care.

### **Notice Required**

If the need to use paid sick leave is foreseeable, such as for prescheduled medical appointments and court dates in domestic abuse cases, employees must make a good-faith effort to provide advance notice to their Doherty Staffing Solutions, Inc. representative of an absence from work. Employees must also make a good-faith effort to schedule their absences in a way that does not unduly disrupt the Company's operations. If the need to use paid sick leave is unforeseeable, employees must provide notice to their Doherty Staffing Solutions, Inc. representative as soon as practicable. Employees may provide notice to their Doherty Staffing Solutions, Inc. representative by phone, e-mail or text..

When notifying the Company of the need to use paid sick leave, an employee should include the anticipated duration of the absence, when possible.

In all circumstances, employees are responsible for specifying that the time off is for paid sick leave reasons (as opposed to, for example, vacation), so that the absence may be designated as a paid sick leave absence.

## ***Verification of Absence***

If an employee uses paid sick leave for four (4) or more consecutive workdays, the Company may require a doctor's note or other verification of the employee's need for the absence. Depending on the circumstances, verification may include a doctor's note (for the employee's own or family member's health condition); school closure order; police report, court document, or court order of protection (indicating domestic abuse, sexual assault, or stalking); and/or other verification as permitted by applicable law. The Company will keep confidential any documentation or verification information provided regarding leave use, in accordance with federal, state and local law.

## ***Public Health Emergency Leave***

Beginning on the date that a public health emergency is declared by the governor or the federal, state, or local public health agency, employees can use their paid sick leave as public health emergency leave ("PHEL").

In the event of a public health emergency, employees may be provided supplemental PHEL. For employees who normally work forty (40) or more hours per week, the Company will provide supplemental PHEL on the date a public health emergency is declared, if needed, to ensure that the employee has at least eighty (80) hours of paid leave available to be used as PHEL. For employees who normally work fewer than forty (40) hours in a week, the Company will provide supplemental PHEL on the date a public health emergency is declared, if needed, to ensure that the employee has the greater of either the amount of time the employee is scheduled to work in the 14-day period after the leave request or the amount of time the employee actually works on average in the 14-day period preceding the public health emergency declaration or the leave request, whichever is later. Employees are only eligible to receive supplemental PHEL once during the entirety of a public health emergency, even if the public health emergency is amended, extended, restated, or prolonged.

During a public health emergency, employees will continue to accrue paid sick leave in accordance with this policy. Any accrued paid sick leave an employee has available at the time the need to be absent for a PHEL reason arises will be counted in determining the amount of PHEL to be provided to the employee.

Employees can use PHEL if they are unable to work for any of the following reasons:

- An employee's need to self-isolate and care for oneself or care for a family member who is self-isolating because the employee or family member is experiencing symptoms or, or diagnosed with, a communicable illness that is the cause of a public health emergency.

- An employee's need to seek or obtain medical diagnosis, care, or treatment for themselves or a family member experiencing symptoms of a communicable illness that is the cause of a public health emergency.
- An employee's need to seek preventive care for themselves or a family member concerning a communicable illness that is the cause of a public health emergency.
- A local, state, or federal public official or health authority having appropriate jurisdiction over the location in which the employee's place of employment is located or the Company determines that the employee's presence at work or in the community would jeopardize the health of others because of the employee's exposure to the communicable illness or because the employee is exhibiting symptoms of the communicable illness, regardless of whether the employee has been diagnosed with the communicable illness.
- To care for a family member after a local, state, or federal public official or health authority having appropriate jurisdiction or the family member's employer determines that the family member's presence at work or in the community would jeopardize the health of others because of the family member's exposure to the communicable illness or because the family member is exhibiting symptoms of the communicable illness, regardless of whether the family member has been diagnosed with the communicable illness.
- To care for a child or other family member whose school or place of care has been closed or is unavailable due to a public health emergency.
- An employee's inability to work because the employee has a health condition that may increase susceptibility to or risk of a communicable illness that is the cause of the public health emergency.

Employees may use PHEL until four weeks after the official termination or suspension of the public health emergency. Employees must notify their Doherty Staffing Solutions, Inc. representative of their need to use PHEL as soon as practicable. Employees will not be required to provide documentation substantiating the need for PHEL.

### ***Discipline for Unprotected Use of Paid Sick Leave or PHEL***

Discipline – up to and including termination – may be taken against an employee who uses paid sick leave or PHEL for a purpose not covered by, or in a manner not consistent with, the HFWA. In addition, discipline – up to and including termination – may be taken against an employee that violates this policy's requirements concerning requesting, using, recording, verifying, and/or documenting use of paid sick leave or PHEL.

### ***Rate of Pay***

The rate of pay for sick leave and PHEL will be calculated in accordance with applicable law.

### ***Separation from Employment and Rehire***

The Company does not pay employees for unused paid sick leave or supplemental PHEL at any time, including upon separation from employment for any reason.

If an employee's employment with the Company ends and the employee is rehired within six (6) months of employment ending, the employee's previously unused paid sick leave balance will be reinstated and made available for use in accordance with the HFWA.

### ***No Discrimination or Retaliation***

As long as the use of paid sick leave and PHEL complies with the requirements of this policy and the HFWA, the Company will not count employees' use of paid sick leave or PHEL as an absence or "occurrence" under any Company attendance policy. Therefore, any such use of paid sick leave or PHEL will not lead to or result in discipline, demotion, suspension or termination.

The Company will not retaliate or discriminate against any employee for requesting or using paid sick leave for authorized circumstances or for making a complaint or informing a person about a suspected violation of this policy, cooperating or participating in any investigation, administrative hearing or judicial action regarding an alleged violation, opposing any policy or practice prohibited by any sick and safe time or mandatory paid leave law, or informing any person of their potential rights under the law.

### ***Additional Information***

Employees who have questions about the Colorado Paid Sick Leave and Public Health Emergency Leave policy should contact their Doherty Staffing Solutions, Inc. representative.

## **Colorado Paid Family and Medical Leave Insurance ("FAMLI")**

In accordance with the Colorado Paid Family and Medical Leave Insurance ("FAMLI") Act, Colo. Rev. Stat. § 8-13.3-501, eligible employees may be entitled to a leave of absence with partial wage replacement benefits from the Colorado Department of Labor and Employment, Division of Family and Medical Leave Insurance (the "Division") to care for their own serious health condition, care for a family member with a serious health condition, bond with a new child, assist with obligations that arise when a family member is called into active military service, or address the immediate safety needs and impact of domestic violence and/or sexual assault.

## ***Eligible Employees***

This policy applies to eligible Colorado-based employees, including full-time, part-time, permanent or migratory workers. Eligibility is determined by the Division, not the Company. The Division may determine that an employee is disqualified from receiving FAMLI benefits for one year if the employee willfully makes a false statement or misrepresentation regarding a material fact in order to obtain FAMLI benefits.

## ***Contributions***

FAMLI benefits are funded by employee contributions. Employee contributions are deducted from employee paychecks, and the amount of the contribution depends on the employee's eligible wages. The amount of any deduction taken will be reflected on an employee's paystub.

## ***Reasons for and Length of Leave***

Eligible employees are entitled to up to 12 weeks of FAMLI leave in an application year for any of the following reasons:

1. Bonding leave to care for a new child during the first year after the birth, adoption or placement of the child through foster care;
2. To care for a family member with a serious health condition;
3. The employee's serious health condition;
4. Qualifying exigency leave; and
5. Safe leave.

Eligible employees will be allowed a maximum of 12 weeks of FAMLI leave, in the aggregate, in an application year for any of the foregoing reasons, except that eligible employees with a serious health condition related to pregnancy complications or childbirth complications are entitled to up to an additional 4 weeks of FAMLI leave. The Company will not count FAMLI leave as an absence that may lead to or result in discipline, discharge, demotion, suspension or any other adverse action.

## ***Definitions***

- **"Application year"** means the 12-month period measured forward from the date an employee files an application for FAMLI benefits.
- **"Child,"** for purposes of bonding leave, means a person who is either under the age of 18, or between the ages of 18 and 21 and remains under the jurisdiction of a juvenile court.

- **“Family member”** means (a) regardless of age, a biological, adopted or foster child, stepchild or legal ward, a child of a domestic partner, a child to whom the employee stands in loco parentis, or a person to whom the employee stood in loco parentis when the person was a minor; (b) a biological, adoptive or foster parent, stepparent or legal guardian of an employee or the employee’s spouse or domestic partner or a person who stood in loco parentis when the employee or the employee’s spouse or domestic partner was a minor child; (c) a person to whom the employee is legally married under the laws of any state, or the employee’s domestic partner; (d) a grandparent, grandchild or sibling (whether a biological, foster, adoptive or step relationship) of the employee or the employee’s spouse or domestic partner; or (e) as shown by the employee, any other individual with whom the employee has a significant personal bond that is or is like a family relationship, regardless of biological or legal relationship.
- **“Qualifying exigency leave”** means leave based on a need arising out of an employee’s family member's active duty service or notice of an impending call or order to active duty in the armed forces, including, but not limited to, providing for the care or other needs of the military member’s child or other family member, making financial or legal arrangements for the military member, attending counseling, attending military events or ceremonies, spending time with the military member during a rest and recuperation leave or following return from deployment, or making arrangements following the death of the military member.
- **“Safe leave”** means any leave because the employee or the employee’s family member is the victim of domestic violence, the victim of stalking, or the victim of sexual assault or abuse. Safe leave applies if the employee is using the leave from work to protect the employee or the employee’s family member by: (1) seeking a civil protection order to prevent domestic violence; (2) obtaining medical care or mental health counseling or both for the employee or for the employee’s children to address physical or psychological injuries resulting from the act of domestic violence, stalking, or sexual assault or abuse; (3) making the employee’s home secure from the perpetrator of the act of domestic violence, stalking, or sexual assault or abuse, or seeking new housing to escape said perpetrator; or (d) seeking legal assistance to address issues arising from the act of domestic violence, stalking, or sexual assault or abuse, or attending and preparing for court-related proceedings arising from said act or crime.
- **“Serious health condition”** means an illness, injury, impairment, pregnancy, recovery from childbirth, or physical or mental condition that involves inpatient care in a hospital, hospice or residential medical care facility, or continuing treatment by a health care provider.

### ***Wage Replacement Benefits***

The determination of FAML I eligibility and the amount of wage replacement benefits is determined by the Division, and not the Company. FAML I benefits are calculated by the Division based on the employee's average weekly wage in relation to the state average weekly wage and are capped at a maximum weekly benefit amount that is adjusted annually. The Division will decide whether to grant or deny a claim for FAML I benefits within two (2) weeks of the application being filed.

Employees may use available Company-provided paid time off during their absence from work while their application for FAML I leave is pending with the Division. Once their application is approved, the Company may recoup any Company-provided paid time off used during the approved FAML I leave period, to the extent such paid time off was not mutually agreed and acknowledged to be a supplemental benefit to FAML I benefits and/or the use of such paid time off during this period caused the employee to receive more than their average weekly wage.

### ***Health Benefits***

During an approved FAML I leave, the Company will continue making contributions for an employee's group health benefits on the same terms as if the employee had continued to work. This means that, if an employee wants benefits coverage to continue during FAML I leave, the employee must continue to make any premium payments they were required to make for themselves or their dependents prior to the leave.

### ***Intermittent or Reduced Schedule Leave***

In addition to a continuous leave (i.e., a non-recurring, uninterrupted period of leave), eligible employees may take FAML I leave on an intermittent basis (i.e., taking leave in blocks of time due to a single qualifying reason) or on a reduced schedule basis (i.e., reducing the employee's normal weekly or daily work schedule).

FAML I leave can be taken in increments of one hour. Taking leave intermittently or on a reduced leave schedule will result in a proportionate reduction in the employee's available allotment of FAML I leave. An employee who applies for intermittent or reduced schedule leave will not receive benefits from the Division until they have accumulated at least eight (8) hours of FAML I leave.

If an employee is approved for intermittent or reduced schedule FAML I leave, the employee must submit documentation sufficient to recertify their need for leave every six months, or as requested by the Division.

Employees seeking intermittent or reduced schedule FAML I leave must notify the Division and the Company of the schedule for the leave. Employees receiving intermittent leave must notify the Division of the individual absences in order to receive wage replacement benefits for the absences.

Employees who are approved for and take intermittent or reduced schedule leave and who fail to work in accordance with that leave schedule may be subject to discipline. If an

employee's use of intermittent FMLI leave is inconsistent with the Division's approval, the Company may also request additional information in support of the need for leave.

### ***Applying for FMLI Benefits***

Employees must file claims for FMLI benefits directly with the Division using the Division's forms. Applications may be submitted using the FMLI Division's online system, by mail, or by e-mail, and may be submitted up to thirty (30) days prior to the anticipated beginning of FMLI leave. Applications must be submitted no later than thirty (30) days after the start of FMLI leave unless the employee establishes good cause and submits the application fewer than ninety (90) days after the start of leave.

Employees will be required to submit to the Division additional documentation supporting the need for leave. Required documentation may include, for example, a birth certificate or adoption paperwork for leave upon the birth or placement of a child or medical certification from a healthcare provider for leave to care for the employee's or a family member's serious health condition.

By submitting an application for benefits, an employee consents to the Division sharing with the Company, upon the Company's request, limited information necessary for the Company to coordinate FMLI benefits with other benefits for which the employee may be eligible. The Company will treat any medical or health information it receives in connection with FMLI benefits as confidential and will not disclose such information except with the permission of the employee requesting leave, unless disclosure is otherwise required by law.

### ***Requesting FMLI Leave***

Employees must notify the Company of the need for FMLI leave by contacting their Doherty Staffing Solutions, Inc. representative and specifying the anticipated starting time, duration, and where applicable, frequency of the leave. For employees on intermittent leave, these scheduling and notice requirements apply to each absence.

If the need for leave is foreseeable, the employee must provide thirty (30) days' notice of the need for leave and consult with the Company and make a reasonable effort to schedule the leave so as not to unduly disrupt the Company's operations (subject to approval from the employee's health care provider). If the necessity for leave is not foreseeable, or providing 30 days' notice is not possible, the employee must provide the notice as soon as practicable. As soon as practicable means as soon as both possible and practical, taking into account all of the facts and circumstances in the individual case.

Employees on an approved FMLI leave must notify the Division within ten (10) days after the occurrence of any event, or the foreseeability of any event, that could change the amount or duration of approved leave.

### ***Return to Work***



The Company may require an employee to provide certification of the employee's fitness for duty prior to returning to work from a FMLI-approved absence.

An employee who has been employed with the Company for at least 180 days prior to the commencement of a FMLI leave and returns to work on or before the approved leave's end date will be entitled to return to their former job or to an equivalent position with equivalent employment benefits, pay and other terms and conditions of employment.

The Company may deny restoration to any employee:

- Where the employee has not been employed with the Company for at least 180 days prior to the commencement of the employee's FMLI leave;
- Where the employee's FMLI leave extends beyond the maximum benefit duration to which they are entitled;
- Where the employee's return from FMLI leave coincides with a scheduled cessation of operations for the season and the Company can show the employee would not otherwise have been employed at the time of reinstatement;
- Where the employee's written contract for employment with the Company has ended pursuant to its terms;
- Where an employee's position is eliminated due to legitimate downsizing or reorganization;
- Where the employee cannot perform the essential functions of their job any longer following the period of leave. However, an employee may be eligible to request reasonable accommodation under the Americans with Disabilities Act or other applicable state or federal law;
- Where the Division has made a determination that the employee applied for or was approved for FMLI leave insurance benefits based on a fraudulent certification;
- Where the employee fails to provide notice of a need for FMLI leave, unless the need for leave was not foreseeable and unusual circumstances justify the failure to comply; or
- Where an employee on FMLI leave provides written notice of resignation.

### ***Coordination with Other Leaves and Benefits***

FMLI leave will run concurrently with leave taken under the federal Family and Medical Leave Act and the Colorado Family Care Act if the leave qualifies under each respective law.

FAMLI leave will run also concurrently with leave taken under any disability plan or an employer-provided paid family and medical leave benefit if the absence qualifies under each respective program. This means that the Company will count FAMLI wage replacement amounts and the duration of FAMLI leave toward the remaining benefit amounts and leave duration provided under such Company-provided disability plan or paid family and medical leave benefit. In no case will the combined pay an eligible employee receives through any wage-replacement program(s), including FAMLI benefits and any Company-provided disability plan or paid family and medical leave benefit, exceed the employee's average weekly wage. Additionally, all wage-replacement benefits will be fully integrated to avoid duplication of benefits, to the fullest extent permitted by state or federal law. Employees are also encouraged to review the Company's **parental leave** policy to understand how those benefits interact with the FAMLI benefits.

The Company will not require employees to use or exhaust any accrued vacation leave, sick leave, or other Company-provided paid time off prior to or while receiving FAMLI benefits. However, employees may use Company-provided paid time off (including vacation, paid sick leave, and paid personal leave) as a supplemental benefit to FAMLI, to receive their full average weekly wage during some or all of the FAMLI leave. The employee must notify the Company in writing of their intention to use Company-provided paid time off to supplement FAMLI leave benefits.

### ***Fraudulent Use of FAMLI Prohibited***

Employees who fraudulently obtain FAMLI benefits will not receive the protections and benefits provided by the law.

### ***Protected Rights***

The Company takes its FAMLI obligations very seriously and will not interfere with, restrain or deny the exercise of any right protected under the FAMLI Act. The Company will not discriminate or retaliate against any individual because they use or request leave in accordance with this policy, file a complaint or institute a proceeding related to the FAMLI Act, testify or provide information in an inquiry or proceeding related to the FAMLI Act, or otherwise exercise their rights under the FAMLI Act. If an employee believes that their FAMLI rights have been violated in any way, they should immediately report the matter to their Doherty Staffing Solutions, Inc. representative.

Employees may also contact their Doherty Staffing Solutions, Inc. representative by phone, e-mail or text with questions regarding FAMLI leave or benefits.

## **Vacation/Paid Time Off (PTO)**

The Company will pay employees for any earned or accrued but unused paid time off (PTO) at termination of employment.

## **Adoption Leave**

Employees who are adoptive parents will be permitted to take leave under the same terms as leave provided to biological parents for the adoption of a child. Requests for additional leave due to the adoption of an ill child or child with a disability will be considered on the same basis as comparable cases of complications accompanying the birth of a child.

This policy does not apply to adoption by the spouse of a custodial parent or to second-parent adoption.

For further information or to request leave under this policy, contact your Doherty Staffing Solutions, Inc. representative.

## **Family Care Act Leave**

Employees who are eligible for leave under the federal Family and Medical Leave Act (FMLA) and who are in registered domestic partnerships or civil unions may take leave in accordance with the FMLA to care for their domestic or civil union partners with a serious health condition. A serious health condition has the same meaning as reflected in the Company's FMLA policy.

Employees seeking leave under this policy must comply with the eligibility, notice, certification and other requirements set forth in the FMLA policy contained in the Employee Handbook and will be required to provide reasonable documentation of a family relationship.

Where applicable, Family Care Act Leave and FMLA leave will run concurrently.

For further information or to request leave under this policy, contact your Doherty Staffing Solutions, Inc. representative.

## **Jury Duty Leave**

The Company encourages all employees to fulfill their civic responsibilities and to respond to jury service summons or subpoenas, attend court for prospective jury service or serve as a juror. Under no circumstances will employees be deprived of any benefits of employment, terminated, threatened, harassed, or coerced because they request or take leave in accordance with this policy.

Employees will receive their regular compensation up to \$50 per day, unless otherwise agreed to by the Company, during the first three days of jury service. This includes part-time, casual and temporary employees, so long as their employment hours can be

determined by a schedule, custom or practice established during the three-month period preceding jury service. Any additional time off under this policy will be without pay, except that exempt employees will not incur any reduction in pay for a partial week absence due to jury duty.

Employees seeking compensation for jury duty leave must provide a juror service certificate from the court as soon as practical. The Company will compensate the employee in accordance with this policy within 30 days of receiving the service certificate.

Employees should provide their Doherty Staffing Solutions, Inc. representative with notice of any jury summons or subpoena within a reasonable amount of time after receipt and before their appearance is required.

## **Crime Victim Leave**

Employees may take time off from work for the purpose of responding to a subpoena to testify in a criminal proceeding or to participate in the preparation of a criminal proceeding, if:

- The employee is a victim of the crime at issue in the proceeding;
- The employee is the crime victim's spouse, child by birth or adoption, stepchild, parent, stepparent, sibling, legal guardian or significant other (i.e., someone in a family-type living arrangement, who would constitute the spouse or partner of the victim if they were married); or
- The victim is deceased or incapacitated and the employee is the victim's spouse, partner, parent, child, sibling, grandparent, significant other or other lawful representative.

Employees, who are in custody for the crime, accused of the crime or otherwise accountable for the crime, are not eligible for time off under this policy.

Leave under this policy will be unpaid except that exempt employees will not incur any reduction in pay for a partial week absence due to witness duty.

## **Domestic Violence Victim Leave**

Employees who are victims of domestic violence, including sexual abuse, stalking, sexual assault or any other crime including an act found by a court to be domestic violence, may take up to three working days of unpaid leave time within a 12-month period. Only employees employed with the Company for 12 or more months are eligible for this leave.

Employees may use leave available under this policy to:

- Seek a civil protection order to prevent domestic abuse;

- Obtain medical care and/or medical health counseling for the employee or the employee's children to address physical or psychological injuries resulting from the act of domestic abuse, stalking, sexual assault or other crime involving domestic violence;
- Make the employee's home secure from the perpetrator of the crime or seek new housing to escape the perpetrator; or
- Seek legal assistance to address issues arising from the crime and attend and prepare for court-related proceedings arising from the act or crime.

Except in a case of imminent danger, an employee seeking leave from work under this policy must provide the Company with advance notice of the leave. In addition, the Company may require the employee to provide documentation verifying the need for the leave.

Confidentiality of the situation will be maintained to the extent possible.

The Company will not retaliate or tolerate retaliation against any employee who seeks or obtains leave under this policy.

## **Time Off to Vote**

The Company encourages all employees to fulfill their civic responsibilities and to vote in all public elections. Most employees' schedules provide sufficient time to vote either before or after working hours.

Employees who have less than three consecutive hours outside of work during which the polls are open will be allowed up to two hours of time off to vote, without loss of pay. Upon request, the Company will schedule the leave at the beginning or end of the employee's shift. The Company will otherwise specify when the leave may be taken.

Employees must provide notice of the need for time off prior to Election Day.

## **Military Leave**

In addition to the military leave rights set forth in the Employee Handbook, regular full-time and part-time employees who are members of the Colorado National Guard are entitled to an unpaid leave of absence to perform active state service.

Additionally, regular full-time and part-time employees who are members of the Colorado National Guard or United States armed forces reserves may take an amount of leave that is the equivalent of three weeks of work according to their regular work schedule per calendar year for military training with the United States armed forces. During leave for military training, an employee can use any paid leave available to them or can use unpaid leave.

Upon return from active state service or military training, employees will be reinstated to their former position or to a position of like seniority, status and pay, so long as they:

- Had a nontemporary job before taking leave;
- Provide evidence that training or service was satisfactorily completed; and
- Are still qualified to do the job.

Absence for military service or training will not affect an employee's rights to receive normal vacation, sick leave, bonuses, advancement or other advantages of employment that would otherwise be expected for the employee's particular job.

### **Civil Air Patrol Leave**

Regular full-time and part-time employees who are members of the Civil Air Patrol are entitled to an unpaid leave of absence, not to exceed 15 work days in any calendar year, when called to serve on a Civil Air Patrol mission.

Upon return from the leave, employees will be reinstated to their former position or to a similar position, so long as they:

- Had a non-temporary job before taking leave;
- Return as soon as practicable to their position after being relieved from service for the mission;
- Provide evidence that the service was satisfactorily completed; and
- Are still qualified to do the job.

Absence for Civil Air Patrol service will not affect employee rights to receive normal vacation, sick leave, bonuses, advancement or other advantages of employment that would otherwise be expected for the employee's particular job.

### **Volunteer Firefighters Leave**

Employees who serve as volunteer firefighters may take time off to respond to an emergency summons that occurred prior to the time the employee is scheduled to report to work.

Employees who serve as volunteer firefighters will also be allowed time off to respond to an emergency summons after the employee has begun work, if:

- The Company does not consider the employee to be essential to the daily operations of the employer's daily enterprise;

- The employee previously provided written verification of volunteer status from the fire chief; and
- The emergency is within the response area of the employee's fire department and is of such magnitude that all firefighters must respond.

Employees must provide written verification from the fire chief of the time, date and duration of the employee's response to the emergency.

Time off under this policy will be unpaid except that exempt employees may be paid, as required by law.

Additionally, if an employee who serves as a volunteer firefighter is called to a disaster, the Company's Qualified Volunteers Leave policy may also apply to the absence or leave from work.

## **Qualified Volunteers Leave**

Regular full-time and part-time (i.e., non-temporary) employees who are qualified volunteers will be allowed time off if called into service by a volunteer organization during a disaster, so long as they provide proof of their status as a qualified volunteer. For purposes of this policy, employees will be considered a qualified volunteer if the:

- Employee is a member of a volunteer organization that enters into a memorandum of understanding with a county sheriff, local government, local emergency planning committee or state agency;
- Volunteer organization is included on the qualified volunteer organization list created and maintained by the Department of Local Affairs;
- Employee is called to service through the volunteer organization under the authority of the county sheriff, local government, local emergency planning committee, or state agency to volunteer in a disaster; and
- Employee receives the appropriate verification from the Colorado Department of Local Affairs that: (a) indicates the volunteer was called to service by a volunteer organization for the purpose of assisting in a disaster; (b) verifies the volunteer reported for service and performed the activities required by the volunteer organization; and (c) includes the number of days of service that the volunteer provided.

Leave under this policy will not exceed 15 work days in any calendar year and will be unpaid.

Employees will, upon completion of the volunteer emergency service and return to work, be restored to the same or similar position as they held prior to the leave. Taking leave under this policy will not affect an employee's rights to vacation, sick leave, bonus,

advancement or other employment benefits or advantages relating to and normally to be expected for the employee's particular employment.

Employees must return to their employment position as soon as practicable after being relieved from service.

Leave may be denied if more than 20 percent of the Company's employees on any work day request such leave. Leave may also not be available for essential employees, defined as those employees the Company deems essential to the operation of the Company's daily enterprise, whose absence would likely cause the Company to suffer economic injury, or whose duties including assisting in disaster recovery for the Company.

## **SAFETY AND SECURITY**

### **Smoke-Free Workplace**

The Company prohibits smoking marijuana or any other substance that is illegal under federal law or Colorado law anywhere on its premises.

The Company prohibits smoking in the workplace and within 25 feet of any window, ventilation intake or entrance to the workplace. For purposes of this policy, smoking includes the use of electronic smoking devices (e.g., e-cigarettes or vaping). Employees wishing to smoke must do so outside of company's facilities, in locations where smoke does not migrate back into the workplace, during scheduled work breaks.

Employees that observe other individuals smoking in the workplace have a right to object and should report the violation to their supervisor or their Doherty Staffing Solutions, Inc. representative. Employees will not be disciplined or retaliated against for reporting smoking that violates Colorado law or this policy.

Employees that violate this policy may be subject to disciplinary action up to and including termination.

### **Cell Phone Use / Texting While Driving**

As set forth in the Employee Handbook, the Company prohibits employees from using cellular phones for business reasons while driving or for any reason while driving for work-related purposes or driving a company-owned vehicle. Employees should also be aware that it is a violation of Colorado law to use a mobile electronic device (including texting, watching a video or movie, or physically holding a device for the purpose of voice-based communication) while operating a motor vehicle.



# ADDITIONAL RESOURCES



**COLORADO OVERTIME & MINIMUM PAY STANDARDS ORDER**  
**("COMPS Order") #39, POSTER & NOTICE**

*Effective 1/1/24; must update annually;  
new poster available each December*

**Colorado Minimum Wage: inflation-adjusted annually; \$14.42/hour in 2024, (Rule 3)**

- Employees must be paid at least minimum wage (whether hourly, salary, commission, piecework, etc.) unless exempt
- Unemancipated minors can be paid 15% less than full minimum wage
- Use the highest minimum wage that applies; all local minimum wages are posted at [ColoradoLaborLaw.gov](http://ColoradoLaborLaw.gov)

**Overtime: 1½ times regular pay rates for hours over 40 weekly, 12 daily, or 12 consecutive (Rule 4)**

- Overtime is required *each* week over 40 hours, or day over 12, even if 2 or more weeks or days *average* fewer hours
- Employers cannot provide time off ("comp time") instead of time-and-a-half premium pay for overtime hours
- Key variances/exemptions (all are detailed in Rules 2.3-2.4):
  - Modified overtime in a small number of health care jobs; exemption for certain heavy vehicle drivers
  - No 40-hour weekly overtime in downhill ski/snowboard jobs (but 56-hour overtime for many under federal law)
  - Agriculture: overtime after 48-56 hours (based on size and seasonality); extra breaks and pay on long days

**Meal Periods: 30 minutes uninterrupted and duty-free, for shifts over 5 hours (Rule 1.9)**

- Can be unpaid, but only if employees are completely relieved of all duties, and allowed to pursue personal activities
- If work makes uninterrupted meal periods impractical, eating on-duty must be permitted, and the time must be paid
- To the extent practical, meal periods must be at least 1 hour after starting and 1 hour before ending shifts

**Rest Periods: 10 minutes, paid, every 4 hours (Rule 5.2)**

<b>#Work Hours:</b>	Up to 2	>2, up to 6	>6, up to 10	>10, up to 14	>14, up to 18	>18, up to 22	>22
<b>#Rest Periods:</b>	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 to the extent practical
- Rest periods are time worked for minimum wage and overtime purposes, and if employers do not authorize and permit rest periods, they must pay extra for time that would have been rest periods, including for non-hourly-paid employees
- Key variances/exemptions:
  - In some circumstances, 10-minute rest periods can be divided into two of 5 minutes (Rule 5.2.1)
  - Agriculture: certain work requires more breaks; other is exempt (Rule 2.3, & Agricultural Labor Conditions Rules)

**Time Worked: Pay for time employers allow performing labor/service for their benefit (Rule 1.9)**

- All time on-premises, on duty, or at workplaces (but not just letting off-duty employees be on-premises), including:
  - putting on/removing work clothes/gear (but not clothes worn outside work), cleanup/setup, or other off-clock duty,
  - waiting for assignments at work, or receiving or sharing work-related information,
  - security/safety screening, or clocking/checking in or out, or
  - waiting for any of the above tasks.
- Travel for employer benefit is time worked; normal home/work travel is not (details in Rule 1.9.2)
- Sleep time, if sufficiently uninterrupted and lengthy, can be excluded in certain situations (details in Rule 1.9.3)

**Deductions, Credits, Charges, & Withheld Pay (Rule 6, and Article 4 of C.R.S. Title 8)**

- Final pay: Owed promptly (if a termination by employer) or at next pay date (if employee resigned)
- Vacation pay: Departing employees must be paid all accrued and unused vacation pay, including paid time off usable for vacation, without deducting or declaring forfeiture based on cause for termination, lack of resignation notice, etc.
- Deductions from pay: Allowed if listed below or in C.R.S. 8-4-105 (including deductions required by law, in a written agreement for the benefit of the employee, for theft in a police report, or for property loss after audit/notice)
- Tip credits: Employers can pay up to \$3.02 below the highest applicable minimum wage (Colorado or local), if:
  - (a) tips (not mandatory service charges) raise pay to full minimum, & (b) tips aren't diverted to non-tipped staff/owners
- Meal credits/deductions: Allowed for the cost or value (without employer profit) of voluntarily accepted meals
- Lodging credits/deductions: Allowed if housing is voluntarily accepted by the employee, primarily for the employee's (not the employer's) benefit, recorded in writing, and limited to \$25 or \$100 per week (based on housing type)
- Uniforms: Must be provided at no cost unless they are ordinary clothes without special material or design; employers must pay for any special cleaning required, and cannot require deposits or deduct for ordinary wear and tear

**Exemptions from COMPS (Rule 2.2 lists all; key exemptions are below)**

- Executives/supervisors, administrators, and professionals paid at least a salary (not hourly wages) of \$55,000 in 2024 (then inflation-adjusted in future years), except \$33.17/hour for highly technical computer work
- Other highly compensated, non-manual-labor employees paid at least 2.25 the above salary (\$123,750 in 2024)
- 20% owners, or at a nonprofit the highest-paid/highest-ranked employee, if actively engaged in management
- Various (not all) types of salespersons, taxi drivers, camp/outdoor education field staff, or property managers

**Record-Keeping & Notices of Rights (Rule 7)**

- Employers must give all employees (and keep for three years) pay statements that include time worked, pay rate (including any tips and credits), and total pay
- This year's poster must be displayed where easily accessible, or if not practical (such as for remote workers), provided within one month of beginning work and when employees request a copy
- Employers must include a copy of this poster, or the COMPS Order, in any employment handbook or manual
- Violation of notice of rights rules (posting or distribution), including by providing information undercutting this poster, may yield fines and/or ineligibility for employee-specific credits, deductions, or exemptions in COMPS

**Complaint & Anti-Retaliation Rights (Rule 8)**

- Employees can send the Division (contact info below) complaints or tips about violations, or file lawsuits in court
- Employers cannot retaliate against, or interfere with, employees exercising their rights
- Anonymous tips are accepted; anonymity or confidentiality are protected if requested (Wage Protection Rule 4.7)
- Owners and other individuals with control over work may be liable for certain violations — not just the business, even if the business is a corporation, partnership, or other entity separate from its owner(s) (Rule 1.6)
- Immigration status is irrelevant to these labor rights: the Division will not ask or report status in investigations or rulings, and it is illegal for anyone to use immigration status to interfere with these rights (Wage Protection Rule 4.8)

***This Poster is a summary and cannot be relied on as complete labor law information. For all rules, fact sheets, translations, questions, or complaints, contact: DIVISION OF LABOR STANDARDS & STATISTICS, [ColoradoLaborLaw.gov](http://ColoradoLaborLaw.gov), [cdle\\_labor\\_standards@state.co.us](mailto:cdle_labor_standards@state.co.us), 303-318-8441 / 888-390-7936***



## 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 employers, of any size, must provide paid leave

- All employees earn 1 hour of paid leave per 30 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 for use during the next year.
- For details on specific situations (irregular hours, non-hourly pay, etc.), see Wage Protection Rule 3.5, 7 CCR 1103-7.
- 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:

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

- **Employee Privacy.** Employers cannot require employees to disclose “details” about an employee’s (or their family’s) HFWA-related health or safety information; such information must be treated as a confidential medical record.
- **Records must be retained and provided upon request.** Employers must provide documentation of the current amount of paid leave employees have (1) available for use, and (2) already used during the current benefit year, including any supplemental PHE leave. Information may be requested once per month or when the need for HFWA leave arises.

#### Retaliation or Interference with HFWA Rights

- **Paid leave cannot be counted as an “absence”** that may result in firing or another kind of adverse action.
- **An employee can’t be required to find a “replacement worker” or job coverage when taking paid leave.**
- **An employer cannot fire, threaten, or otherwise retaliate against, or interfere with use of leave by**, an employee who: (1) requests or takes HFWA leave; (2) informs or assists another person in exercising HFWA rights; (3) files a HFWA complaint; or (4) cooperates/assists in investigation of a HFWA violation.
- **If an employee’s reasonable, good-faith HFWA complaint, request, or other activity is incorrect**, an employer need not agree or grant it, but cannot **act against** the employee for it. Employees **can** face consequences for misusing leave.

### PROTECTED HEALTH/SAFETY EXPRESSION & WHISTLEBLOWING (“PHEW”): Worker Rights to Express Workplace Health/Safety Concerns & Use Protective Equipment

#### Coverage: All Employers and Employees, Plus Certain Independent Contractors

- PHEW covers not just “employers” and “employees,” but all “principals” (an employer or a business with at least 5 independent contractors) and “workers” (employees or independent contractors working for a “principal”).

#### Worker Rights to Oppose Workplace Health/Safety Violations:

- It is unlawful to **retaliate against, or interfere with**, the following acts:
  - (1) **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;
  - (2) **opposing or testifying, assisting, or participating** in an investigation or proceeding about retaliation for, 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”):

- A worker 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-lawsuit remedies.

This Poster summarizes two Colorado workplace public health laws: C.R.S. § 8-13.3-401 et seq., (paid leave), and C.R.S. § 8-14.4-101 et seq. (healthy 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 inability to 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 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 / 888-390-7936.**



## Deductions from Employee Wages start January 1, 2023

- The employee share of FAMLI premiums is set at 0.45% of employee wages through 2024. For 2025 and beyond, the director of the FAMLI Division sets the premium rate according to a formula based on the monetary value of the fund each year. Employers with a total of ten or more employees nationwide must also contribute an additional 0.45% of wages for a total of 0.9%, but employers with nine or fewer employees are only responsible for sending the 0.45% employee share to the FAMLI Division.
- **Starting in 2023, employers may begin deducting up to 0.45% from employees' wages for FAMLI contributions.** This can be done through a simple payroll deduction, and employees will notice the deduction on their regular paychecks. Employers are responsible for collecting those deductions and sending them into the FAMLI Division on behalf of their employees once a quarter.

## Benefits start January 1, 2024

- Starting in 2024, paid family and medical leave benefits are available to most Colorado employees who have a qualifying condition and who earned \$2,500 over the previous year for work performed in Colorado.
- The qualifying conditions for paid family and medical leave are:
  - Caring for a new child during the first year after the birth, adoption, or foster care placement of that child.
  - Caring for a family member with a serious health condition.
  - Caring for your own serious health condition.
  - Making arrangements for a family member's military deployment.
  - Obtaining safe housing, care, and/or legal assistance in response to domestic violence, stalking, sexual assault, or sexual abuse.
- Covered employees are entitled to up to 12 weeks of paid family and medical leave per year. Individuals with serious health conditions caused by pregnancy complications or childbirth complications are entitled to up to 4 more weeks of paid family and medical leave per year for a total of 16 weeks.
- Leave may be taken continuously, intermittently, or in the form of a reduced schedule.
- Leave will be paid at a rate of up to 90% of the employee's average weekly wage, based on a sliding scale. Employees may estimate their benefits by using the benefits calculator available at [famli.colorado.gov](http://famli.colorado.gov).
- You don't have to work for your employer a minimum amount of time in order to qualify for paid family and medical leave benefits.
- If FAMLI leave is used for a reason that also qualifies as leave under the federal FMLA, then the leave will also count as FMLA leave used.
- Employees may choose to use sick leave or other paid time off before using FAMLI benefits, but they are not required to do so.
- Employers and employees may mutually agree to supplement FAMLI benefits with sick leave or other paid time off in order to provide full wage replacement.

## Filing Claims

- Benefits will be available starting January 2024. Instructions on how to apply for benefits are available at [famli.colorado.gov](http://famli.colorado.gov).
- Employees or their designated representatives apply for FAMLI benefits by submitting an application and any required documentation through My FAMLI+, available at [famli.colorado.gov](http://famli.colorado.gov).
- Applications may be submitted in advance of the absence from work, and in some circumstances, they may be submitted after the absence has begun.
- Approved applications will be paid by the FAMLI Division within two weeks after the claim is properly filed, and weekly thereafter for the duration of the approved leave.
- Employees can appeal claim determinations to the FAMLI Division.
- Individuals who attempt to defraud the FAMLI program may be disqualified from receiving benefits.

## Job protection and continued benefits

- Employers may not interfere with employees' rights under FAMLI, and may not discriminate or retaliate against them for exercising those rights, including taking FAMLI leave, talking to others about FAMLI, and filing complaints of FAMLI violations.
- An employee who has worked for the employer for at least 180 days is entitled to return to the same position, or an equivalent position, upon their return from FAMLI leave.

## Retaliation, Discrimination, and Interference Prohibited

- Employers may not interfere with employees' rights under FAMLI, and may not discriminate or retaliate against them for exercising those rights.
- Employees who suffer retaliation, discrimination, or interference may file suit in court, or may file a complaint with the FAMLI Division.

## Other Important Information

- An employer may offer a private plan that provides the same benefits as the state FAMLI plan, and imposes no additional costs or restrictions. Private plans must be approved by the FAMLI Division.
- Employees and employers are encouraged to report FAMLI violations to the FAMLI Division.



**ACKNOWLEDGMENT OF RECEIPT OF COMPS ORDER AND PAID  
LEAVE NOTICES**

I acknowledge that I have been provided with a copy of the following:

- Colorado Overtime and Minimum Pay Standards Order ([COMPS ORDER #39](#)) [poster](#);
- Colorado Family and Medical Leave Insurance (FAMLI) Program [notice](#); and
- Colorado Workplace Health Rights [poster](#).

\_\_\_\_\_  
Employee Name (print)

\_\_\_\_\_  
Employee Signature

\_\_\_\_\_  
Date