

# CHAVEZ HUIERTA

## K-12 PREPARATORY ACADEMY

<b>Book</b>	CHPA Administrative Procedure Manual
<b>Section</b>	Chapter 5 Human Resources
<b>Title</b>	AP 5310 Paid Sick Leave
<b>Number</b>	AP 5310
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<b>Legal</b>	Chavez/Huerta K-12 Preparatory Academy Board of Directors State of Colorado Employment/Labor Laws (FLSA) Colorado Healthy Families and Workplaces Act (CHFVA)
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In accordance with the Colorado Healthy Families and Workplaces Act (“CHFVA”), starting January 1, 2021, any employee who does not currently earn and accrue paid sick leave at a rate greater to or equal to the following requirements will receive paid sick leave in a manner so as to meet the following minimum requirements:

Employees will earn and accrue paid sick leave starting on the date of hire, up to the minimum requirements, at a rate of one hour of paid sick leave for every 30 hours worked, not to exceed a total of 48 hours maximum to be earned or used in any fiscal year (starting in July and ending in June). Exempt employees will be assumed to be working 40 hours per week, except if the employee's normal workweek consists of fewer than forty hours, the employee accrues paid sick leave based upon the number of hours that comprise the employee's normal workweek.

The earned balance of accrued paid sick leave will carryover from one fiscal year to the next, subject to the maximum limit of 48 hours for earning or using the leave. Because this is *sick* leave, accrued hours must be used for a qualifying reason, and unused hours will not be paid to an employee at the end of any year or at separation of employment.

Employees may use paid sick leave hours as soon as they are earned. The allowable reasons for use of paid sick leave are limited to the following:

1. An employee has a mental or physical illness, injury, or health condition that prevents the employee from working;
2. An employee needs to obtain a medical diagnosis, care, or treatment of a mental or physical illness, injury, or health condition;
3. An employee needs to obtain preventative medical care;

4. An employee needs to care for a family member who has a mental or physical illness, injury, health condition; or who needs to obtain a medical diagnosis, care, or treatment; or who needs to obtain preventative medical care.
5. An employee or an employee's family member has been the victim of domestic abuse, sexual assault, or harassment and the use of the leave is to seek medical attention for the employee or the employee's family member to recover from a mental or physical illness, injury, or health condition caused by the domestic abuse, sexual assault, or harassment; or for the employee or employee's family member to obtain services from a victim services organization, mental health or counseling, or to seek relocation due to the domestic abuse, sexual assault, or harassment; or to 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.
6. Due to a public health emergency in which a public official has ordered the closure of the Employer or the school or place of care of an employee's child and the employee needs to be absent from work to care for the employee's child.

Paid sick leave can be used in one-hour increments. The School will not prohibit use of paid sick leave or retaliate against any employee for their lawful use of paid sick leave, if for a qualifying reason. When the need for leave is foreseeable, employees must make a good faith effort to provide advance notification and make a reasonable effort to schedule leave so as not to be unduly disruptive to their job requirements. If the need for leave is not foreseeable then the employees must provide notice as soon as practicable.

The employee may be required to provide documentation of the reasons for taking the paid sick leave if for four or more consecutive days, in accordance with the CHFVA.

Paid sick leave will not be counted as an "absence" that may result in firing or another kind of adverse action. An employee will not be required to find a "replacement worker" or job coverage when taking paid sick leave. If an employee separates from employment and is rehired within six months after the separation, the employee will have reinstated any paid sick leave that the employee had accrued but not used during the employee's previous employment. Employees are not entitled to any financial compensation at any time in exchange for any unused/accrued paid sick leave.

### **Public Health Emergency Leave**

On the date a federal, state, or local public health emergency is declared and until four weeks after the official termination or suspension of the public health emergency, each employee's accrued paid sick leave will be supplemented, as necessary, to ensure that an employee may take the following amounts of paid sick leave for the additional purposes defined below:

1. For employees who normally work 34-40 or more hours in a week, at least 80 hours of paid sick leave;
2. For employees who normally work fewer than 34 hours in a week, at least the greater of either the amount of time the employee is scheduled to work in a 14-day period or the amount of time the employee actually works on average in a 14-day period.

Accrued paid sick leave counts toward the total described above, meaning the total described above is the new maximum and not in addition to existing, accrued paid sick leave.

Employees may use supplemental leave such as Paid Time Off (PTO) before other forms of leave. Employees are only eligible for the supplemental paid sick leave in the amount described above once during the entirety of a public health emergency.

Additional purposes for taking paid sick leave during a public health emergency include an employee who needs paid time off to:

1. Self-isolate and care for oneself because the employee is diagnosed with a communicable illness that is the cause of a public health emergency;
2. Self-isolate and care for oneself because the employee is experiencing symptoms of a communicable illness that is the cause of a public health emergency;
3. Seek or obtain medical diagnosis, care, or treatment if experiencing symptoms of a communicable illness that is the cause of a public health emergency;
4. Seek preventive care concerning a communicable illness that is the cause of a public health emergency; or
5. Care for a family member who is self-isolating after being diagnosed with a communicable illness that is the cause of a public health emergency; is self-isolating due to experiencing symptoms of a communicable illness that is the cause of a public health emergency; needs medical diagnosis, care, or treatment if experiencing symptoms of a communicable illness that is the cause of a public health emergency; or is seeking preventive care concerning a communicable illness that is the cause of a public health emergency;

After the 4-week period following a public health emergency, any remaining supplemental paid sick leave will be removed from the employee's paid sick leave total.

### **Records**

The School will retain records for each employee for a two-year period, documenting hours worked, paid sick leave accrued, and paid sick leave used. The School will 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 paid sick leave arises.

The School will not require disclosure of details relating to domestic violence, sexual assault, or stalking or the details of an employee's or an employee's family member's health information as a condition of providing paid sick leave. Any health or safety information possessed by the School regarding an employee or employee's family member will be maintained on a separate form and in a separate file from other personnel information; be treated as confidential medical records; and not be disclosed except to the affected employee or with the express permission of the affected employee.

### **The CHFVA**

This policy should be read and understood in conjunction with the entirety of the CHFVA. Any definitions, requirements, or details of the CHFVA shall supersede this policy.