



**COLORADO**

Department of  
Regulatory Agencies

Colorado Civil Rights Division

## **NOTICE FOR EMPLOYERS TO USE IN ORDER TO BE IN COMPLIANCE WITH HB 16-1438 (PREGNANCY ACCOMMODATIONS):**

### **PREGNANT WORKERS FAIRNESS ACT C.R.S. § 24-34-402.3**

The Pregnant Workers Fairness Act makes it a discriminatory or unfair employment practice if an employer fails to provide reasonable accommodations to an applicant or employee who is pregnant, physically recovering from childbirth, or a related condition.

#### **Requirements:**

Under the Act, if an applicant or employee who is pregnant or has a condition related to pregnancy or childbirth requests an accommodation, an employer must engage in the interactive process with the applicant or employee and provide a reasonable accommodation to perform the essential functions of the applicant or employee's job unless the accommodation would impose an undue hardship on the employer's business.

The Act identifies reasonable accommodations as including, but not limited to:

- provision of 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 schedule.

The Act prohibits requiring an applicant or employee to accept an accommodation that the applicant or employee has not requested or an accommodation that is unnecessary for the applicant or the employee to perform the essential functions of the job.

### **Scope of accommodations required:**

An accommodation may not be deemed reasonable if the employer has to hire new employees that the employer would not have otherwise hired, discharge an employee, transfer another employee with more seniority, promote another employee who is not qualified to perform the new job, create a new position for the employee, or provide the employee paid leave beyond what is provided to similarly situated employees.

Under the Act, a reasonable accommodation must not pose an “undue hardship” on the employer. Undue hardship refers to an action requiring significant difficulty or expense to the employer. The following factors are considered in determining whether there is undue hardship to the employer:

- the nature and cost of accommodation;
- the overall financial resources of the employer;
- the overall size of the employer’s business;
- the accommodation’s effect on expenses and resources or its effect upon the operations of the employer;

If the employer has provided a similar accommodation to other classes of employees, the Act provides that there is a rebuttable presumption that the accommodation does not impose an undue hardship.

### **Adverse action prohibited:**

The Act prohibits an employer from taking adverse action against an employee who requests or uses a reasonable accommodation and from denying employment opportunities to an applicant or employee based on the need to make a reasonable accommodation.

### **Notice:**

This written notice must be posted in a conspicuous area of the workplace. Employers must also provide written notice to new employees at the start of employment and to current employees within 120 days of the Act’s August 10, 2016 effective date.

# Colorado Rest & Meal Breaks

## When do I get a break?

Work hours	Rest periods authorized and permitted
2 or fewer	0
Over 2 and up to 6	1
Over 6 and up to 10	2
Over 10 and up to 14	3
Over 14 and up to 18	4
Over 18 and up to 22	5
Over 22	6



### Rest Breaks

- Employees are authorized and permitted to take at least a 10-minute rest break for each 4 hours of work, or major fraction thereof, as detailed above.
- Rest breaks must be taken as near as practical to the midpoint of each 4-hour work period.
- When on a break, employees are prohibited from performing any work. This includes, for example, answering any questions from customers and co-workers, reviewing store performance, and reading/responding to work emails.
- If you are not authorized or permitted to take any rest break as detailed above, you must call Employee Relations at 866 MY-BBY-HR (866-692-2947) so the issue can be corrected, and you can be paid for an additional ten minutes for the missed break.

### Meal Breaks

- You are entitled to an unpaid, uninterrupted and duty-free meal break of at least 30 minutes when your scheduled shift exceeds 5 consecutive hours of work.
- Meal periods should be scheduled at least one hour after the start and one hour before the end of the shift.
- When on a meal break, employees are prohibited from performing any work. This includes, for example, answering any questions from customers and co-workers, reviewing store performance, and reading/responding to work emails.

Note: If you have any questions regarding the rest break and meal break requirements, please contact **Employee Relations at 866-MY-BBY-HR (866-692-2947).**



# **Paid Time Off: Colorado Paid Sick and Public Emergency Health Leaves Policy**

Policy owner: HR Rewards

Questions: [HRSupportCenter@bestbuy.com](mailto:HRSupportCenter@bestbuy.com)

**At our best.**

**Every decision. Every day.**

Effective: January 1, 2021



*Part-time and occasional/seasonal employees who work in Colorado will accrue and be allowed to use paid Sick Leave under this policy. Full-time employees who work in Colorado will continue to follow the standard Best Buy paid time off plans (vacation and absence), but can use up to 48 hours per year of paid time off available to them for the reasons outlined in the “Using Paid Sick Leave” section of this policy.*

*In addition, all employees are granted and allowed to use Public Health Emergency Leave under this policy.*

*All employees are expected to conduct themselves in a manner consistent with this policy and our values. Employees not following this policy may be subject to disciplinary action up to and including termination.*

## **Summary**

This policy provides an overview of the accrual, use and maintenance of paid Sick Leave under the Colorado Paid Sick and Safe Time law, as well as the granting and use of paid Public Health Leave under the Colorado Public Health Emergency Leave law.

## **Policy details**

### **PAID SICK LEAVE**

#### **Accruing Paid Sick Leave**

You will accrue one hour of Sick Leave for each 30 hours you work, up to a maximum of 48 hours per calendar year. You can carry over a maximum of 48 hours of unused Sick Leave from one calendar year to the next.

For purposes of this policy “calendar year” means January 1-December 31. Note that Sick Leave time appears as absence time on paychecks.

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

You can use your Sick Leave (or PTO to satisfy Sick Leave) for:

- Mental or physical illness, injury, or health condition of you or family member;

*Note: Printed copies of this policy are considered current only on the day printed. Go to My HR>Policies for the most current version.*

- Medical diagnosis, care, or treatment related to your or a family member's illness, injury, or condition;
- Preventative medical care for you or a family member;
- Seeking medical attention for you or a family member to recover from a mental or physical illness, injury, or health condition caused by domestic abuse, sexual assault, or harassment;
- Obtaining services for you or a family member from a victim services organization;
- Obtaining mental health or other counseling related to domestic abuse, sexual assault or harassment for you or a family member;
- Seeking relocation for you or a family member due to domestic abuse, sexual assault or harassment; or
- Seeking legal services for you or a family member, including preparing for or participating in a civil or criminal proceeding relating to or resulting from domestic abuse, sexual assault, or harassment.
- Due to a Public Health Emergency a public official has ordered closure of (1) your place of business, or (2) the school or place of care of your child and you need to be absent from work to care for your child.

A "Family Member" means your immediate family member (a person related by blood, marriage, civil union, or adoption), a child to whom you stand in loco parentis, a person who stood in loco parentis to you when you were a minor, and a person for whom you are responsible for providing or arranging health or safety related care.

You can use Sick Leave only for time you were otherwise scheduled to work, including overtime hours, but Sick Leave will not be paid at the overtime rate. You can use Sick Leave in increments of 1 hour or more. The maximum amount of Sick Leave you can use in a calendar year is 48 hours. Absences for which you use Sick Leave in accordance with this policy will be considered excused under the attendance policy applicable to you and will not subject you to disciplinary action.

### **Notice and Documentation**

For foreseeable absences, you must make a good faith effort to provide notice of your need for leave in advance and must make a reasonable effort to schedule leave in a manner that does not unduly disrupt business operations.

Employees can use their Sick Leave by notifying a manager. No individual has the authority to deny any use of Sick Leave except a manager, and such denial will only be where such use is not in accordance with this policy.

If you use more than 3 consecutive days of Sick Leave, not including scheduled days off, you may be required to provide reasonable documentation showing that leave is being taken for a purpose permitted under this policy. The following will be considered reasonable documentation for the use of Sick Leave: a personal statement signed by you that you are using Sick Leave for a qualifying absence;

or, for medical related use, documentation signed by a health care provider indicating the need for Sick Leave. You are not required to provide confidential information such as information relating to a mental or physical illness, injury or health condition, or information relating to absence from work due to domestic abuse, sexual assault, or harassment of you or a family member. If such information is provided, it will be treated as confidential. If you fail to provide requested documentation, your absences may be considered unexcused under the attendance policy that applies to you.

## **Transfers and Terminations**

For employees transferring into a job covered by this policy, any unused Absence Hours you may have under another absence/Sick Leave policy will be retained and can be used for time off under this policy, and you will be eligible for Sick Leave under this policy starting at the time you begin working in Colorado.

If you transfer to a worksite outside Colorado, you may continue to use the earned Sick Leave that you accrued while working in Colorado, and you will be subject to any applicable Best Buy Paid Time Off policies as of the date of your work location change.

You will not be paid for any unused Sick Leave upon termination of your employment for any reason. If you leave employment with Best Buy and are rehired in Colorado within 6 months of leaving, your earned and unused Sick Leave will be reinstated.

## **EMERGENCY LEAVE**

### **Definition of Public Health Emergency (PHE)**

A PHE is defined as:

- An act of bioterrorism, a pandemic influenza, or an epidemic caused by a novel and highly fatal infectious act, for which: (1) a disaster emergency is declared by the governor; or (2) an emergency is declared by a federal, state, or local public health agency;
- A highly infectious illness or agent with epidemic or pandemic potential for which a disaster emergency is declared by the governor.

### **Amount of PHE Leave**

When a PHE is declared, full-time employees may take 80 hours of PHE Leave and part-time employees may take the amount of time the employee works during an average 14-day period or the amount of time the employee is scheduled to work in a 14-day period, whichever is greater. Up to 48 hours of paid time off for full-time employees and unused accrued Paid Sick Leave for part-time employees may be counted toward PHE Leave.

## **Using PHE Leave**

You can use PHE Leave for the following reasons:

- To self-isolate and care for yourself, or care for a family member who is self-isolating, because you or your family member is diagnosed with, or experiencing symptoms of, the communicable illness that is the cause for the PHE Leave;
- To seek or obtain medical diagnosis, care, or treatment for you or a family member experiencing symptoms associated with a communicable illness that is the cause of the PHE;
- To seek preventative care concerning a communicable illness that is the cause of the PHE for yourself or a family member;
- If you or a family member's presence on the job or in the community would jeopardize the health of others because of your or a family member's exposure to the communicable illness or because you or a family member are exhibiting symptoms of the communicable illness (regardless of diagnosis), as determined by local officials with such authority or your or your family member's employer;
- To care for a child or other family member when the child's care provider is unavailable due to the PHE, 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 PHE, including if a school or place of care is physically closed but providing instruction remotely; or
- If you are unable to work because you have a health condition that may increase susceptibility to or risk of communicable illness that is the cause of the PHE.

You can use PHE Leave only once during the entirety of a PHE but may use PHE Leave until 4 weeks after the official termination or suspension of the PHE. In addition, you can use PHE Leave for any of the above reasons before using Paid Sick Leave, as long as the reason for the leave qualifies for both PHE Leave and Paid Sick Leave.

## **Notification**

You must notify your manager of your need to use Emergency Leave as soon as practicable when the need is foreseeable and your place business has not been closed. You do not need to supply documentation to take Emergency Leave.

## **No retaliation**

Best Buy does not allow any form of retaliation against individuals who exercise their rights to Sick Leave or Emergency Leave in accordance with this policy and the requirements of the State of Colorado.

## Reservation of rights

This policy is not intended to be a contract. Best Buy reserves the right in its sole discretion to interpret the provisions of this policy, vary from them, change them, or rescind them, unless prohibited by applicable law.



## 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](https://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

- Employees will not be able to file for benefits until the last quarter of 2023. Benefits will be available starting January 2024. 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 or their designated representatives apply for FAMLI benefits by submitting an application, along with required documentation, directly to the FAMLI Division. Employers cannot make employees apply for FAMLI benefits.
- 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 every two weeks 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 must maintain health care benefits for employees while they are on FAMLI leave, and both the employer and the employee remain responsible for paying for those benefits in the same amounts as before the leave began.
- 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.

