

Title:	Colorado Requires Certain Employers to Provide Paid Sick Leave for Covid-19 Testing
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The Colorado Department of Labor and DLE adopted the Colorado Health Emergency Leave with Pay Rules, [7 CCR 1103-10](#) (“Colorado HELP Rules”), on March 11, 2020 and amended on March 26 and April 3, 2020. The Colorado HELP Rules are temporary, lasting the duration of the State of Disaster Emergency, up to a maximum of 120 days. The Colorado HELP Rules are intended to require that certain employers provide some paid sick leave to employees for Covid-19 testing-related job absences. Specifically, the Colorado HELP Rules covers employers in the following fields:

- leisure and hospitality
- food services
- retail establishments that sell groceries
- food and beverage manufacturing
- child care
- education at all levels (including related services, including but not limited to cafeterias and transportation to, from, and on campuses)
- home health care (working with elderly, disabled, ill, or otherwise high-risk individuals)
- nursing homes
- community living facilities

The Rules require that covered employers “provide up to four days of paid sick leave for an employee (A) with flu-like symptoms and (B) who is being tested for COVID-19.” Rule 3.1. The paid sick leave ends if an employee receives a negative Covid-19 test result (or when the four days are expended).

The rate of sick pay shall be the employee's regular rate of pay for employee's regular hours worked, in compliance with the COMPS Order.

Employers are not required to provide additional paid sick leave days if they provide sufficient paid sick leave to cover the 4-day requirement. But if an employee has exhausted his or her paid sick leave days and is exhibiting flu-like symptoms, the employer must provide the four paid sick leave days. Paid sick leave ends if an employee receives a negative COVID-19 test result.