

## COLORADO STATE HANDBOOK ADDENDUM AND COMPS ORDER ACKNOWLEDGMENT FORM

### EEO Statement

As an Equal Opportunity Employer, COMPANY does not discriminate on basis of actual or perceived race. Race includes traits associated with or perceived to be associated with race to now include hair length under state regulatory provisions. Additionally, employees who donate an organ will have the option to use any leaves that a similarly situated employee would be entitled to, will not be discriminated against or have any adverse action taken against them under state regulations.

### PREGNANCY ACCOMMODATIONS

In compliance with Colorado law, COMPANY will not discriminate against employees because of pregnancy, childbirth or related conditions. If employees request reasonable accommodation due to health conditions related to pregnancy or the physical recovery from childbirth, the COMPANY will endeavor to provide a reasonable accommodation to enable applicants and employees to perform the essential functions of the job, unless the accommodation would impose an undue hardship on the operation of the business. The COMPANY will engage in a timely, good faith, and interactive process with the employee to determine effective, reasonable accommodations for conditions related to pregnancy, physical recovery from childbirth or a related condition.

Reasonable accommodations may include but are not limited to: more frequent or longer break periods; more frequent restroom, food and 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 after pregnancy; job restructuring; light duty, if available; assistance with manual labor; or modified work schedules.

The COMPANY will not require employees affected by pregnancy, physical recovery from childbirth or a related condition to accept an accommodation that they choose not to accept if they did not request an accommodation or if the accommodation is not necessary for the employees to perform the essential functions of the job, nor will the COMPANY require a pregnant employee to take leave if another reasonable accommodation is available which will permit the employee to continue working.

The COMPANY reserves the right to require employees to provide a note stating the necessity of a reasonable accommodation from a licensed health care provider before providing a reasonable accommodation.

The COMPANY will not take adverse action against pregnant employees who request or use a reasonable accommodation related to pregnancy, physical recovery from childbirth or a related condition. The COMPANY will not deny employment opportunities to employees based on the need to make a reasonable accommodation related to pregnancy, physical recovery from childbirth or a related condition.

If employees have any questions about this policy or would like to request a reasonable accommodation, they should contact Human Resources.

### OVERTIME

Non-exempt Colorado employees are entitled to overtime pay at one and one-half times (1.5) their regular rate of pay for all hours worked in excess of 12 hours in a day, 12 hours consecutively (without regard to the starting and ending time of the workday), or 40 hours per workweek, whichever calculation results in the greater payment of wages. Time paid but not worked, such as sick time or paid time off (PTO), will not be counted as hours worked in calculating hours worked for purposes of determining if overtime pay is due.

#### Commented [1]: July 2024:

- State defines new protected employee characteristics

August 2023:

Though not required, ETC has added Jury & Witness Leave policy to ensure compliance with state regulations. Employers are not obligated to edit or release this new recommended policy as long as they follow the tenants of the state regulations reflected in the policy.

#### Commented [2]: January 2024

Updated Overtime Policy for 2024 references and applicability + updated COMP Poster image. Reminder Paid FMLI Leave effective 1.1.24 with policy previously released in 2023

#### Commented [3]: Image of COMPS Poster added 6.2023

7/2023 Added Policies:

Break Policy  
Paid Family & Medical Leave Policy added

7/2023 Revised Policy:

Paid Sick & Safe Leave - policy language added to reflect added covered reasons for Leave effective 8.7.23

#### Commented [4]: 1.1.24 Updated for 2024 references and applicability + updated COMP Poster image.

Please review the Colorado Overtime and Minimum Pay Standards (COMPS) Order for information regarding your rights under Colorado law, available [here](#). Human Resources will provide an acknowledgment form to sign indicating you have received the COMPS [Order](#).

**Commented [5]:** See below for Acknowledgement Form

For your convenience, below is the full text of the current COMPS Order #38 poster, as provided by the Colorado Department of Labor and Employment, effective 1/1/23. A copy of the poster is included at the end.

Colorado Overtime & Minimum Pay Standards order ("COMPS Order") #39, Poster & Notice Effective 1/1/24; must update annually; new poster available each mid-December. This poster is from the Colorado Department of Labor and Employment, online at <https://cdle.colorado.gov/posters-0>

Colorado Minimum Wage: \$14.42/hour, or \$11.40 for Tipped Employees, in 2024 (Rule 3)

- The minimum wage is adjusted each year for inflation, so the above amounts are for only 2024
- All employees must be paid at least the minimum wage (unless exempt in Rule 2), whether paid hourly or another way (salary, commission, piecework, etc.), except unemancipated minors can be paid 15% under full minimum wage
- Use the highest standard if other labor laws also apply, such as Denver's minimum wage (\$18.29 in 2024)

Commented [6]: Updated for 2024

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, as of 11/1/22: overtime after 60 hours; half-hour paid break in days over 12 hours, extra pay if over 15

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)

#Work Hours:	Up to 2	>2, up to 6	>6, up to 10	>10, up to 14	>14, up to 18	>18, up to 22	>22
#Rest Periods:	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 an audit)
- Tip credits: Employers can pay up to \$3.02 under minimum wage (\$10.63 in 2023, or \$14.27 in Denver), 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

Commented [7]: Update to tip credit amounts

**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), 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 a 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***

**Commented [8]:** 1.1.24 -Updated poster image



**COLORADO**  
Department of  
Labor and Employment

**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
- Unanticipated 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](https://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
- Employees 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/voucherboard jobs (at 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)**

Work Hours:	Up to 2	>2, up to 4	>4, up to 6	>6, up to 8	>8, up to 10	>10, up to 12	>12, up to 14	>14, up to 16	>16, up to 18	>18, up to 20	>20
Rest Periods:	0	1	1	2	2	3	3	4	4	5	6

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

- All time employees, on duty, or at workplaces (that not just letting off-duty employees be on-premises), including:
  - putting on/removing work clothes/gear (that not clothes worn outside work), cleaning/setting, or other off-clock duty;
  - writing for assignments at work, or receiving or sharing work-related information;
  - security safety screening, or clocking checking in or out, or
  - writing 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)
- Meal time, if sufficiently uninterrupted and lengthy, can be excluded in certain situations (details in Rule 1.9.3)

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- 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:
  - (i) tips (not mandatory service charges) raise pay to full minimum, & (ii) 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
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- Other highly compensated, non-manual-labor employees paid at least 2.25 the above salary (\$123,750 in 2024)
- 20% or more, or at a nonprofit the highest-paid highest-ranked employee, if actively engaged in management
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- 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)

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Commented [9]: Added 6.2023

## PAID SICK & SAFE LEAVE

### Eligibility

COMPANY provides paid sick leave to all employees. For employees who work in Colorado who are eligible for sick leave under the general Paid Time Off (PTO) policy and/or any other applicable sick time/leave law or ordinance, this policy applies solely to the extent it provides greater benefits/rights on any specific issue or issues than the general PTO policy and/or any other applicable sick time/leave law or ordinance.

### Accrual

Employees begin accruing paid sick leave pursuant to this policy at the start of employment. Employees will accrue one (1) hour of paid sick leave for every 30 hours worked, up to a maximum accrual of 48 hours each year, inclusive of any hours carried over from the prior year.

Exempt employees are assumed to work 40 hours in each workweek unless their normal workweek is less than 40 hours, in which case paid sick leave accrues based on that normal workweek.

For purposes of this policy, the year is the consecutive 12-month period beginning January 1 and ending on December 31.

Exempt employees are assumed to work 40 hours in each workweek unless their normal workweek is less than 40 hours, in which case paid sick leave accrues based on that normal workweek.

Commented [10]: Employers in Colorado with 16 or more employees will be required to provide employees with paid sick leave. Paid sick leave is part of Colorado's Healthy Families and Workplaces Act (HFWA). (FYI. The HFWA also requires COVID-specific paid sick leave, which was extended until April 16, 2022.)

Learn more about Colorado's Paid Sick Leave Entitlements: <https://cdle.colorado.gov/hfwa>

Commented [11R10]: Beginning January 1, 2022, the Act requires all employers to provide paid sick leave to their employees, accrued at one hour of paid sick leave for every 30 hours worked, up to a maximum of 48 hours. Employers with more than 16 employees have been providing this leave since January 1, 2021.

For purposes of this policy, the year is the consecutive 12-month period beginning January 1 and ending on December 31.

### Usage

Employees may begin using accrued paid sick leave immediately. Paid sick leave may be used in hourly increments. Employees may not use more than 48 hours of accrued paid sick leave in any year.

Employees may use accrued paid sick leave for the following reasons:

1. mental or physical illness, injury or health condition that prevents the employee from working; the need to obtain a medical diagnosis, care or treatment of a mental or physical illness, injury or health condition; or the need to obtain preventive medical care;
2. to care for a family member who has a mental or physical illness, injury or health condition; needs to obtain a medical diagnosis, care or treatment of a mental or physical illness, injury or health condition; or needs to obtain preventive medical care;
3. the employee or a family member has been the victim of domestic abuse, sexual assault or harassment and the use of leave is 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 preparation for or participation in a civil or criminal proceeding relating to or resulting from the domestic abuse, sexual assault or harassment;
4. due to a public health emergency, a public official has ordered closure of the employee's place of business or the school or place of care of the employee's child and the employee needs to be absent from work to care for the child.
5. Effective **August 7, 2023**, employees may use Paid Sick & Safe Leave for the below additional reasons:
  - Due to reasons to include the need to grieve, attend funeral services or a memorial, or deal with financial and legal matters that arise after the death of a family member;
  - The need 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 occurrence or event that results in the closure of the family member's school or place of care; or
  - The need to evacuate the employee's place of residence due to inclement weather, loss of power, loss of heating, loss of water, or other unexpected occurrence or event that results in the need to evacuate the employee's residence.

**Commented [12]:** Added 7.2023 in advance of the 8/7/23 effective of the expanded covered reasons for Leave.

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

Use of paid sick leave will not be conditioned upon the employee searching for or finding a replacement worker.

Unless advised otherwise, the COMPANY will assume, subject to applicable law, that employees want to use available paid sick leave for reasons set forth above. Employees will be paid for such absences to the extent they have paid sick leave available.

#### **Notice and Documentation**

Paid sick leave may be requested orally, in writing, electronically or by any other means acceptable to the COMPANY. When possible, employees should include the expected duration of the absence. If the need is foreseeable employees must provide reasonable advance notice to Human Resources of the need to use accrued paid sick leave, and also make a reasonable effort to schedule the paid sick leave in a manner that does not unduly disrupt COMPANY operations. Where the need is not foreseeable, employees should provide notice as early as practicable.

For paid sick leave of four (4) or more consecutive workdays, the COMPANY may require reasonable documentation that the paid sick leave was used for an authorized purpose. The COMPANY will not require the disclosure of details relating to domestic violence, sexual assault or stalking or the details of the employee's or family member's health information as a condition of providing paid sick leave.

#### **Payment**

Paid sick leave will be paid at the same hourly rate or salary and with the same benefits, including health care benefits, as the employee normally earns during hours worked. Use of paid sick leave is not considered hours worked for purposes of calculating overtime.

#### **Carryover and Payout**

Employees may carry over up to 48 hours of accrued, unused paid sick leave to the following calendar year. If the employee carries over accrued, unused paid sick leave from the prior year, the employee will be eligible to accrue only enough hours of paid sick leave in the following year to bring the employee to the 48 hours maximum, regardless of how much paid sick leave the employee used in the previous year and when it was used. Accrued but unused paid sick leave will not be paid at separation.

Commented [13]: 1.1.24 Section edited

#### **Additional Public Health Emergency Paid Sick Leave**

In addition to accrued paid sick leave explained above, on the date a public health emergency is declared, the COMPANY will supplement each employee's accrued paid sick leave as necessary to ensure that the employee may take paid sick leave as follows:

- employees who normally work 40 or more hours in a week may take at least 80 hours of paid sick leave in a public health emergency;
- employees who normally work fewer than 40 hours in a week may take 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.

The COMPANY may count unused accrued paid sick leave, as explained above, toward the



supplemental paid sick leave required for a public health emergency. Employees may use public health emergency paid sick leave until four (4) weeks after the official termination or suspension of the public health emergency. Employees may use public health emergency paid sick leave for the following absences related to a public health emergency:

- to self-isolate and care for oneself when diagnosed with a communicable illness that is the cause of a public health emergency; self-isolate and care for oneself when experiencing symptoms of a communicable illness that is the cause of a public health emergency; seek or obtain medical diagnosis, care or treatment if experiencing symptoms of a communicable illness that is the cause of a public health emergency; seek preventive care concerning a communicable illness that is the cause of a public health emergency;
- to 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 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;
- with respect to a communicable illness that is the cause of a public health emergency:
  - a local, state or federal public official or health authority having jurisdiction over the location in which the COMPANY is located or the COMPANY determines that the employee's presence on the job 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; or
  - care of a family member after a local, state or federal public official or health authority, having jurisdiction over the location in which the family member's place of employment is located, or the family member's employer determines that the family member's presence on the job 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;
- care of a child or other family member when the individual's child care provider is unavailable due to a public health emergency, or if the child's or family member's school or place of care has been closed by a local, state or federal public official or at the discretion of the school or place of care due to a public health emergency, including if a school or place of care is physically closed but providing instruction remotely;
- 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 must notify the COMPANY of the need for public health emergency paid sick leave as soon as practicable when the need for paid sick leave is foreseeable and the COMPANY's place of business has not been closed. Documentation is not required to take public health emergency paid sick leave.

Public health emergency paid sick leave in the amount described above may be taken once during the entirety of a public health emergency even if such public health emergency is amended, extended, restated or prolonged.

### Enforcement and Retaliation

The COMPANY cannot retaliate against employees for requesting or using paid sick leave and employees have the right to file a complaint with the Division of Labor Standards and Statistics in the Colorado

Department of Labor and Employment or bring a civil action if paid sick leave is denied by the COMPANY or the COMPANY retaliates against employees for exercising their rights under applicable law.

If employees have any questions regarding this policy, they should contact Human Resources.

### Separation & PTO Payout

Upon separation, Colorado employees who have available accrued PTO under the Company's Paid Time Off policy, will be paid such time in accordance to state laws.

### BREAKS

**Rest Breaks.** Non-exempt employees are authorized and permitted paid ten- (10-) minute rest periods for each four (4) hours of work, or major fraction of that time. For purposes of this policy, "major fraction" means any time greater than two (2) hours. An additional rest period is required for any period that rounds up to four (4) hours. For example, a shift of two (2) hours or fewer requires no rest periods, a two (2) hour and one (1) minute shift requires a single rest period, and a six (6) hour shift also requires a single rest period, but a six (6) hour and one (1) minute shift requires two (2) rest periods.

Rest breaks should be taken as close to the middle of each work period of four (4) hours or major fraction thereof as is practical. Shorter or longer shifts and other factors that make such scheduling impractical may alter this general timing. Employees do not need to obtain approval from or notify their supervisor when taking a rest break. Employees are encouraged to take their rest breaks; they are not expected to and should not work during their rest breaks. Employees are paid for all rest break periods and do not need to clock out when taking a rest break.

Rest breaks may not be combined with each other or with the meal period. In addition, rest breaks may not be taken at the beginning or end of the workday to arrive late or leave early. Each rest break must be a separate break, meeting the requirements described above. If any work is performed during a rest break, or if the rest break is interrupted for any work-related reason, the employee is entitled to another uninterrupted paid rest break.

**Meal Periods.** Non-exempt employees who work more than five (5) hours in a workday are provided an unpaid, off-duty and uninterrupted meal period of at least 30 minutes. Employees are responsible for scheduling their own meal period but should confirm them with their supervisor(s). To the extent practical, meal periods must be at least one (1) hour after starting and one (1) hour before ending shifts.

If an employee's type of work makes an uninterrupted, duty-free meal period impractical, the employee will

#### Commented [14]: March 2022:

Colorado law has made it clear that employers are prohibited from causing employees to forfeit earned vacation time. A compilation of recent developments and the Colorado Department of Labor and Employment's current position are contained in Interpretive Notice & Formal Opinion (INFO) #14, which explains that:

- Employees must be paid all earned vacation pay when their job ends.
- No employment policy or agreement can waive or forfeit earned vacation at any time.
- All paid leave which can be used at the discretion of the employee is considered "vacation pay" subject to the non-forfeiture rules.
- It is important to remember that no Colorado employer is required to provide paid vacation or paid time off to employees (beyond that required by the Colorado Healthy Families and Workplaces Act). However, if an employer does provide such a benefit, once earned, it cannot be forfeited.

#### Commented [15]: Language Added 7.2023

be permitted to eat while working and paid for such time. Employees will be informed by their supervisor if they will be provided with on-duty meal periods.

When scheduling meal periods, employees should try to anticipate their workflow and deadlines. During a meal period, employees are relieved of all duties and should not work during this time. When taking a meal period, employees should completely stop working for at least 30 minutes. Employees are prohibited from working "off the clock" during their meal periods.

Those employees who use a time clock must clock out for their meal periods. Employees are required to clock back in and promptly return to work at the end of any meal period. Employees who record their time manually must accurately record their meal periods by recording the beginning and end of each work period. Unless otherwise directed by their supervisor in writing, employees are not required to get approval from or notify their supervisor when taking a meal period. Employees are to immediately notify Human Resources and/or their supervisor if they believe that they are prevented by the nature of their work from taking a timely and/or complete meal period.

**Meal Period Waiver.** Non-exempt employees may voluntarily waive their meal period in writing. See Human Resources to obtain this waiver form.

**No Working During Rest Breaks and Meal Periods.** Non-exempt employees are completely relieved of all work duties and responsibilities during their rest breaks and meal periods. All rest breaks and meal periods must be taken outside employees' work areas, such as in a break room. Employees may leave the premises during meal periods but may not leave the premises during rest periods. Employees should not visit or socialize with employees who are working while taking their rest break or meal period. Employees are required to notify Human Resources immediately if they believe they are being pressured or coerced by any manager, supervisor, or other employee to forego any portion of a provided rest break or meal period. Additionally, employees are required to notify Human Resources immediately if they believe their workload, schedule, deadline, or other quota make rest break or meal periods infeasible.

**Summary Chart.** Below is a chart that generally summarizes the number of rest breaks and meal periods provided to non-exempt employees (these figures may vary depending on the timing of an employee's breaks).

Hours of Work	Rest Breaks	Meal Breaks
fewer hours	0	0
2 and up to 5 hours	1	0
5 and up to 6 hours	1	1
6, and up to 10 hours	2	1
10, and up to 14 hours	3	1
14, and up to 18 hours	4	1
18, and up to 22 hours	5	1
22 hours	6	1

## PAID FAMILY AND MEDICAL LEAVE

**Eligibility Requirements.** Effective **January 1, 2024**, Colorado employees who have a qualifying condition and who earned \$2,500 over the previous year for work performed in Colorado will be eligible for paid family and medical leave, and to receive family and medical leave insurance benefits while taking paid family and medical leave, pursuant to Colorado's Family and Medical Leave Insurance (FAMLI) Program. All employees are required to contribute to the FAMLI Program and will be subject to payroll deductions not to exceed the maximum employee premium rate established by law.

**Entitlement.** Eligible employees are entitled to up to 12 weeks of paid leave per year. Employees with serious health conditions caused by pregnancy complications or childbirth complications may be entitled to up to four (4) additional weeks of paid leave per year for a total of up to 16 weeks.

FAMLI leave is available for the following circumstances:

- 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;
- For the employee's own serious health condition;
- Because of any qualifying exigency leave; or
- For safe leave.

"Family member" means:

1. Regardless of age, a biological, adopted, or foster child, stepchild or legal ward, a child of a domestic partner, a child to whom the covered employee stands *in loco parentis*, or a person to whom the covered employee stood *in loco parentis* when the person was a minor;
2. A biological, adoptive, or foster parent, stepparent, or legal guardian of a covered employee or covered employee's spouse or domestic partner or a person who stood *in loco parentis* when the covered employee or covered employee's spouse or domestic partner was a minor child;
3. A person to whom the covered employee is legally married under the laws of any state, or a domestic partner of a covered individual as defined in Colo. Rev. Stat. § 24-50-603 (6.5);
4. A grandparent, grandchild, or sibling (whether a biological, foster, adoptive, or step relationship) of the covered employee or covered employee's spouse or domestic partner; or
5. As shown by the covered employee, any other individual with whom the covered employee has a significant personal bond that is or is like a family relationship, regardless of biological or legal relationship.

"Caring for a new child" means caring, bonding, and providing the basic needs of a child that is younger than 18 and sometimes up to the age of 21 if still under jurisdiction of the juvenile court. Leave can be used once during the fostering and adopting of the same child. When using leave to "care for a new child," benefits are limited to parents and individuals standing *in loco parentis* to the child.

"Qualifying exigency leave" means leave based on a need arising out of a covered employee's family member's active-duty service or notice of an impending call or order to active duty in the armed forces. This type of leave includes things like 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.

**Commented [16]:** Policy added although Leave not in effect until 1.1.24. Because, businesses must begin collecting premiums starting on January 1, 2023 through a simple payroll deduction, proceeding with the inclusion of this Policy in the CO State Handbook Addendum is advised, though not necessarily required until 1/1/24

Covered Employers: Employers with 1 EE in Colorado are impacted by FAMLI., there are no exceptions/exemptions.

FAMLI is a social insurance program funded through premiums that are paid into a fund. Both employers and employees contribute a portion of the premium with employers paying half and employees paying half through simple payroll deductions.

Paying into the State Plan: Your total nationwide employee count will be what determines whether or not you pay the employer share of the premium. You will only need to pay premiums for the employees who are localized in Colorado.

Employee Eligibility: Most Colorado employees become eligible to take paid leave after they have earned at least \$2,500 in wages within the State within the last 4 calendar quarters.

Learn more <https://famli.colorado.gov/employers>

A "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.

"Safe leave" means any leave needed because the covered 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 if the covered employee is using the leave from work to protect the covered individual or the covered 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 them or for their children to address physical or psychological injuries resulting from the act of domestic violence, stalking, or sexual assault or abuse;
3. Making their 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
4. 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.

**Substitution of FAMLI Benefits with Company Benefits.** Employees may choose to use sick leave or other paid time off before using FAMLI benefits but are not required to do so. The COMPANY and employees may mutually agree to supplement FAMLI benefits with sick leave or other paid time off in order to provide full wage replacement.

**Use of Leave.** Leave may be taken continuously, intermittently, or in the form of a reduced schedule. A covered employee may take intermittent leave in increments of either one (1) hour or shorter periods if consistent with the increments the COMPANY typically uses to measure employee leave, except that benefits are not payable until the covered employee accumulates at least eight (8) hours of family and medical leave insurance benefits. FAMLI wage replacement benefits will be paid at a rate of up to 90% of the employee's average weekly wage with lower wage earners receiving a higher percentage. Benefits are calculated on a sliding scale using the employee's average weekly wage from the previous five (5) calendar quarters in relation to the average weekly wage for the State of Colorado and may increase over time. Benefits are capped at \$1,100 per week. Potential benefits can be estimated by using the calculator available at [famli.colorado.gov](https://famli.colorado.gov).

**Employee Notice to the COMPANY.** When the need for leave is foreseeable, individuals must provide not less than 30 days' notice prior to the start of their planned leave to the COMPANY when practicable and shall make a reasonable effort to schedule leave so as not to unduly disrupt the operations of the COMPANY. When the need for leave is unforeseeable or providing 30 days' notice is not possible, employees must provide notice as soon as possible and have up to 30 days after the leave has begun to apply for FAMLI benefits.

**Employee Application to the Department.** Employees or their designated representatives will apply for FAMLI benefits by submitting an application, along with other required documents that support the need for leave. The Division of Family and Medical Leave Insurance Division of the Colorado Department Labor (Division) will establish reasonable procedures and forms for filing claims for benefits and will specify what supporting documentation is necessary to support a claim for benefits, including any documentation required from a health care provider for proof of a serious health condition and any documentation required by the Division with regards to a claim for safe leave. Instructions on how to apply for benefits will be available on [famli.colorado.gov](https://famli.colorado.gov) in the last quarter of 2023.

Employees will submit the application directly to the Division. Applications may be submitted in advance when the need for qualified leave is foreseeable. Approved applications will be paid by the FAMLI Division within two (2) weeks after the claim is properly filed, and every two (2) weeks thereafter. Employees can appeal claim

determinations to the FAMLI Division.

Employees who attempt to defraud the FAMLI program may be disqualified from receiving benefits.

**Job Benefits and Protection.** Employees are entitled to the same healthcare benefits while on FAMLI leave, but also remain responsible for paying for those benefits in the same amounts as before the leave began.

Employees who have worked for the COMPANY for at least 180 days are entitled to return to the same position, or an equivalent position, upon their return from FAMLI leave. Otherwise, employees taking FAMLI leave are not guaranteed job reinstatement unless they qualify for such reinstatement under federal and/or state leave laws or other applicable laws.

**Interaction with Other Leave Policies.** FAMLI leave is designed to run concurrently with the federal FMLA and Colorado Family Care Leave pursuant to Colo. Rev. Stat. § 8-13.3-203. If FAMLI leave is used for a reason that also qualifies as leave under FMLA or Colorado Family Care Leave, then the leave also may count as FMLA leave or Colorado Family Care Leave used, as applicable. Employees may choose to use sick leave or other employer-provided paid time off before using FAMLI benefits, but are not required to do so. If mutually agreed upon with the COMPANY, employees may supplement FAMLI benefit payments with sick leave or other paid time off in order to receive full wage replacement.

**Questions and/or Complaints about FAMLI Leave.** If employees have questions regarding this FAMLI policy, they should contact Human Resources. For questions about determinations by the Department on leave eligibility, entitlement, and/or benefits, employees should contact the Department directly. The COMPANY is committed to complying with the FAMLI and, whenever necessary, shall interpret and apply this policy in a manner consistent with the FAMLI.

The FAMLI makes it unlawful for employers to discriminate, retaliate, threaten to retaliate, or interfere with the exercise of any rights under the FAMLI. In addition, employers may not retaliate or threaten to retaliate against any person who has filed a complaint, has caused a complaint to be filed, has or will participate or testify in proceeding relating to a violation of the FAMLI, or has given or is about to give information connected to a proceeding relating to a violation of the FAMLI. If employees believe their FAMLI rights have been violated, they should contact Human Resources immediately. The COMPANY will investigate any FAMLI complaints and take prompt and appropriate remedial action to address and/or remedy any FAMLI violation. Employees also may file FAMLI complaints with the Department alleging FAMLI violations.

## JURY DUTY & WITNESS LEAVE

Commented [17]: Added 8.2023

Employees are protected from adverse employment actions for taking time off work for jury summons or jury duty. Such adverse employment actions include loss of employment, any incidents, or benefits.

For Colorado-based employees and in accordance with state law, the COMPANY will pay all regular employees selected for and serving on a jury their regular wages, not to exceed \$50 a day unless otherwise agreed to in writing or at the sole discretion of the Company, for the first three (3) days of juror service.

Additionally, in accordance with state law COMPANY will not discharge or discipline any victim or a member of a victim's immediate family for honoring a subpoena to testify in a criminal proceeding or for participating in the preparation of a criminal proceeding, though such time is not compensable by COMPANY. Employees may elect to use available paid time off or take time as unpaid.

## **COLORADO: COMPS ORDER ACKNOWLEDGMENT FORM**

I acknowledge that I have received the Colorado Overtime and Minimum Pay Standards Order ("COMPS Order") #38 poster.

Employee's Printed Name: \_\_\_\_\_

Employee's Signature: \_\_\_\_\_

Position: \_\_\_\_\_

Date: \_\_\_\_\_

The signed original copy of this acknowledgment should be given to management - it will be filed in your personnel file.